

Introduced by Senator DoddJanuary 16, 2020

An act to amend Section 8557 of the Government Code, and to amend Section 8386 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 862, as introduced, Dodd. Planned power outage: public safety.

Existing law, the California Emergency Services Act, authorizes the Governor to proclaim a state of emergency, and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law defines the terms "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot.

This bill would additionally include a planned deenergization event, as defined, within those conditions constituting a state of emergency and a local emergency.

Existing law requires each electrical corporation to annually prepare a wildfire mitigation plan and to submit its plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plan. Existing law requires a wildfire mitigation plan of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, and protocols related to mitigating the public safety impacts of those

protocols, including impacts on customers who receive medical baseline allowances.

This bill would require an electrical corporation, as a part of its public safety mitigation protocols, to include protocols that deal specifically with access and functional need individuals, as defined, including those individuals who are enrolled in the California Alternative Rates for Energy program, as specified.

Existing law authorizes an electrical corporation to deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance who meets specified requirements, including that the customer is not eligible for backup electrical resources provided through medical services, medical insurance, on community resources.

This bill would recast those provisions to authorize the electrical corporation to deploy backup resources to a customer, including an individual with an access of functional need, as defined, and would delete the requirement that the customer not be eligible for backup electrical resources from the other providers.

Because a violation of the public utilities provisions by an electrical corporation would be a crime, this 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 a specified reason.

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 8557 of the Government Code is amended
- 2 to read:
- 3 8557. (a) “State agency” means any department, division,
- 4 independent establishment, or agency of the executive branch of
- 5 the state government.
- 6 (b) “Political subdivision” includes any city, city and county,
- 7 county, district, or other local governmental agency or public
- 8 agency authorized by law.

1 (c) “Governing body” means the legislative body, trustees, or
2 directors of a political subdivision.

3 (d) “Chief executive” means that individual authorized by law
4 to act for the governing body of a political subdivision.

5 (e) “Disaster council” and “disaster service worker” have the
6 meaning prescribed in Chapter 1 (commencing with Section 3201)
7 of Part 1 of Division 4 of the Labor Code.

8 (f) “Public facility” means any facility of the state or a political
9 subdivision, which facility is owned, operated, or maintained, or
10 any combination thereof, through moneys derived by taxation or
11 assessment.

12 (g) “Sudden and severe energy shortage” means *a either of the*
13 *following:*

14 (1) A rapid, unforeseen shortage of energy, resulting from, but
15 not limited to, events such as an embargo, sabotage, or natural
16 disasters, and which has statewide, regional, or local impact.

17 (2) A *deenergization event*.

18 (h) *For purposes of this section, a “deenergization event” means*
19 *a planned power outage, undertaken by an electrical corporation,*
20 *as defined in Section 218 of the Public Utilities Code, to reduce*
21 *the risk of wildfires caused by utility equipment, pursuant to Public*
22 *Utilities Commission Resolution ESRB-8 and any decisions issued*
23 *by the commission, the Wildfire Safety Division, as set forth in*
24 *Section 326 of the Public Utilities Code, the Office of Energy*
25 *Infrastructure Safety, or any other agency with authority over*
26 *electrical corporations. A deenergization event commences when*
27 *an electrical corporation provides notice to any state agency or*
28 *political subdivision of the potential need to initiate a planned*
29 *deenergization of the electrical grid, and ceases when the electrical*
30 *corporation restores electrical services to all deenergized*
31 *customers, or at such time as the electrical corporation cancels*
32 *the power outage for some or all of its affected customers, and*
33 *rescinds the notice of the potential need to initiate the*
34 *deenergization event.*

35 SEC. 2. Section 8386 of the Public Utilities Code is amended
36 to read:

37 8386. (a) Each electrical corporation shall construct, maintain,
38 and operate its electrical lines and equipment in a manner that will
39 minimize the risk of catastrophic wildfire posed by those electrical
40 lines and equipment.

