

July 5, 2024

VIA OEIS E-FILING
Docket # Compliance Guidelines

Compliance Enforcement Docket
Office of Energy Infrastructure Safety
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814
efiling@energysafety.ca.gov

Re: California Association of Small and Multi-Jurisdictional Utilities (“CASMU”) Comments
on Proposed Compliance Guidelines 2024 Update

Bear Valley Electric Service, Inc. (“BVES”), Liberty Utilities (CalPeco Electric) LLC
 (“Liberty”), and PacifiCorp, d.b.a. Pacific Power (“PacifiCorp”) (collectively, the California
 Association of Small and Multi-Jurisdictional Utilities (“CASMU”)) provide the following
 comments on Office of Energy Infrastructure Safety (“Energy Safety”) proposed Compliance
 Guidelines 2024 Update (“Guidelines”).

**I. Energy Safety Should Clarify That Electric Corporations May Provide Alternate
 Materials to Energy Safety to Supplement a Field Verification of WMP Initiatives.**

Guideline 5.0: Wildfire Mitigation Plan Initiative Construction Standards (“Guideline
 5.0”) provides, in part:

Electrical corporations shall provide Energy Safety with copies of
 initiative construction standards that are applicable to field
 verifiable WMP initiatives in a given compliance period. Electrical
 corporations should consult with Energy Safety staff if they are
 uncertain as to which WMP initiatives are field verifiable. Energy
 Safety may refer to these initiative construction standards when

determining if a condition observed during a field inspection is a potential violation, defect, or WSC.¹

The Guidelines define “initiative construction standards” as:

The standard specifications, special provisions, standards of practice, standard material and construction specifications, construction protocols, and construction methods that an electrical corporation applies to activities undertaken by the electrical corporation pursuant to a WMP initiative in a given compliance period.²

CASMU is concerned that historic and existing practices may not strictly adhere to requirements to provide initiative construction standards. For example, BVES does not utilize published standards for initiative construction, but instead relies upon California Public Utilities Commission (“Commission”) construction standards, like those outlined in Commission General Order (“GO”) 95 and GO 128, or utilizes initiative construction standards of other utilities (BVES utilizes Southern California Edison Company’s initiative construction standards as a reference tool) when undertaking Wildfire Mitigation Plan (“WMP”) initiatives. Historically, when Energy Safety has conducted field verifications, BVES has provided construction details and as-built drawings, including field approved changes, for each initiative location, but has not been requested to provide initiative construction standards. BVES believes this process may comply with Energy Safety’s intentions, as well as Guideline 5.0, but seeks clarification because BVES does not have its own published initiative construction standards and has not shared such standards with Energy Safety in the past.

For this reason, CASMU recommends that Energy Safety clarify its Guidelines to affirm that use of Commission or other utility construction standards is permissible and authorized

¹ Guidelines, p. 6.

² Guidelines, p. 2.

under the 2024 Guidelines. To provide this clarification, Energy Safety could amend the language of Guideline 5.0 to read, “Electrical corporations shall provide Energy Safety with copies of its own or other initiative construction standards that are applicable to field verifiable WMP initiatives in a given compliance period.”³ Use of other initiative construction standards, such as those adopted by the Commission and utilized by other utilities, will still ensure that Energy Safety’s goals are met and minimum construction standards are adhered to and shared with Energy Safety.

II. Energy Safety Should Provide Sufficient Time to Hire an Independent Evaluator.

Guideline 7.0: Independent Evaluator Annual Report on Compliance provides the following:

In consultation with the Office of the State Fire Marshal (OSFM), Energy Safety must annually post on its website a list of independent evaluators with experience assessing the safe operation of electrical infrastructure before March 1. Within 45 days after Energy Safety publishes the list of independent evaluators, each electrical corporation must complete execution of a contract with an independent evaluator from that list.⁴

CASMU believes that 45 days is an insufficient amount of time to seek competitive bids from, evaluate, select, and execute a contract with an independent evaluator. At a minimum, Energy Safety should provide 90 days from the date it publishes its list of independent evaluators for utilities to select an independent evaluator.

III. Conclusion.

CASMU appreciates this opportunity to provide comments and looks forward to working with Energy Safety and interested stakeholders to further refine the Guidelines. For the reasons

³ Guidelines, p. 6. Underlining provided to reflect added language.

⁴ See Guidelines, p. 10.

outlined above, Guideline 5.0 should be updated to clarify that utilities may utilize other initiative construction standards. Additionally, Energy Safety should update Guideline 7.0 and provide electrical corporations with a minimum of 90 days to execute a contract with an independent evaluator.

Respectfully Submitted,

DOWNEY BRAND LLP



Jedediah J. Gibson

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cc: Patrick Doherty, Program Manager, Compliance Assurance Division, Office of Energy Infrastructure Safety, Patrick.Doherty@energysafety.ca.gov

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