

**BEFORE THE OFFICE OF ENERGY INFRASTRUCTURE SAFETY
OF THE STATE OF CALIFORNIA**

Office of Energy Infrastructure Safety
Natural Resources Agency

**COMMENTS OF THE GREEN POWER INSTITUTE ON THE
DRAFT REVISIONS TO WMP DOCUMENTS RELATED
TO THE 2025 WMP UPDATE**

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COMMENTS OF THE GREEN POWER INSTITUTE ON THE DRAFT REVISIONS TO WMP DOCUMENTS RELATED TO THE 2025 WMP UPDATE

The Green Power Institute (GPI), the renewable energy program of the Pacific Institute for Studies in Development, Environment, and Security, provides these *Comments of the Green Power Institute on the Draft Revisions to the WMP Documents Related to the 2025 WMP Update*.

Introduction

GPI provides comments on the following aspects of the Draft Process Guidelines Update:

- The Process Guidelines should include a validation step for Maturity Model Survey responses.
- Sections 4.2 and 4.4.2 should include consistent statements regarding where the filings are posted and whether they are eligible for public comment.
- Section 4.7 “Decision” should define thresholds for a Utility’s failure to adequately address ACI.
- The OEIS should consider developing minimum maturation requirements for the next 3-year WMP cycle.
- The Process Guidelines should include a filing type that details CalFIRE input.
- The Process Guidelines on Public Comments are overly restrictive and should be modified.
- Data Requests filing instructions should clarify filing deadlines if the deadline falls on a Saturday or Holiday (including Sundays).

The Process Guidelines should include a validation step for Maturity Model Survey responses.

The Draft Revision to WMP Documents Related to the 2025 WMP Update filing, hereafter referred to as the Process Guideline Update, removes the utility “self-assessment requirement”

from the Maturity Model and Survey.¹ GPI generally supports this change. However, we understand the change to only include the removal of summary tables for multi-criteria, category scoring, and capability scoring. Maturity Model self-scoring has raised concerns in the WMP evaluation process in the absence of thorough validation. The action to remove self-scoring summary tables does not eliminate the issue. GPI recommends adding a Maturity Model Survey response validation step, that includes OEIS or contractor review of Utility responses to ensure they achieve the sub-capability intended by each survey question.

Sections 4.2 and 4.4.2 should include consistent statements regarding where the filings are posted and whether they are eligible for public comment.

Section 4.6 “Draft Decision” of the Redlined Process Guidelines states:

Energy Safety’s draft decision will be posted on the appropriate year’s WMP docket for Public Comment.²

GPI recommends adding consistent and parallel statements to Section 4.2 “WMP Submissions” and Section 4.4.2 “Revision Notice.” Each section should consistently identify whether the filing is publicly posted on the WMP Docket, and/or elsewhere, and whether it is eligible for public comment with subsequent reference to updated Section 6.2 on Public Comments.

Section 4.7 “Decision” should define thresholds for a Utility’s failure to adequately address ACI.

Section 4.7 [Energy Safety Evaluation Process] “Decision” states:

In its decision, Energy Safety may list areas for continued improvement, which are areas where the electrical corporation must continue to mature in its capabilities. Areas for continued improvement identified during an evaluation must be addressed in the next WMP, or on the timeline directed by Energy Safety in the decision. Failure to show maturation in these areas may result in a Revision Notice or Denial.³

¹ Draft Revision to WMP Documents Related to the 2025 WMP Update, p. 1.

² Draft Revision to WMP Documents Related to the 2025 WMP Update, Appendix A Redlined Process Guidelines, p. 9.

³ Draft Revision to WMP Documents Related to the 2025 WMP Update, Appendix A Redlined Process Guidelines, p. 10.

In the most recent WMP filing cycle, the OEIS Draft Decision on PacifiCorp's 2023-2025 WMP found that PacifiCorp did not satisfactorily address 11 of 21 total ACI issued in 2022, the prior filing year. While PacifiCorp was issued a Revision Notice, its WMP is slated for Approval per the Draft Decision. It's not clear to what degree a Utility must "[fail] to show maturation" based on insufficient responses to one or more ACI before it is issued a WMP Denial. GPI recommends developing more concrete and measurable thresholds for the WMP Evaluation Process. Clearly defined evaluation metrics and resulting penalties are fair to utilities, ratepayers, and decision makers. Utilities benefit from concrete evaluation thresholds and increased evaluation transparency by establishing grounds for Plan Denial that is predictable and preventable with proper compliance. Plan Denial thresholds can also give process guidelines teeth that incentivize high quality WMP and Revision Notice submissions. The removal of subjectivity and increase in transparency informs ratepayers that there are clear thresholds for Plan Denial meant to protect Californians from inadequate planning and Utility maturation. It also signals to ratepayers that Plan Approvals are not evaluated based on a sliding, subjective basis. Decision Makers benefit from defining at least some WMP evaluation thresholds by not having to subjectively weigh WMP filing shortcomings against all other utilities or subjective benchmarks.