1 (b) Each electrical corporation shall annually prepare and submit
2 a wildfire mitigation plan to the Wildfire Safety Division for review
3 and approval. In calendar year 2020, and thereafter, the plan shall
4 cover at least a three-year period. The division shall establish a
5 schedule for the submission of subsequent comprehensive wildfire
6 mitigation plans, which may allow for the staggering of compliance
7 periods for each electrical corporation. In its discretion, the division
8 may allow the annual submissions to be updates to the last
9 approved comprehensive wildfire mitigation plan; provided, that
10 each electrical corporation shall submit a comprehensive wildfire
11 mitigation plan at least once every three years.

12 (c) The wildfire mitigation plan shall include all of the
13 following:

14 (1) An accounting of the responsibilities of persons responsible
15 for executing the plan.

16 (2) The objectives of the plan.

17 (3) A description of the preventive strategies and programs to
18 be adopted by the electrical corporation to minimize the risk of its
19 electrical lines and equipment causing catastrophic wildfires,
20 including consideration of dynamic climate change risks.

21 (4) A description of the metrics the electrical corporation plans
22 to use to evaluate the plan's performance and the assumptions that
23 underlie the use of those metrics.

24 (5) A discussion of how the application of previously identified
25 metrics to previous plan performances has informed the plan.

26 (6) Protocols for disabling reclosers and deenergizing portions
27 of the electrical distribution system that consider the associated
28 impacts on public safety. As part of these protocols, each electrical
29 corporation shall include protocols related to mitigating the public
30 safety impacts of disabling reclosers and deenergizing portions of
31 the electrical distribution system that consider the impacts on all
32 of the following:

33 (A) Critical first responders.

34 (B) Health and communication infrastructure.

35 (C) ~~Customers~~ *Access and functional needs individuals as*
36 *defined in subdivision (b) of Section 8593.3 of the Government*
37 *Code, and customers who receive medical baseline allowances*
38 *pursuant to subdivision (c) of Section 739. The electrical*
39 *corporation may deploy backup electrical resources or provide*
40 *financial assistance for backup electrical resources to an access*

1 *and functional needs individual and* a customer receiving a medical
2 baseline allowance ~~for a customer who~~ *when the individual or*
3 *customer demonstrates financial need, including, but not limited*
4 *to, enrollment in the California Alternative Rates for Energy*
5 *program created pursuant to Section 739.1 and meets all either*
6 of the following requirements:

7 (i) The *individual or* customer relies on ~~life-support~~ equipment
8 that operates on electricity to sustain life.

9 ~~(ii) The customer demonstrates financial need, including through~~
10 ~~enrollment in the California Alternate Rates for Energy program~~
11 ~~created pursuant to Section 739.1.~~

12 ~~(iii) The customer is not eligible for backup electrical resources~~
13 ~~provided through medical services, medical insurance, or~~
14 ~~community resources.~~

15 (ii) *The individual or customer is a person with a disability or*
16 *an access and functional need.*

17 (D) Subparagraph (C) shall not be construed as preventing an
18 electrical corporation from deploying backup electrical resources
19 or providing financial assistance for backup electrical resources
20 under any other authority.

21 (7) Appropriate and feasible procedures for notifying a customer
22 who may be impacted by the deenergizing of electrical lines,
23 including procedures for *access and functional needs individuals*
24 *and customers and* those customers receiving a medical baseline
25 allowance as described in paragraph (6). The procedures shall
26 direct notification to all public safety offices, critical first
27 responders, health care facilities, and operators of
28 telecommunications infrastructure with premises within the
29 footprint of potential deenergization for a given event.

30 (8) Plans for vegetation management.

31 (9) Plans for inspections of the electrical corporation's electrical
32 infrastructure.

33 (10) Protocols for the deenergization of the electrical
34 corporation's transmission infrastructure, for instances when the
35 deenergization may impact customers who, or entities that, are
36 dependent upon the infrastructure.

