



® May 7, 2018

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327.7500

Facsimile  
916.441.5507

The Honorable Ricardo Lara  
Chair, Senate Appropriations Committee  
California State Capitol, Room 5050  
Sacramento, CA 95814

**Re: SB 1088 (Dodd) – Safety, reliability, and resiliency planning  
As Amended May 2, 2018 – Support  
To Be Heard in Senate Appropriations Committee – May 14<sup>th</sup>, 2018**

Dear Senator Lara,

The California State Association of Counties (CSAC) writes to express our support position of SB 1088 (Dodd) as amended on May 2nd. This bill would require the Office of Emergency Services, along with other agencies, to establish standards for utilities to protect against damage from storms, floods, mudslides, wildfires, earthquakes. In addition, the bill would require Investor Owned Utilities (IOUs) to file, and the California Public Utilities Commission to review, adopt and enforce, safety, reliability and resiliency plans to prevent and mitigate risk from wildfires and other major events that affect the safety and reliability of the electric and gas systems.

Our changing climate is creating increasingly dangerous conditions in California with increased and prolonged drought conditions and rising tree mortality rates. Eight of the 20 most destructive fires in California history have occurred since 2015, with five occurring in 2017. Collectively, we must start taking steps to address this new normal. SB 1088 establishes the Utility Infrastructure, Safety, Reliability, and Accountability Act, which would consolidate proceedings to address new, all-encompassing safety, reliability and resiliency plans for all CPUC-regulated utilities.

While we do believe this process would help to make California's utility infrastructure more resilient, we were concerned with the bill's potential impact on civil liability issues potentially outside the scope of this bill. Section 2899.6 stated that "after completing the review pursuant to Section 2899.4, if the commission determines that a utility was in substantial compliance with its plan, the utility's performance, operations, management, and investments addressed in the plan shall be deemed reasonable and prudent for all purposes." We believe the term "for all purposes" is vague and opened the door to other liability issues outside of the scope of SB 1088. Recently, CSAC and other advocates agreed to an amendment with the author that will provide clarity and limit the reach of this measure to exclude any potential impact on a civil proceeding. We support the following adopted amendment:

*2899.6. (a) After completing the review pursuant to Section 2899.4, if the commission determines that a utility was in substantial compliance with its approved plan, the commission shall find that the utility's performance, operations, management, and investments addressed in the plan shall be deemed are reasonable and prudent for all purposes of any subsequent commission proceeding.*  
*(b) Any findings made pursuant to Section 2899.4:*  
*(1) shall be used by the commission to carry out its obligation under Section 451;*  
*(2) shall not apply to performance, operations, management, or investments not addressed in or outside the scope of the approved plan;*  
*(3) shall not affect any civil action. Nothing in this paragraph shall impact the admissibility of evidence otherwise permitted by law or rule of court.*

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| (4) shall not apply to events that occurred before the first plan is approved for a particular utility.

As California works to become more resilient and adapt to our changing environment, it is more critical than ever to adequately address potential risks across all sectors. It is for these reasons that we have a support position on SB 1088. If you have any questions about our position, please do not hesitate to contact me at [cmartinson@counties.org](mailto:cmartinson@counties.org) or 916-327-7500, ext. 504.

Sincerely,



Cara B. Martinson  
Senior Legislative Representative

Cc: Senator Bill Dodd  
Members, Senate Appropriations Committee  
Narisha Bonakdar, Senate Appropriation Committee