

**VIA ELECTRONIC FILING**

March 25, 2022

Public Utility Commission of Oregon  
201 High Street SE, Suite 100  
P.O. Box 1088  
Salem, Oregon 97301

Re: Docket AR 638 – Risk-Based Wildfire Protection Plans/Proposed “Remainder of Rules” in Division 24

Dear Filing Center:

Idaho Power Company (“Idaho Power”), Portland General Electric Company (“PGE”), and PacifiCorp d/b/a Pacific Power (“PacifiCorp”) (collectively referred to as the “Joint Utilities”) are grateful for the opportunity to offer comments on the revised draft Division 24 wildfire mitigation rules proposed by the Administrative Hearings Division (“AHD”) in the Public Utility Commission of Oregon’s (“OPUC” or “Commission”) Docket AR 638.

This docket was bifurcated in early 2022 to establish an accelerated track for Public Safety Power Shutoff rules and create a secondary, extended track to establish permanent rules related to the other wildfire mitigation requirements (referred to as the “remainder of rules”). These comments from the Joint Utilities address the proposed permanent remainder of rules under Division 24 as first drafted by OPUC Staff and subsequently modified by AHD by notice on March 11, 2022. The Joint Utilities have included a redline of the AHD’s proposed modified Division 24 rules as Attachment A to these comments. Attachment A preserves AHD’s proposed redlines and adds the Joint Utilities’ redline edits. To avoid confusion, Attachment A includes abbreviated notations to identify Joint Utilities edits.

The sections below provide comment and clarifications on selected sections of Division 24 and provide the rationale for the edits seen in Attachment A.

I. Comment on OAR 860-024-0001 – Definitions for Safety Standards

In the current draft rules, the AHD has proposed modifying the prior definition of “Joint Inspection” to reflect a new “Comprehensive Facility Inspection” concept. While the proposed change would eliminate confusion related to which parties must be present to take part in inspections, the Joint Utilities remain concerned that the inclusion of such an inspection requirement does not address the goal as the Joint Utilities understand it: to correct violations that pose a wildfire risk. These comments are expanded upon below in the section addressing OAR 860-024-0018.

The Joint Utilities propose striking the definition of “Comprehensive Facility Inspection” and replacing it with a new definition, “HFRZ Detailed Inspection,” which would be defined as an inspection that identifies potential sources of electrical ignition on any utility pole, structure, duct or conduit owned by either the Owner or an Occupant(s).

II. Comment on OAR 860-024-0011 – Inspections of Electric Supply and Communication Facilities

The Joint Utilities support and appreciate the modifications to 860-024-0011(c) that allow for technology advances and evolving industry best practices with respect to safety patrols and inspections. Currently, industry best practices involve on-site patrols and inspections, but technology advances (for example, higher-resolution remote inspections using drones) may offer more effective and lower-cost means of conducting the same patrols/inspections in the future. The Joint Utilities believe that rules that allow for the expected evolution of industry best practices will not result in insufficient or incomplete patrols/inspections.

III. Comment on OAR 860-024-0012 – Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

The Joint Utilities support the proposed edits and modifications to OAR 860-024-0012(4), as they enable limited but sometimes necessary deferral ability for circumstances outside of a utility’s reasonable control. While the Joint Utilities do not intend to rely heavily on such deferrals, the ability to defer beyond two years is an important allowance for delays created by such factors as public works projects with extended/delayed timelines, limited or restricted access to land, and/or transmission outage coordination.

IV. Clarification and Comment on OAR 860-024-0016 – Minimum Vegetation Clearance Requirements

In the redline draft rule modification proposed by AHD, the word “routine” is a tracked deletion in OAR 860-024-0016(5). The Joint Utilities would like to clarify that our proposal is to add the word “routine,” not strike it. The word was missing from Staff’s prior draft rule language, and the Joint Utilities request adding it back to ensure consistency with existing language in OAR 860-021-0016(7)(e). OAR 860-024-0016(7)(e) describes the factors to be considered when trimming to maintain the clearances required in OAR 860-021-0016(5). Without the addition of “routine” to OAR 860-024-0016(5), the rules as proposed would appear to be in conflict because factors considered when trimming to maintain a clearance are different than factors used to determine the clearances themselves. In Attachment A, the word “routine” has been added back in redline.

