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April 13, 2021

Public Utility Commission of Oregon
PO Box 1088
Salem OR 97308-1088

Re: AR 638 - PGE Comments on OPUC Proposed 2021 Temporary Wildfire Rules

Dear Ms. Koho;

Thank you for the opportunity to review the draft of the OPUC's proposed 2021 temporary wildfire rules regarding investor-owned electric utility potential wildfire starts and the PSPS Communication requirements. We recognize that your timeline requires a fast turnaround, so we wanted to provide you with our comments as quickly as we could. As you might imagine, this means that we may have further comments at a later date.

We do have a few suggestions on Incident Reports and PSPS Communication for you to consider as noted below. For ease of review, we have also provided redlines to the document you shared that reflect the points below.

Incident Reports:

Section (3)(a) provides "significant public attention or media coverage", as we read this description our concern is that it is overly board and may lead to misunderstandings in when the threshold reporting is triggered. Our understanding is that the intent is to ensure that the Commission is contacted and aware of ignition events for which the Commission may receive inquiries. We believe this intent is met through the other conditions and that the "subject of significant public attention or media overage" should be deleted.

PSPS Communication:

In the "Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event", section 1 we recommend changing "thresholds" to "conditions". Our decision to execute a PSPS is based on numerous data points, and not specific "thresholds". The decision process is more complex than if "A" occurs, then we do "B". Stated differently, several data points inform our decision to execute a PSPS, and, importantly, the relevant data points may evolve over time.

Section (1)(b) would require a significant amount of communications work that would require

additional resources and funding for utilities to implement. Section (2)(b) states that “electric investor-owned utilities, must, in consultation with the Commission, the Office of Emergency Management, the Oregon Department of Forestry and the Oregon State Fire Marshal, ensure the development and execution of a statewide Public Safety Power Shut-off education campaign.” We are concerned that this approach will be unworkable. We recommend identifying a lead agency to develop the PSPS education campaign, with contributions by other agencies and stakeholders, including the investor-owned utilities. We also look forward to – and commit to – working with the Commission and other agencies on an informal basis to advance these efforts.

In addition, in section (1)(c), the rule contemplates working with agencies on “Common Alerting Protocol”. We are concerned with having these agreements prior to wildfire season if the state has additional PSPS zones in 2021. Note that for PGE’s PSPS zone in 2020 we established an agreement with the Clackamas County Emergency Management to execute reverse 9-1-1 capabilities and the associated communication. This agreement took time to negotiate and execute. PGE suspects additional agreements will require a comparable amount of diligence to establish. Therefore, we recommend that this language be revised to reflect that utilities and OPUC staff will work in good faith to have these capabilities in place by the 2021 fire season. We recommend identifying a lead agency to coordinate this effort.

Section (2)(b) requires that utilities “must partner with local public safety partners to communicate with all other customers that a de-energization event is possible...”. PGE requests clarification on whether this would prohibit a utility from directly contacting its customers or using our own channels to notify customers of a PSPS event. Additionally, PGE requests clarification on whether a utility can post a link on the utility’s home page that leads to a page with de-energization information and a map, and if so, whether the page must always be active, or only prior to and during an event.

Paragraph (1)(a) of “Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event” requires that utilities provide to local jurisdictions GIS information on critical facilities and that we coordinate operations with public safety partners. Please clarify that the GIS information is limited to physical location information. Regarding “operational coordination”, as PGE is solely responsible for operating its facilities to provide reliable and safe service to our customers, we are not able to provide operational information or coordinate operations with non-utility partners. Moreover, federal requirements prohibit sharing certain information regarding the operation of critical infrastructure. However, PGE understands the importance of sharing the physical location of certain utility facilities to assist in firefighting efforts.

For “Coordination with Emergency Response Centers and Incident Command Systems” we recommend adding language that clarifies that the request to embed a liaison officer at a local emergency operation center applies only during a PSPS event.

Regarding “Request to Delay De-Energization” we are concerned that this language will hinder decision making. Prior to and during a PSPS event, decisions must be made quickly, and any delays could increase the risk to the community. Not all events that trigger decisions will occur during working hours, as the Labor Day fire clearly showed us. We suggest that this section be

removed in its entirety.

The proposed temporary rules also address De-Energization of Transmission Lines. We believe that this may be beyond the Commission’s jurisdictions, and potentially in conflict with Federal Energy Regulatory Commission (FERC) requirements. As such, we recommend deleting this section in its entirety. If Staff continues to believe this is within the Commission’s authority, we recommend providing additional clarity on what is contemplated here, including the voltage (or other threshold) considered to be “transmission” for purposes of this section.