37 (11) A list that identifies, describes, and prioritizes all wildfire
38 risks, and drivers for those risks, throughout the electrical
39 corporation's service territory, including all relevant wildfire risk
40 and risk mitigation information that is part of the Safety Model

1 Assessment Proceeding and the Risk Assessment Mitigation Phase
2 filings. The list shall include, but not be limited to, both of the
3 following:

4 (A) Risks and risk drivers associated with design, construction,
5 operations, and maintenance of the electrical corporation's
6 equipment and facilities.

7 (B) Particular risks and risk drivers associated with topographic
8 and climatological risk factors throughout the different parts of
9 the electrical corporation's service territory.

10 (12) A description of how the plan accounts for the wildfire risk
11 identified in the electrical corporation's Risk Assessment
12 Mitigation Phase filing.

13 (13) A description of the actions the electrical corporation will
14 take to ensure its system will achieve the highest level of safety,
15 reliability, and resiliency, and to ensure that its system is prepared
16 for a major event, including hardening and modernizing its
17 infrastructure with improved engineering, system design, standards,
18 equipment, and facilities, such as undergrounding, insulation of
19 distribution wires, and pole replacement.

20 (14) A description of where and how the electrical corporation
21 considered undergrounding electrical distribution lines within those
22 areas of its service territory identified to have the highest wildfire
23 risk in a commission fire threat map.

24 (15) A showing that the electrical corporation has an adequately
25 sized and trained workforce to promptly restore service after a
26 major event, taking into account employees of other utilities
27 pursuant to mutual aid agreements and employees of entities that
28 have entered into contracts with the electrical corporation.

29 (16) Identification of any geographic area in the electrical
30 corporation's service territory that is a higher wildfire threat than
31 is currently identified in a commission fire threat map, and where
32 the commission should consider expanding the high fire threat
33 district based on new information or changes in the environment.

34 (17) A methodology for identifying and presenting
35 enterprisewide safety risk and wildfire-related risk that is consistent
36 with the methodology used by other electrical corporations unless
37 the commission determines otherwise.

38 (18) A description of how the plan is consistent with the
39 electrical corporation's disaster and emergency preparedness plan
40 prepared pursuant to Section 768.6, including both of the following:

1 (A) Plans to prepare for, and to restore service after, a wildfire,
2 including workforce mobilization and prepositioning equipment
3 and employees.

4 (B) Plans for community outreach and public awareness before,
5 during, and after a wildfire, including language notification in
6 English, Spanish, and the top three primary languages used in the
7 state other than English or Spanish, as determined by the
8 commission based on the United States Census data.

9 (19) A statement of how the electrical corporation will restore
10 service after a wildfire.

11 (20) Protocols for compliance with requirements adopted by
12 the commission regarding activities to support customers during
13 and after a wildfire, outage reporting, support for low-income
14 customers, billing adjustments, deposit waivers, extended payment
15 plans, suspension of disconnection and nonpayment fees, repair
16 processing and timing, access to electrical corporation
17 representatives, and emergency communications.

18 (21) A description of the processes and procedures the electrical
19 corporation will use to do all of the following:

20 (A) Monitor and audit the implementation of the plan.

21 (B) Identify any deficiencies in the plan or the plan's
22 implementation and correct those deficiencies.

23 (C) Monitor and audit the effectiveness of electrical line and
24 equipment inspections, including inspections performed by
25 contractors, carried out under the plan and other applicable statutes
26 and commission rules.

27 (22) Any other information that the Wildfire Safety Division
28 may require.

29 (d) The Wildfire Safety Division shall post all wildfire
30 mitigation plans and annual updates on the commission's internet
31 website for no less than two months before the division's decision
32 regarding approval of the plan. The division shall accept comments
33 on each plan from the public, other local and state agencies, and
34 interested parties, and verify that the plan complies with all
35 applicable rules, regulations, and standards, as appropriate.

36 SEC. 3. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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