Further in this section, a new subsection was added about tree trimming authority. The Joint Utilities welcome more discussion with stakeholders of OAR 860-024-0016(9) at the next workshop. The intent of this language is to provide a clear and timely process for vegetation management within High Fire Risk Zones (“HFRZ”). The often-competing tree trimming and removal laws within local jurisdictions can significantly slow down the process for utilities performing the required vegetation management needed to reduce the risk of wildfire within the communities that they serve.

V. Comment on OAR 860-024-0018 – High Fire Risk Zone Safety Standards

*Subsection (1).* The Joint Utilities consider the proposed edits to the first line related to removal or de-energization of “permanently out of service” equipment to provide necessary clarity to the rule language. Additionally, the Joint Utilities propose striking the language related to “abandoned and non-critical supply equipment.” The word “abandoned” is redundant, as any abandoned facilities would also be classified as “permanently out-of-service.” Further, the Joint Utilities support removing “non-critical supply equipment” from the draft rule language, as non-critical utility equipment is still necessary. The Joint Utilities do not support rule language that would require our companies to de-energize used and useful equipment in HFRZs as utilities build their systems for necessary redundancy and that equipment (while perhaps not always critical) will still be necessary and leveraged in a wide variety of circumstances.

*Subsection (3).* The Joint Utilities read the “extent required” language in a different way than AHD. Our interpretation is that the subordinate clause refers to the volume of work that must be performed to meet the “extent required” threshold, not that the language modifies the type of work that utilities “must perform.” The Joint Utilities would welcome greater discussion of this language interpretation at the next workshop.

The Joint Utilities also recommend striking subsection references to “violations of Commission Safety Rules,” as these requirements are already captured in OAR 860-024-0011 and are therefore redundant in this subsection.

*Subsection (4).* The Joint Utilities support the inclusion of patrol work that “must” be done. However, the Joint Utilities believe that the inserted language was inadvertently placed in the wrong part of the sentence. The proposed redline in Attachment A moves the “must include” language to the area where we believe it was intended. The Joint Utilities welcome discussion about this section in the next workshop.

*Original Subsection (5).* The Joint Utilities support striking proposed subsection (5), as rule language is not required to allow utilities to use new technology that would support and enhance patrols and inspections.

*Redline Subsection (5)/Original Subsection (6).* As noted earlier, the Joint Utilities remain concerned that rule language requiring a “Comprehensive Facility Inspection” does not get to the heart of the goal of identifying and correcting violations that pose a wildfire risk. In Attachment A, the Joint Utilities propose striking this requirement and instead leveraging the proposed “HFRZ Detailed Inspections.” However, we also believe this topic is worthy of in-depth discussion at the next workshop to better understand Staff and stakeholders’ view that “comprehensive inspections” will reduce wildfire risk associated with joint use attachments/equipment and foreign-owned poles differently than addressed in OAR 860-024-0018(8) (as a result of redline edits, original subsection (8) is now subsection (7) in Attachment A). We note that proposed 860-024-0018(3)(a) is broad and references inspection of all facilities to the extent required to mitigate fire risk and identify violations of the Commission Safety Rules. Commission Safety Rules are defined as the National Electrical Safety Code (“NESC”) as modified or supplemented by Chapter 860, Division 024 rules. Moreover, the Joint Utilities question what would be included within the inspection scope of a “Comprehensive Facility Inspection”, if that definition remained, that would not be included within the inspection scope of proposed 860-024-0018(3)(a). And, in such case that a “Comprehensive Facility Inspection” contains a broader inspection scope, the Joint Utilities would appreciate clarity on the rationale

behind the requirement applying only to Public Utility Operators and Occupants as opposed to all Operators of electric supply facilities and occupants. Within this conversation, the Joint Utilities would like to further discuss the proposed “frequency” language to better understand the objective and envisioned number of Comprehensive Inspections by the utilities.

*Redline Subsection (6)/Original Subsection (7).* The Joint Utilities support the proposed inclusion of a tiered correction timeline, as it sufficiently addresses the root objective of identifying and correcting joint use and foreign-owned facility issues that pose a wildfire risk.