The above statement also directly addresses WMP Evaluation Criteria, which is provided in Section 5.1 of the Process Guidelines Update. This evaluation criteria component, which includes grounds for issuing a Revision Notice or Decision, should be moved to Section 5.1. At present, Section 5.1 does not specify an ACI- informed maturation assessment as defined in Section 4.7.

The OEIS should consider developing minimum maturation requirements for the next 3-year WMP cycle.

Liberty's 2023-2025 Maturity Survey responses reported delayed maturity by upwards of 3 years, or a full WMP cycle, in multiple WMP areas when compared to other SMJUs. Given the prominence of the Maturity Model results in the 2023-2025 WMP Draft Decisions and Liberty's 3-year maturation delay, GPI recommends exploring threshold minimum maturity requirements

for the next 3-year WMP cycle that set clear standards for timely achieving or progressing towards best practices. This would also clarify how OEIS is applying the maturity survey results for WMP evaluation in the WMP Decision. GPI also recommends developing a Maturity Survey response validation step prior to setting threshold minimum maturity requirements. Utilities should not fall 3-years, or a full WMP cycle, behind their peers in terms of achieving high-level WMP capabilities and best practices. This proposal generally aligns with the pre-existing Evaluation Criteria “Forward-looking Growth.”⁴

The Process Guidelines should include a filing type that details CalFIRE input.

It is required that Energy Safety consult with CalFIRE per Public Utility Code Section 8386.3(a). The 2023-2025 Draft Decisions and Decisions included a generic statement that “The Office of the State Fire Marshal provided meaningful consultation and input on the evaluation...”⁵ WMP process include CalFIRE input. However, this statement is not transparent and fails to provide any detail on the content of the “meaningful consultation and input” or when the input was provided and in what format. This constitutes a major failure to provide transparency into WMP evaluation process, especially since CalFIRE includes highly relevant third party subject matter experts. It is inconsistent to make all stakeholder and public comments publicly available and entered into the formal record without applying the same transparency and record building standards for CalFIRE input. Failure to enter expert CalFIRE consultation and input on WMP evaluation into the public records is a breach of transparency, results in public record gaps, and does California ratepayers, stakeholders, utilities, and Energy Safety a disservice. GPI recommends including a Process Guidelines filing requirement for either CalFIRE or the OEIS to file a summary of CalFIRE consultation and input, including the format of the consultation (e.g. in person or virtual meeting), date/time, attendees, and a summary of information/consultation/input provided and exchanged. GPI recommends adopting a filing requirement similar to CPUC Ex Parte filing requirements for Communication with

⁴ Draft Revision to WMP Documents Related to the 2025 WMP Update, Appendix A Redlined Process Guidelines, p. 11.

⁵ OEIS Draft Decision on Liberty 2023-2025 WMP, p. 2.

Decisionmakers and Advisors.⁶ This is appropriate if CalFIRE is privately meeting with OEIS and its consultants to provide third-party SME input regarding WMP evaluation. This information should be timely and publicly filed to the appropriate WMP Docket according to CPUC Ex Parte filing timelines. This improvement to the public record will minimally support stakeholder comment development and improved public transparency.

The Process Guidelines on Public Comments are overly restrictive and should be modified.

The Draft Process Guideline Update states:

Any person or entity may submit opening and reply comments on WMPs, Revision Notice Responses, and draft decisions. Such comments must be submitted in accordance with schedules issued by Energy Safety. The scope of opening comments must focus on information contained in the document subject to the comment period. Opening comments are limited to 15 pages. The scope of reply comments is limited to the issues raised in opening comments. New information not directly related to issues presented in the opening comments will not be considered. Reply comments are limited to five pages.⁷

As written, this update limits Opening Comments on WMPs, Revision Notice Responses, and Draft Decisions. GPI recommends only limiting Opening Comments to 15 pages and Reply Comments to 5 pages for Draft Decisions. This requirement has precedent as it is consistent with the CPUC Rules of Process and Procedure for Opening and Reply Comment limits for Proposed Decisions.⁸ The CPUC Rules of Process and Procedure do not specify page limits for public or intervenor comments filings in response to Plan reviews or Rulings.