The Reporting Requirements following a de-energization event are well detailed on what is expected. However, section (1) under Reporting Requirements requires that utilities file a report with the Commission no more than 10 days following a de-energization event, rather than 10 business days, which allows even less time for utilities to report. We believe that the 10-day reporting requirement is aggressive and, for example, could prevent including any lessons from the event from state public safety partners. We recommend that this reporting requirement be extended to 30 days of the end of the de-energization event, but at a minimum, should be modified to reflect 10 workdays. It may be evident, but the language should be clarified to make clear that the reporting requirement timing is from the end of the de-energization event.

Section (2) under Reporting Requirements states “the electric investor-owned utilities are required to file reports on de-energization lessons learned no later than December 31, 2021.” Our understanding is that these temporary rules will expire in November 2021. We recommend deleting this section in its entirety, as the temporary rules should not include deadlines that go beyond the duration of the temporary rules.

Again, thank you for giving us the opportunity to comment on a preliminary version of these draft temporary rules.

Sincerely,

/s/ Bill Messner

Bill Messner
Director Wildfire Mitigation & Resiliency

Incident Reports

860-024-0050

Incident Reports

(1) As used in this rule:

(a) “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.

(b) “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:

(a) Loss of life or limb; or

(b) 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 the event, but not more than 20 days of knowledge following the event, all investor-owned electric utilities must report fire-related incidents that are:

(a) ~~The subject of significant public attention or media coverage; or w~~Where the utility’s facilities are associated with the following criteria

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

(B) The resulting fire traveled greater than one linear meter from the ignition point: and

(C) The utility has knowledge that the fire occurred.

(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 (4).

(7) Gas operators have additional incident and condition reporting requirements set forth in OAR

860-024-0020 and 860-024-0021.

Stat. Auth.: ORS Ch. 183, 654, 756, 757 & 759 Stats. Implemented: ORS 654.715, 654.720, 756.040, 756.105, 757.035, 757.039, 757.649, 759.036, 759.040 & 759.045 Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 21-1985, f. & ef. 11-25-85 (Order No. 85-1130); PUC 12-1989, f. & cert. ef. 8-11-89 (Order No. 89-946); PUC 4-1992, f. & ef. 2-14-92 (Order No. 92-234); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); renumbered from OAR 860-028-0005 and 860-034-0570; PUC 23-2001, f. & ef. 10-11-01 (Order No. 01-839); PUC 9-2006, f. & ef. 9-28-06 (Order No. 06-547)

Public Safety Power Shutoff

860-XXX-XXXX

Definitions for Public Safety Power Shutoff

(1) “First Responder” refers to those individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers.

(2) “Emergency Responder” has the same meaning as “first responder.”

(3) “Emergency Response Provider” includes federal, state, and local governmental and nongovernmental public safety, fire, law enforcement, emergency response, emergency medical services providers (including hospital emergency facilities), and related personnel, agencies and authorities.

(4) “Public Safety Partners” refers to first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, energy providers (electricity, natural gas, fuels) County Emergency Managers, Office of Emergency Management, Oregon Department of Forestry, Oregon State Fire Marshal, and the Commission.

(5) “Critical Facilities” refers to facilities and infrastructure that are essential to the public safety and that require additional assistance and advance planning to ensure resiliency during de-energization events. Critical facilities and critical infrastructure may include the following: Emergency Services (e.g., police stations, fire stations, emergency operations centers); Government Facilities (e.g., schools, jails, and prisons); Healthcare and Public Health (e.g., public health departments, and medical facilities including hospitals, skilled nursing facilities, nursing homes, blood banks, health care facilities, dialysis centers, and hospice facilities); Key Grid Interdependencies (e.g., public and private utility facilities vital to maintaining or restoring normal service, including, but not limited to, interconnected publicly-owned utilities and electric cooperatives); Fueling Systems (e.g., fuel pumping and dispensing for vehicles or into containers for generators, electric vehicle charging stations); Water and Wastewater Systems (e.g., facilities associated with the provision of drinking water or processing of wastewater including facilities used to pump, divert, transport, store, treat, and deliver water or wastewater); Communications (e.g., communication carrier infrastructure including selective routers, central offices, head ends,

cellular switches, remote terminals and cellular sites); and Chemical (e.g., facilities associated with the provision of manufacturing, maintaining, or distributing hazardous materials and chemicals).