*Redline Subsection (7)/Original Subsection (8).* The Joint Utilities support the proposed additional language, including the sentence added by the AHD -- the Operator notice should note that a violation must be repaired within the timeframe identified in the rules. However, the Joint Utilities object to the edit of the AHD that changes the term “may” to “shall.” The effect of the edit is that the Operator of electric facilities would always be required to repair equipment owned by a different operator if that operator failed to make the repair in a timely fashion. Such a provision would require an Operator of electric facilities to repair communications equipment, including cables or fiber optic facilities, that support communications and emergency services. While some repairs of communications equipment may be achieved by an Operator of electric facilities—for example, correcting lashing wire or replacing poles—it is simply not feasible or practical in all instances and it potentially exposes the Operator to new liabilities not contemplated under current contracts, regulations, or practices. The Joint Utilities strongly recommend that the originally proposed language be maintained for the foregoing reasons and because the original language received support from industry stakeholders during the Commission’s February 8, 2022, public workshop. In order to ensure timely corrections of violations not corrected by the electric utility, the Joint Utilities propose further discussion of Commissioner Thompson’s comments during the February 8, 2022, workshop that relates to an accelerated Commission action to require repairs by Order of the Commission after the Operator of electric facilities has exhausted other remedies. The Joint Utilities envision a process that would function similarly to Commission action relating to violations of Oregon’s Dig Laws. Should the Commission choose to move forward with the language proposed by the AHD, the Joint Utilities request language holding the Operator harmless from such liabilities.

With respect to the 25 percent replacement fee, the Joint Utilities recognize that this fee percentage is higher than the 15 percent included in Division 28. The higher amount is appropriate in this particular section of rules related to high-risk areas, as the higher fee amount reflects the high-priority nature and associated risk of work in HFRZs. The higher

amount is also meant to strike a balance that ultimately facilitates corrections more quickly to reduce risk by incrementally incentivizing equipment and pole owners to make corrections upon notification instead of waiting for the electric utility to make corrections later, on their behalf.

In conclusion, the Joint Utilities are grateful for the significant effort by Staff and the AHD to incorporate stakeholder feedback in the development of the revised rules in Division 24. We believe much progress was made with the rules shared by AHD and look forward to further discussion at the workshop on April 7, 2022.

Lastly, the Joint Utilities would like to note that this comment opportunity is focused on Division 24, but that additional discussion and comments remain vital for the “remainder of rules” under Division 300. The Joint Utilities stand ready to engage on remaining Division 300 rules and are eager to work toward a comprehensive set of permanent wildfire rules across Divisions 24 and 300.

Respectfully Submitted,

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cc: OPUC Filing Center

**Joint Utility Comments – Attachment A**

AMEND: 860-024-0000

RULE TITLE: Applicability of Division 24

RULE TEXT:

(1) Unless otherwise noted, the rules in this division apply to every Operator, as defined in OAR 860-024-0001.

(2) Upon request or its own motion, the Commission may waive any of the division 24 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045

AMEND: 860-024-0001

RULE TITLE: Definitions for Safety Standards

RULE TEXT:

For purposes of this Division, except when a different scope is explicitly stated:

(1) "Commission Safety Rules," as used in this section, mean the National Electric Safety Code (NESC), as modified or supplemented by the rules in OAR chapter 860, division 024.

(2) "Facility" means any of the following lines or pipelines including associated plant, systems, supporting and containing structures, equipment, apparatus, or appurtenances:

(a) A gas pipeline subject to ORS 757.039;

(b) A power line or electric supply line subject to ORS 757.035; or

(c) A telegraph, telephone, signal, or communication line subject to ORS 757.035.

(3) "Government Entity" means a city, a county, a municipality, the state, or other political subdivision within Oregon.

(4) "High Fire Risk Zones" are geographic areas identified by Operators of electric facilities in their risk-based wildfire plans.

