

Introduced by Senator Dodd
(Coauthor: Senator McGuire)
(Coauthors: Assembly Members Levine and Wood)

January 16, 2018

An act to amend Sections 8386 and 8387 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 901, as introduced, Dodd. Electrical corporations: local publicly owned electric utilities: electrical cooperatives: wildfire mitigation plans and measures.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities, as defined, and electrical cooperatives, as defined, are under the direction of their governing boards. Existing law requires each electrical corporation, local publicly owned electric utility, and electrical cooperative to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. Existing law requires each electrical corporation to annually prepare a wildfire mitigation plan and to submit its plan to the commission for review, as specified. Existing law requires the commission to review and comment on the submitted plan, as specified. Existing law requires the governing board of a local publicly owned electric utility or electrical cooperative to determine whether any portion of the geographical area where the utility's overhead electrical lines and equipment are located has a significant risk of catastrophic wildfire resulting from those electrical lines and equipment and, if so, requires the local publicly owned electric utility or electrical cooperative, at an

interval determined by the board, to present to the board for its approval those wildfire mitigation measures the utility intends to undertake to minimize the risk of its overhead electrical lines and equipment causing a catastrophic wildfire.

This bill would require a wildfire mitigation plan prepared by an electrical corporation, and wildfire mitigation measures prepared by a local publicly owned electric utility or electrical cooperative, to include policies and procedures by which the preparing entity may assess when it may be necessary to deenergize its electrical lines and, if so, which electrical lines should be deenergized. The bill would require those policies and procedures to include relevant meteorological conditions, maps of relevant fire hazard severity zones and high fire risk areas, observations made by individuals and cameras, as applicable, of vegetation conditions near electrical lines, and communication protocols for notifying customers who may be impacted by the deenergizing of electrical lines.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of these provisions by an electrical corporation would be a crime, the bill would impose a state-mandated local program.

Additionally, by placing additional duties upon local publicly owned electric utilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8386 of the Public Utilities Code is
- 2 amended to read:
- 3 8386. (a) Each electrical corporation shall construct, maintain,
- 4 and operate its electrical lines and equipment in a manner that will
- 5 minimize the risk of catastrophic wildfire posed by those electrical
- 6 lines and equipment.

- 1 (b) Each electrical corporation shall annually prepare and submit
2 a wildfire mitigation plan for the next compliance period to the
3 commission for review. The wildfire mitigation plan shall include:
4 (1) An accounting of the responsibilities of persons responsible
5 for executing the plan.
6 (2) The objectives of the plan.
7 (3) A description of the preventive strategies and programs to
8 be adopted by the electrical corporation to minimize the risk of its
9 electrical lines and equipment causing catastrophic wildfires.
10 (4) *Policies and procedures by which the electrical corporation*
11 *may assess when it may be necessary to deenergize its electrical*
12 *lines and, if so, which electrical lines should be deenergized. The*
13 *policies and procedures shall include, but not be limited to, all of*
14 *the following:*
15 (A) *Relevant meteorological conditions, including wind speed,*
16 *humidity, and temperature.*
17 (B) *Maps of relevant fire hazard severity zones and high fire*
18 *risk areas, including fire threat ratings.*
19 (C) *Observations made by individuals and cameras, as*
20 *applicable, of vegetation conditions near electrical lines.*
21 (D) *Communication protocols for notifying a customer who*
22 *may be impacted by the deenergizing of electrical lines.*
23 ~~(4)~~
24 (5) A description of the metrics the electrical corporation plans
25 to use to evaluate the plan’s performance and the assumptions that
26 underlie the use of those metrics.
27 ~~(5)~~
28 (6) A discussion of how the application of previously identified
29 metrics to previous plan performances has informed the plan.
30 ~~(6)~~
31 (7) A description of the processes and procedures the electrical
32 corporation will use to do the following:
33 (A) Monitor and audit the implementation of the plan.
34 (B) Identify any deficiencies in the plan or the plan’s
35 implementation and correct those deficiencies.
36 (C) Monitor and audit the effectiveness of electrical line and
37 equipment inspections, including inspections performed by
38 contractors, carried out under the plan and other applicable statutes
39 and commission rules.
40 ~~(7)~~

1 (8) Any other information that the commission may require.

2 (c) The commission shall act expeditiously, but no later than
3 30 days before the beginning of the compliance period, to review
4 and comment on the electrical corporation's wildfire mitigation
5 plan.

6 (d) The commission shall provide the electrical corporation with
7 an opportunity to amend a wildfire mitigation plan in response to
8 commission comments within 30 days.

9 (e) The commission shall conduct or contract for audits to
10 determine if an electrical corporation is satisfactorily complying
11 with its wildfire mitigation plan.

12 (f) The commission may contract with an independent third
13 party to evaluate wildfire mitigation plans or to conduct audits and
14 inspections authorized by this section, and may require electrical
15 corporations to reimburse any related expenses.

16 SEC. 2. Section 8387 of the Public Utilities Code is amended
17 to read:

18 8387. (a) Each local publicly owned electric utility and
19 electrical cooperative shall construct, maintain, and operate its
20 electrical lines and equipment in a manner that will minimize the
21 risk of catastrophic wildfire posed by those electrical lines and
22 equipment.

23 (b) The governing board of the local publicly owned electric
24 utility or electrical cooperative shall determine, based on historical
25 fire data and local conditions, and in consultation with the fire
26 departments or other entities responsible for control of wildfires
27 within the geographical area where the utility's overhead electrical
28 lines and equipment are located, whether any portion of that
29 geographical area has a significant risk of catastrophic wildfire
30 resulting from those electrical lines and equipment.

31 (c) (1) If, pursuant to subdivision (b), the governing board
32 determines that there is a significant risk of catastrophic wildfire
33 resulting from the utility's electrical lines and equipment, the local
34 publicly owned electric utility or electrical cooperative shall, at
35 an interval determined by the board, present to the board for its
36 approval those wildfire mitigation measures the utility intends to
37 undertake to minimize the risk of its overhead electrical lines and
38 equipment causing a catastrophic wildfire.

39 (2) *The wildfire mitigation measures shall include policies and*
40 *procedures by which the local publicly owned electric utility or*

1 *electrical cooperative may assess when it may be necessary to*
2 *deenergize its electrical lines and, if so, which electrical lines*
3 *should be deenergized. The policies and procedures shall include,*
4 *but not be limited to, all of the following:*

5 (A) *Relevant meteorological conditions, including wind speed,*
6 *humidity, and temperature.*

7 (B) *Maps of relevant fire hazard severity zones and high fire*
8 *risk areas, including fire threat ratings.*

9 (C) *Observations made by individuals and cameras, as*
10 *applicable, of vegetation conditions near electrical lines.*

11 (D) *Communication protocols for notifying a customer who*
12 *may be impacted by the deenergizing of electrical lines.*

13 (d) A fire prevention plan prepared by the local publicly owned
14 electric utility or electrical cooperative, submitted to and approved
15 by a federal agency as a license condition pursuant to subsection
16 (e) of Section 4 of the Federal Power Act (16 U.S.C. Sec. 797 (e))
17 may, at the discretion of the governing board, be deemed to meet
18 the requirements of this chapter for those areas covered by the fire
19 prevention plan.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act or because costs that may be
25 incurred by a local agency or school district will be incurred
26 because this act creates a new crime or infraction, eliminates a
27 crime or infraction, or changes the penalty for a crime or infraction,
28 within the meaning of Section 17556 of the Government Code, or
29 changes the definition of a crime within the meaning of Section 6
30 of Article XIII B of the California Constitution.