(6) “Critical Infrastructure” see definition for “Critical Facilities”

(7) “Vulnerable Populations” consists of individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in congregate care or institutionalized settings, or those who are low income, experiencing homelessness, unhoused, or unsheltered, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit.

(8) “ESF-12” refers to Emergency Support Function-12 and indicates the Commission’s role in supporting the State Office of Emergency Management for energy utilities issues during an emergency.

860-XXX-XXXX
Requirement to Notify

(1) The electric investor-owned utilities must: (a) in partnership with local jurisdictions and other emergency partners, develop and maintain comprehensive contact information for public safety partners, critical infrastructure facilities and other critical facilities systems dependent on electric power. (b) to the extent possible, in partnership with local jurisdictions, identify vulnerable populations and develop appropriate communication protocols that address the needs of those populations.

(2) The electric investor-owned utilities must, whenever possible, provide advance notification to all populations potentially affected by a de-energization event. This includes, but is not limited to, public safety partners, critical facilities and infrastructure, vulnerable populations, and jurisdictions that are not at threat of a utility-caused wildfire but may lose power as a result of de-energization elsewhere on the system.

(3) Whenever possible, priority notification should occur to the following entities, at a minimum: public safety partners, as defined herein, and including adjacent local jurisdictions that may lose power as a result of de-energization. Notice to all other affected populations, may occur after the electric investor-owned utilities has given priority notice; however, vulnerable populations may require additional notification streams. This guideline is not meant to be restrictive; utilities may provide priority notification to a broader subset of customers, e.g., certain critical facilities, to promote public safety.

860-XXX-XXXX
Procedure for Notification

(1) ~~Every effort must be made by t~~The electric investor-owned utilities ~~to~~must provide notice of potential de-energization as early as the electric investor-owned utilities reasonably believe de-energization is likely. In addition, the electric investor-owned utilities must provide notice when a

decision to de-energize is made, at the beginning of a de-energization event, when re-energization begins and when re-energization is complete. The electric investor-owned utilities should, whenever possible, adhere to the following minimum notification timeline:

- (a) 48-72 hours in advance of anticipated de-energization: notification of public safety partners/priority notification entities;
- (b) 24-48 hours in advance of anticipated de-energization: notification of all other affected customers/populations;
- (c) 1-4 hours in advance of anticipated de-energization, if possible: notification of all affected customers/populations;
- (d) When de-energization is initiated: notification of all affected customers/populations;
- (e) Immediately before re-energization begins: notification of all affected customers/populations;
- (f) When re-energization is complete: notification of all affected customers/populations.

(2)(a) The electric investor-owned utilities, as the entity with the most knowledge of and jurisdiction to call a de-energization event and subsequent re-energization, retain ultimate responsibility for development of the communication strategy and notification in advance of, during and after a de-energization event.

(b) The electric investor-owned utilities must work with the goal of integrating into and leveraging existing outreach and notification systems wherever possible, rather than creating duplicative and potentially conflicting systems to those employed by local jurisdictions/emergency/first responders.

860-XXX-XXXX

Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event

(1) In advance of a de-energization event, an electric investor-owned utility must clearly articulate ~~thresholds-conditions~~ for strong wind events as well as the conditions that define “an extreme fire hazard” (e.g., humidity, fuel dryness, temperature) that the electric investor-owned utility evaluates in considering whether to de-energize. This information may vary for different jurisdictions and topographies; however, the information must be provided to and be readily available to public safety partners and the public. The electric investor-owned utilities are afforded discretion to evaluate real-time and on-the-ground information in determining whether to de-energize; adoption of thresholds is not determinative of de-energization.

(a) To aid in preparation, the electric investor-owned utilities must provide, if requested, relevant geographic information system data, including identification of critical facilities and circuits, and number of medical baseline customers that have registered with the utility to local jurisdictions in advance of wildfire season. In addition, the utilities must provide, if requested, operational coordination with public safety partners to ensure such partners have not only the information but also the coordination with the utilities necessary to prepare for de-energization.

(b) The electric investor-owned utilities, must, in consultation with the Commission, the Office of Emergency Management, the Oregon Department of Forestry and the Oregon State Fire Marshal, ensure the development and execution of a statewide Public Safety Power Shut-off education campaign, that provides education tailored to the needs of stakeholders, including vulnerable populations, in order to make citizens aware of how to prepare for and obtain information during a prolonged loss of power, including as a result of de-energization. The electric investor-owned

utilities, in coordination with the above-named agencies, must measure effectiveness of education and outreach efforts and adjust efforts accordingly.