~~(5) "Joint Inspection Comprehensive Facility Inspection" means an inspection of all equipment on any utility pole, structure, duct or conduit, owned by either the Owner or an Occupant(s).~~

(5) "HFRZ Detailed Inspection" means an inspection that identifies potential sources of electrical ignition on any utility pole, structure, duct or conduit owned by either the Owner or an Occupant(s).

(6) "Material violation" means a violation that:

(a) Is reasonably expected to endanger life or property; or

(b) Poses a significant safety risk to any operator's employees or a potential risk to the general public.

(7) "Occupant" means any licensee, Government Entity, or other entity that constructs, operates, or maintains attachments on poles, structures or within conduits.

(8) "Operator" means every person as defined in ORS 756.010, public utility as defined in 757.005, electricity service supplier as defined in OAR 860-038-0005, telecommunications utility as defined in ORS 759.005, telecommunications carrier as defined in 759.400, telecommunications provider as defined in OAR 860-032-0001, consumer-owned utility as defined in ORS 757.270, cable Operator as defined in 30.192, association, cooperative, or government entity and their agents, lessees, or acting trustees or receivers, appointed by court, engaged in the management, operation, ownership, or control of any facility within Oregon.

**Commented [WA1]:** The Joint Utilities propose adding this defined term, replacing "Comprehensive Facility Inspection."



(9) "Owner" means a public utility, telecommunications utility, or consumer-owned utility that owns or controls poles, structures, ducts, conduits, right of way, manholes, handholes or other similar facilities.

(10) "Pattern of non-compliance" means a course of behavior that results in frequent, material violations of the Commission Safety Rules.

(11) "Reporting Operator" means an Operator that:

(a) Serves 20 customers or more within Oregon; or

(b) Is an electricity service supplier as defined in OAR 860-038-0005 and serves more than one retail electricity customer.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 758.215, ORS 759.005, ORS 759.045, Oregon Laws 2021, ch. 592, sect. 1-6b

AMEND: 860-024-0005

RULE TITLE: Maps and Records

RULE TEXT:

(1) Each utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items.

(2) Upon request, each utility shall file with the Commission an adequate description or maps to define the territory served. Maps must include all recently identified High Fire Risk Zones. All maps and records which the Commission may require the utility to file shall be in a form satisfactory to the Commission Staff.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.020

AMEND: 860-024-0007

RULE TITLE: Location of Underground Facilities

RULE TEXT:

An Operator and its customers shall comply with requirements of OAR chapter 952 regarding the prevention of damage to underground facilities.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.542 - 757.562, ORS 757.649, ORS 759.045

AMEND: 860-024-0010

RULE TITLE: Construction, Operation, and Maintenance of Electrical Supply and Communication Lines

RULE TEXT:

Every Operator shall construct, operate, and maintain electrical supply and communication lines in compliance with the standards prescribed by the 2017 Edition of the National Electrical Safety Code approved April 26, 2016, by the American National Standards Institute.

[Publications: Publications referenced are available for review from the Commission.]

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0011

RULE TITLE: Inspections of Electric Supply and Communication Facilities

RULE TEXT:

(1) An Operator of electric supply facilities or an operator of communication facilities must:

(a) Construct, operate, and maintain its facilities in compliance with the Commission Safety Rules; and

(b) Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules.

(A) The maximum interval between each detailed inspection cycle is ten years, with a recommended inspection rate of ten percent of overhead facilities per year. During the fifth year of each detailed inspection cycle, the Operator must:

(i) Report to the Commission that 50 percent or more of its total facilities have been inspected pursuant to this rule; or

(ii) Report to the Commission that less than 50 percent of its total facilities have been inspected pursuant to this rule and provide a plan for Commission approval to inspect the remaining percentage within the next five years. The Commission may modify the plan or impose conditions to ensure sufficient inspection for safety purposes.

(B) Detailed inspections include, but are not limited to, visual checks, pole test and treat programs (only required for pole Owners) or practical tests of all facilities, to the extent required to identify violations of Commission Safety Rules. Where facilities are exposed to extraordinary conditions (including High Fire Risk Zones) or when an Operator has demonstrated a pattern of non-compliance with Commission Safety Rules, the Commission may require a shorter interval between inspections.