GPI recognizes the substantive effort the OEIS annually undertakes to review the Base and WMP Update filings, which have generally grown in both size and complexity as the process and methods mature. We therefore also respect that third party comments and comment length impact the duration of the review process. However, it is unreasonable to expect the public and intervenors to summarize their findings in 15-pages after reviewing the same complex and many

⁶ CPUC Rules of Practice and Procedure, Effective May 2021, pp. 80-81 <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf> Accessed on 1/21/2024 pp. 50-57.

⁷ Draft Revision to WMP Documents Related to the 2025 WMP Update, Appendix A Redlined Process Guidelines, p. 12.

⁸ CPUC Rules of Practice and Procedure, Effective May 2021, pp. 80-81 <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf> Accessed on 1/21/2024.

thousands of pages of content filed in the Base WMP and WMP Update filings, data requests, maturity model survey response, workshops, and any other supporting documentation. A review of 5000+ pages of content, as estimated by MGRA in their opening comments on the 2023-2025 IOU WMPs, subsequently addressed in 15 pages of opening comments would only give the public and intervenors 0.3% of the page content space afforded to the Utilities. Put another way, addressing each section of one or multiple WMPs in 15 pages would only afford the public ~ 1 page of input for each section. GPI intervenor comment is also filed using 12 pt. font, 1.5 line spacing, footnotes, a header page, a list of topics/recommendations, and a signature block, such that a 15-page filing is substantially less than 15 pages of material content.

Limiting public participation to 15-page opening comments on WMPs and Revision Notices is absurd and would effectively render the public and intervenor WMP and Revision Notice Response review process a façade. It is also inconsistent with CPUC plan review and Ruling Opening and Reply Comment standards. In the interest of fair and functional public engagement and transparency, GPI does not support specifying a page limit for Opening or Reply comments on WMPs or Revision Notice Responses. However, if the OEIS deems it absolutely necessary to specify a page limit for public comment opportunities, then it should create a fair standard that allows for meaningful public input. For example, 5% of the total filing content (e.g. every 1000 pages of IOU WMP filings permits comments upwards of 50 pages), and no less than a 30-page minimum.

GPI further recommends only applying reply comment limitations to Draft Decisions. The language issued in the Process Guidelines Update is consistent with CPUC process and procedures for Reply comments on Proposed Decisions.⁹ Reply Comments on WMPs and Revision Notice Responses should permit commenters to introduce new information into the record. The objective of the Plan review and public comment process includes integrating external information and perspectives relevant to evaluating WMP reasonableness. Process Guidelines should not limit the introduction of any information or novel insights that are relevant

⁹ CPUC Rules of Practice and Procedure, Effective May 2021, pp. 80-81 <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf> Accessed on 1/21/2024.

to Plan evaluation. This is especially salient in the WMP development process which includes year-round and monthly content review through many pathways such as the Risk Management Working Group (RMWG). It is appropriate to limit the introduction of new information in Reply Comments on Draft Decisions since this supports decision making clarity and it is the last comment opportunity prior to issuing a Decision.

GPI recommends that the Draft Process Guideline Update should:

- Eliminate the broad application of a 15-page Opening Comment and 5-page Reply Comment limits;
- Eliminate the broad application of introducing new information in Reply Comments according to the following additions (underlined):

Any person or entity may submit opening and reply comments on WMPs, Revision Notice Responses, and draft decisions. Such comments must be submitted in accordance with schedules issued by Energy Safety. The scope of opening comments must focus on information contained in the document subject to the comment period. Opening comments on Draft Decisions are limited to 15 pages. The scope of reply comments on Draft Decisions is limited to the issues raised in opening comments. New information not directly related to issues presented in the opening comments on Draft Decisions will not be considered. Reply comments on Draft Decisions are limited to five pages.

Data Requests filing instructions should clarify filing deadlines if the deadline falls on a Saturday or Holiday (including Sundays).

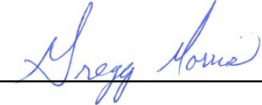
Section 7 “Data Request from Energy Safety” informs how to determine a data request response deadline if the Data Requests is *submitted* after 5:00 pm on a business day or anytime on a Saturday or Holiday (including all Sundays). It does not clarify how to determine the deadline if the deadline falls on a Saturday or Holiday (including all Sundays). This should be clarified for all Data Request guidelines in the Process Guidelines.

Conclusions

We respectfully submit these comments and look forward to reviewing future wildfire mitigation plans and related filings. For the reasons stated above, we urge the OEIS to adopt our recommendations herein.

Dated January 22, 2024.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Gregory Morris". The signature is written in a cursive style and is positioned above a horizontal line.

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