



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 2/11/2020

Agenda Placement: 11A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Minh Tran - County Executive Officer  
County Executive Office

**REPORT BY:** Nelson Cortez, Staff Assistant-BOS - 7072991478

**SUBJECT:** SB 862 (Dodd) De-energization: Emergency Services Act: Protocols

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### **RECOMMENDATION**

#### **3:25 PM - 15 Minutes**

County Executive Officer requests discussion and possible action on SB 862 (Dodd) a bill that would clarify that planned deenergization events (PSPS) are included in the Emergency Services Act and requires utility companies to include protocols that deal specifically with Access and Functional Need individuals, as defined.

### **EXECUTIVE SUMMARY**

The Emergency Services Act authorizes the Governor and local agencies to proclaim a state or local emergency if certain conditions are met which allows access to certain powers and resources.

Utility companies are required to prepare and submit a wildfire mitigation plan which, among other requirements, must include protocols for Public Safety Power Shutoff (PSPS), including notification to customers and local agencies.

SB 862 (Dodd) would clarify that the ESA applies to PSPS events, and expands the utility companies' wildfire mitigation plan requirements to address needs of Access and Functional Needs (AFN), as specified.

Senator Dodd has requested the County consider joining a coalition and be listed as sponsors.

Staff is requesting the Board discuss and take action on this issue which is consistent with the State Legislative and Regulatory Platform.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports
2. Public comment
3. Board discussion and action - motion, second, vote on the item.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

#### **Synopsis**

SB 862 would clarify that the provisions of the Emergency Services Act apply to planned deenergization events, commonly referred as Public Safety Power Shutoff's (PSPS) and expands utility company wildfire mitigation plan protocols for deenergization to address needs of Access and Functional Needs individuals and medical baseline customers.

#### **Background**

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 a disaster exist, and authorizes the Governor or local government entity to exercise certain powers in response to the emergency, including access to funds and resources.

Utility companies are required to prepare and submit to the California Public Utilities Commission a wildfire mitigation plan. The plan, among other things, must include protocols for deenergizing portions of their electrical transmission and distribution system when conditions and associated factors indicate it is in the interest of public safety to do so, in order to avoid ignition of a wildfire; this is commonly referred to as PSPS.

While the intent of a PSPS is to limit the threat of wildfires during specific weather conditions, these events trigger many activities needed to protect public health and safety for the duration of the event by local agencies. These activities are coordinated through and by local emergency operation centers (EOCs). Often, EOCs are activated as soon as a utility company issues a notice of possible PSPS, and remains active until power is restored and/or the notice is rescinded. EOCs, as is the case in Napa, are expensive to operate. Current law allows local agencies to recover some of these costs if the emergency is covered under the Emergency Assistance Act (ESA). Currently, it is unclear whether PSPS is covered by the ESA. SB 862 will make it clear that PSPS is included in the ESA.

A utility company's wildfire mitigation plans must include protocols such as notification to customers and agencies, among other requirements. Last year, the Legislature enacted SB 167 (Dodd) which requires utility companies to include protocols for addressing the needs of customers who rely on electrically powered life-support equipment (medical baseline customers), during a PSPS. However, there is no requirement that the protocols in the wildfire

mitigation plan address other customers who have critical needs during a PSPS, such as individuals with intellectual and physical disabilities, and/or with limited English proficiency. SB 862, would also require utility companies to include protocols to address major issues concerning individuals with Access and Function Needs as defined in Government Code Section 8593.3 (Attachment B).

**Status**

Introduced, referred to the Senate Committee on Energy, Utilities & Communications

**Support and Opposition**

**CSAC:** no action, pending

**RCRC:** no action, pending

**NACo:** N/A

**Local:** None yet

**STAFF COMMENTS**

**Platform: YES**

**Federal:** N/A

**State:** Priority 1 - Public Safety Power Shutoff (Page 5)

**Implications to Napa County and County Departments**

Since October 2018, Napa County has experienced nine proactive PSPS events by PG&E. This year, during the October PSPS events 32,000 meters (approximately 100,000 residents) were impacted. According to early estimates, the unanticipated costs to the county associated with the October event, alone, was \$148,000. This does not include the services and work being delayed due to staffing requirements of the EOC and close to \$40,000 that was documented related to being ready for PSPS in general. The challenges to the County and its residents are not only fiscal but concern major issues with public safety, especially individuals with access and functional needs. PG&E does not have adequate processes in place to communicate effectively with populations who depend on electricity for medical purposes and/or people with disabilities and/or with limited English proficiency. Because of these concerns, among many others, the Board of Supervisors adopted a new section in the legislative platform specifically on PSPS (page 6).

Senator Dodd is requesting that the County join a coalition of local agencies, including Sonoma County, to support and be listed as a sponsor. Because, historically, the Board has sponsored legislation that is specific to Napa County, staff would like direction from the Board as to whether the County should support and/or sponsor. Sponsorship means the County will commit to assisting the author in advancing the legislation through testimony and/or letters and/or lobbying.

**Staff Recommendation**

Because PSPS is a major issue in Napa County, including its departments, costs, and residents, and the Board included it in the State platform as Priority 1, staff is recommending the Board sponsor this legislation and work with the author to advance it through multiple avenues as needed.

**SUPPORTING DOCUMENTS**

A . SB 862 (Dodd)

B . Government Code Section 8593.3

CEO Recommendation: Approve

Reviewed By: Helene Franchi