(c) Conduct detailed facility inspections of its underground facilities on a ten-year maximum cycle, with a recommended inspection rate of 10 percent of underground facilities per year.

(d) Maintain adequate written records of policies, plans and schedules to show that inspections and corrections are being carried out in compliance with this rule and OAR 860-024-0012. Each Operator must make these records available to the Commission upon its request.

(2) Each Operator of electric supply facilities must:

(a) Designate an annual geographic area (including High Fire Risk Zones as identified by Operators of electric supply facilities) to be inspected pursuant to subsection (1)(b) of this rule within its service territory;

(b) Provide timely notice of the designation of the annual geographic area to all Owners and Occupants. The annual coverage areas for the entire program must be made available in advance and in sufficient detail to allow all Operators with facilities in that service territory to plan needed inspection and correction tasks. Unless the parties otherwise agree, Operators must be notified of any

changes to the established annual geographic area designation no later than 12 months before the start of the next year's inspection. For High Fire Risk Zones, Operators must be notified of any changes to the designation of a High Fire Risk Zone no later than 60 days before the start of the year's inspection; and

(c) Perform ~~onsite~~ routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public [consistent with industry best practices](#). The maximum interval between safety patrols is two years, with a recommended rate of 50 percent of lines and facilities per year.

(d) Inspect electric supply stations on a 45 day maximum schedule.

(3) Effective Dates

(a) Subsection (2)(a) of this rule is effective January 1, 2007.

(b) Subsection (1)(b) of this rule is effective January 1, 2008.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0012

RULE TITLE: Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

RULE TEXT:

(1) A violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the Operator immediately after discovery.

(2) Except as otherwise provided by this rule, the Operator must correct violations of Commission Safety Rules no later than two years after discovery.

(3) An Operator may elect to defer correction of violations of the Commission Safety Rules that pose little or no foreseeable risk of danger to life or property to correction during the next major work activity.

(a) In no event shall a deferral under this section extend for more than ten years after discovery.

(b) The Operator must develop a plan detailing how it will remedy each such violation.

(c) If more than one Operator is affected by the deferral, all affected operators must agree to the plan. If any affected operators do not agree to the plan, the correction of violation(s) may not be deferred.

(4) After December 31, 2027, the only allowable conditions for deferrals as set forth in section (3) are ~~those as follows: repairs~~ that accommodate schedules for ~~local jurisdiction~~ permitting issues or ~~repairs impacted by planned public works, planned road construction projects, and repairs which cannot be performed within the two-year correction timeframe due to circumstances outside the Operator's reasonable control.~~ Plans for correction for deferrals due to these conditions must be submitted to Commission Staff for review and tracking.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0015

RULE TITLE: Ground Return

RULE TEXT:

Every Operator with either alternating or direct current power lines or equipment within Oregon may use a connection to ground only for protection purposes. A ground connection shall not be used for the purpose of providing a return conductor for power purposes.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 757.649, ORS 759.045



AMEND: 860-024-0016

RULE TITLE: Minimum Vegetation Clearance Requirements

RULE TEXT:

(1) For purposes of this rule:

(a) "Cycle Buster" means vegetation that will not make it through the routine trim cycle without encroaching on the required minimum clearances and, therefore require pruning midterm before the routine cycle is completed.

(b) "Readily climbable" means vegetation having both of the following characteristics:

(A) Low limbs, accessible from the ground and sufficiently close together so that the vegetation can be climbed by a child or average person without using a ladder or other special equipment; and

(B) A main stem or major branch that would support a child or average person either within arms' reach of an uninsulated energized electric line or within such proximity to the electric line that the climber could be injured by direct or indirect contact with the line.

(c) "Vegetation" means trees, shrubs, and any other woody plants.

(d) "Volts" means nominal voltage levels, measured phase-to-phase.

(2) The requirements in this rule provide the minimum standards for conductor clearances from vegetation to provide safety for the public and utility workers, reasonable service continuity, and fire prevention. Each Operator of electric supply facilities must have a vegetation management program and keep appropriate records to ensure that timely trimming is accomplished to keep the designated minimum clearances. These records must be made available to the Commission upon request.

(3) Each Operator of electric supply facilities must regularly trim or remove vegetation to maintain clearances from electric supply conductors. Operators of electric supply facilities must develop and regularly update vegetation plans and documentation that confirms compliance with the minimum clearances in section (5) below. Upon request from Commission Staff, Operators must provide that information to Commission Staff. If clearances are not being maintained, the Commission may require the Operator to implement an alternative vegetation management program and/or specific trim cycles.

(4) Each Operator of electric supply facilities must trim or remove readily climbable vegetation as specified in section (5) of this rule to minimize the likelihood of direct or indirect access to a high voltage conductor by a member of the public or any unauthorized person.

(5) Under reasonably anticipated operational conditions, as well as adverse weather and ~~routine~~ routine wind conditions, an Operator of electric supply facilities must maintain the following minimum clearances of vegetation from conductors:

(a) Ten feet for conductors energized above 200,000 volts.

**Commented [WA2]:** The Joint Utilities request that the word "routine" be added, not removed, from subsection (5).

(b) Seven and one-half feet for conductors energized at 50,001 through 200,000 volts.

(c) Five feet for conductors energized at 600 through 50,000 volts.

(A) Clearances may be reduced to three feet if the vegetation is not readily climbable.

(B) Intrusion of limited small branches and new tree growth into this minimum clearance area is acceptable provided the vegetation does not come closer than six inches to the conductor.

(6) For conductors energized below 600 volts, an Operator of electric supply facilities must trim vegetation to prevent it from causing strain or abrasion on electric conductors. Where trimming or removal of vegetation is not practical, the Operator of electric supply facilities must install suitable material or devices to avoid insulation damage by abrasion.

(7) In determining the extent of trimming or vegetation removal required to maintain the clearances required in section (5) of this rule, the Operator of electric supply facilities must consider at minimum the following factors for each conductor:

(a) Voltage;

(b) Location;

(c) Configuration;

(d) Sag of conductors at elevated temperatures and under wind and ice loading;

(e) Growth habit, strength, and health of vegetation (including rates of tree mortality) growing adjacent to the conductor, with the combined displacement of the vegetation, supporting structures, and conductors under adverse weather or routine wind conditions; and

(f) The amount of trimming or vegetation removal required to minimize Cycle Buster vegetation interference of energized conductors.

(8) Each Operator of communications facilities must ensure vegetation around communications lines do not pose a foreseeable danger to the pole or electric supply Operator's facilities.

[\(9\) Electric utilities performing vegetation management work in High Fire Risk Zones in accordance with this Section are exempt from compliance with any applicable local law governing tree trimming and removal.](#)

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 758

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280 - 758.286

AMEND: 860-024-0017

RULE TITLE: Vegetation Pruning Standards

RULE TEXT:

An Operator that is an electric utility as defined in ORS 758.505 must perform tree and vegetation work associated with line clearance in compliance with the American National Standard for Tree Care Operations, ANSI A300 (Part 1) 2008 Pruning, approved May 1, 2008, by the American National Standards Institute.

[Publications: Publications referenced are available from the Agency.]

STATUTORY/OTHER AUTHORITY: ORS Ch. 756, ORS 757, ORS 758

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280-758.286

ADOPT: 860-024-0018

RULE TITLE: High Fire Risk Zone Safety Standards

RULE TEXT:

(1) Operators of electric facilities must, in High Fire Risk Zones, remove or de-energize permanently out of service, ~~abandoned and non-critical supply~~ equipment as determined by the Operator ~~during fire season~~.

**Commented [WA3]:** The Joint Utilities propose removing references to "abandoned and non-critical supply equipment" and "during fire season."

(2) Utility supply conductors shall not be attached to live trees and should only be attached to utility owned poles and structures designed to meet the strength and loading requirements of the National Electrical Safety Code. This section does not apply to customer-supplied equipment at the point of delivery. Compliance with this section must be achieved prior to December 31, 2027.

(3) In addition to the requirements set forth in OAR 860-024-0011, Operators of electric facilities in High Fire Risk Zones must: (a) conduct at a minimum, ~~enhanced "HFRZ Detailed Inspections," that may must include~~ing, but need not be limited to, not limited to, in person, onsite visual checks, or practical tests of all facilities, to the extent required to mitigate fire risk ~~and identify violations of Commission Safety Rules;~~ and (b) for transmission systems energized at or above 50,001 volts, perform and document, ~~at a minimum, HFRZ Detailed Inspections~~ detailed inspections, that may include, but are not limited to, via onsite climbing, drone or high-powered spotting scope to identify structural and conductor defects, ~~as well as violations of Commission Safety Rules~~.

**Commented [WA4]:** The Joint Utilities' proposed "HFRZ Detailed Inspections" is introduced in subsection (3). In addition, the Joint Utilities propose removing unnecessary and redundant references to "violations of Commission Safety Rules."

(4) In addition to the requirements set forth in 860-024-0011, Public Utility Operators of electric facilities must conduct annual fire season "safety patrols" in High Fire Risk Zones. Public Utility Operators of electric facilities shall perform and document patrols that must include, but are not limited to, in-person, fire safety patrols of overhead electric supply lines and accessible facilities for potential ~~patrols, that may must include, but are not limited to,~~ fire risks, including but not limited to, off right-of-way hazard trees, right-of-way access for first responders, seasonal vegetation damage, vegetation Cycle Buster clearance conditions as defined in 860-024- 0016(1)(a), potential equipment failures, and deteriorated supply or communication facilities.

**Commented [WA5]:** The Joint Utilities believe there may have been a drafting error in AHD's proposal. The Joint Utilities' edit places the patrol reference higher in the second sentence.

~~(5) The requirements set forth in (3) and (4) above do not preclude the use of technology developments that may improve the ease of and quality of inspections. The use of technologies does not eliminate the need for in-person fire safety patrols described above.~~

~~(6) Beginning on December 31, 2027, Public Utility Owners of electric supply facilities and or Occupants shall participate conduct in "Joint Inspections Comprehensive Facility Inspections" of facilities in High Fire Risk Zones with a frequency that to mitigates fire risk as well as to identify violations of Commission Safety Rules~~

**Commented [WA6]:** The Joint Utilities propose leveraging "HFRZ Detailed Inspection" requirements rather than "Comprehensive Facility Inspections."

~~(56) If dictated by a consumer-owned utility pole Owner, beginning December 31, 2027 Occupants of poles owned by consumer-owned utilities in High Fire Risk Zones will implement detailed inspection cycle alignment to mitigate fire risk and identify violations of Commission Safety Rules.~~

**Commented [WA7]:** With the removal of original subparts (5) and (6), this subsection becomes subpart (5).

~~(67) A violation of Commission Safety Rules which poses a risk of fire ignition identified by an HFRZ Detailed Inspection or safety patrol shall be subject to the following correction timeframes: in High~~

**Commented [WA8]:** With the removal of original subparts (5) and (6), this section now becomes subpart (6).

The Joint Utilities propose a minor modification here to capitalize HFRZ Detailed Inspection, as we have proposed this as a defined term.

~~Fire Risk Zones affecting energized conductors, structures or pole defects and a heightened risk of wildfire, as identified by the Operator of electric facility, shall be corrected no later than 180 days after discovery, regardless of pole Ownership.~~

(a) any violation that poses imminent danger to life or property must be repaired, disconnected, or isolated by the Operator immediately after discovery.

(b) any violation which correlates to a heightened risk of fire ignition shall be corrected no later than 180 days after discovery.

(c) all other violations requiring correction under Section 2 of 860-024-0012 shall be corrected no later than consistent with OAR 860-024-0012.

(78) If an Operator of electric facilities discovers a violation that correlates to a heightened wildfire risk, notice shall be provided to the pole owner or equipment owner. That notice shall state that the violation must be repaired within the time frame set out in these rules. If the pole owner or equipment owner does not replace the reject pole or repair the equipment within the timeframe set forth in the notice, then the Operator of electric facilities ~~may~~<sup>shall</sup> repair the equipment or replace the pole and seek reimbursement of all costs and expenses related to correction or replacement of the reject pole or equipment including, but not limited to, administrative and labor costs related to the inspection, permitting, and replacement of the reject pole. The Operator of electric facilities is also authorized to charge the pole owner or equipment owner a replacement fee of 25% of the total amount of work. This provision does not preclude the Operator of electric facilities from exercising any other rights or remedies afforded by Oregon Law or contract.

**Commented [WA9]:** With the removal of subparts (5) and (6), this section now becomes subpart (7).

**Commented [WA10]:** The Joint Utilities propose replacing "shall" with "may."

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 758

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280-758.286

AMEND: 860-024-0020

RULE TITLE: Gas Pipeline Safety

RULE TEXT:

Every gas Operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 27 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.

(2) 49 CFR, Part 192, and amendments through No. 126 — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on July 1, 2020.

(3) 49 CFR, Part 199, and amendments — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.

(4) 49 CFR, Part 40, and amendments — Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 757.039

AMEND: 860-024-0021

RULE TITLE: Liquefied Natural Gas Safety

RULE TEXT:

Every gas Operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 27 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.

(2) 49 CFR, Part 193, and amendments through No. 25 — Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on March 6, 2015.

(3) 49 CFR, Part 199, and amendments — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.

(4) 49 CFR, Part 40, and amendments – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 757.039

AMEND: 860-024-0050  
RULE TITLE: Incident Reports  
RULE TEXT:

(1) As used in this rule:

(a) "Self-propagating fire" means a fire that is self-fueling and will not extinguish without intervention.

(b) "Serious injury to person" means, in the case of an employee, an injury which results in hospitalization. In the case of a non-employee, "serious injury" means any contact with an energized high-voltage line, or any incident which results in hospitalization. Treatment in an emergency room is not hospitalization.

(c) "Serious injury to property" means:

(A) Damage to operator and non-operator property exceeding \$100,000; or

(B) In the case of a gas operator, damage to property exceeding \$5,000; or

(C) In the case of an electricity service supplier (ESS) as defined in OAR 860-038-0005, damage to ESS and non-ESS property exceeding \$100,000 or failure of ESS facilities that causes or contributes to a loss of energy to consumers; or

(D) Damage to property which causes a loss of service to over 500 customers (50 customers in the case of a gas operator) for over two hours (five hours for an electric operator serving less than 15,000 customers) except for electric service loss that is restricted to a single feeder line and results in an outage of less than four hours.

(2) Except as provided in section (6) of this rule, every reporting operator must give immediate notice by telephone, by facsimile, by electronic mail, or personally to the Commission, of incidents attended by loss of life or limb, or serious injury to person or property, occurring in Oregon upon the premises of or directly or indirectly arising from or connected with the maintenance or operation of a facility.

(3) As soon as practicable following knowledge of the occurrence, all investor-owned electric utilities must report by telephone, by facsimile, by electronic mail, or personally to the Commission fire-related incidents:

(a) that are the subject of significant public attention or media coverage involving the utility's facilities or is in the utility's right-of-way; or

(b) where the utility's facilities are associated with the following conditions:

(A) a self-propagating fire of material other than electrical and/or communication facilities; and

(B) the resulting fire traveled greater than one linear meter from the ignition point.



(4) Except as provided in section (6) of this rule, every reporting operator must, in addition to the notice given in sections (2) and (3) of this rule for an incident described in sections (2) and (3), report in writing to the Commission within 20 days of knowledge of the occurrence using Form 221 (FM 221) available on the Commission's website. In the case of injuries to employees, a copy of the incident report form that is submitted to Oregon OSHA, Department of Consumer and Business Services, for reporting incident injuries, will normally suffice for a written report. In the case of a gas operator, copies of incident or leak reports submitted under 49 CFR Part 191 will normally suffice.

(5) An incident report filed by a public or telecommunications utility in accordance with ORS 654.715 cannot be used as evidence in any action for damages in any suit or action arising out of any matter mentioned in the report.

(6) A Peoples Utility District (PUD) is exempt from this rule if the PUD agrees, by signing an agreement, to comply voluntarily with the filing requirements set forth in sections (2) and (3).

(7) Gas operators have additional incident and condition reporting requirements set forth in OARs 860-024-0020 and 860-024-0021.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 654.715, ORS 756.040, ORS 756.105, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045