(c) In preparation for the 2021 fire season, utilities must work with local and state public safety partners to develop an understanding of reverse 9-1-1 capabilities and identify preferred or most effective public notification tools (e.g., local radio stations, TV, social media). In order to allow jurisdictions with public alerting authority to send timely and appropriate messages to populations potentially impacted by a de-energization event, the utilities must develop Common Alerting Protocol compliant messages and protocols for use by the designated alert authorities. Whether local jurisdictions choose to utilize their Public Alert and Warning system to notify the public of a de-energization event is at their discretion.

(2) The electric investor-owned utilities must convey to public safety partners at the time of first notification preceding a de-energization event information regarding the upcoming de-energization, including estimated start time of the event, estimated duration of the event, and estimated time to full restoration.

(a) For the 2021 wildfire season, the electric investor-owned utilities must, at the time of first notification preceding a de-energization event, make available a Geographic Information System shapefile via a secure data transfer process depicting the most accurate and specific information possible regarding the boundaries of the area subject to de-energization to all public safety partners whose jurisdictions or service areas will be impacted by the de-energization event, including adjacent jurisdictions or service areas that could lose power as a result of de-energization in a high fire threat district.

(b) The electric investor-owned utilities must partner with local public safety partners to communicate with all other customers that a de-energization event is possible, the estimated start date and time of the de-energization event, the estimated length of the de-energization event, which may be communicated as a range, and the estimated time to power restoration, which again, may be communicated as a range. Communications should state when the customer can next expect communication about the de-energization event. Communication, must answer five key recipient questions: (1) Who is the source of the warning; (2) What is the threat; (3) Does this affect my location; (4) What should I do; and (5) What is the expected duration of the event. Communications ~~must-should~~ also point customers towards education and outreach materials disseminated in advance of the 2021 wildfire season.

(c) The electric investor-owned utilities must provide up-to-date information, including a depiction of the boundary of the de-energization event, on their websites' homepage and a dedicated Public Safety Power Shut-off webpage regarding the de-energization event. The electric investor-owned utilities, in partnership with local public safety partners, must establish and communicate a 24-hour means of contact that customers may use to ask questions and/or seek information.

860-XXX-XXXX

Identification of Customer Groups

(1) The electric investor-owned utilities must work with local and county officials to identify appropriate emergency/first responder points of contact. This may include local government points of contact for jurisdictions that share first responder resources. The electric investor-owned utilities must identify 24-hour contact points and must identify secondary contacts at a minimum and tertiary contacts if possible. The electric investor-owned utilities must also identify primary and

secondary means of communication for each contact.

(2) The electric investor-owned utilities must provide utility personnel 24-hour points of contact, including secondary and tertiary contacts to affected local jurisdictions/first responders.

(3) Consistent with ORS 758.013, utilities shall file the emergency contact information with the Commission.

(4) The electric investor-owned utilities must, in addition to developing their own list of critical facilities and critical infrastructure based on the adopted definition, work in coordination with first/emergency responders and local governments to identify critical facilities within the electric investor-owned utilities' service territories. The electric investor-owned utilities must work together with operators of critical facilities and critical infrastructure to identify 24-hour points of contact and at a minimum, secondary points of contact, including preferred methods of communication.

(5) The Commission acknowledges that identification of vulnerable individuals and populations is a goal that may not be fully achievable even with assistance of local jurisdictions; however, the utilities must take all reasonable steps within the boundaries of the law towards that goal in order to protect the safety of vulnerable populations.

860-XXX-XXXX

Coordination with Public Safety Partners Before and During a De-Energization Event

(1) The electric investor-owned utilities will be responsible for contacting local public safety officials in impacted jurisdictions prior to and during a de-energization event. The electric investor-owned utilities must communicate an impending de-energization event to local officials and the Commission's ESF-12 Liaison. The electric investor-owned utilities must work with public safety partners to disseminate all information in formats and through processes that are used by public safety partners during other emergencies. The electric investor-owned utilities must partner with local and state public safety partners to develop notification strategies for all customer groups that comport with the best practices.

(2) Electric investor-owned utilities must work to continually improve communication and outreach effectiveness by partnering with local jurisdictions, the Commission, the Office of Emergency Management, the Oregon Department of Forestry the Oregon State Fire Marshal to develop a comprehensive, coordinated and cohesive notification framework including, but not limited to, the electric investor-owned utilities providing notification to public safety partners, to the extent they are willing and able, providing secondary or supplemental notification to the general public. Electric investor-owned utilities retain responsibility to ensure notification of affected customers.

860-XXX-XXXX

Coordination with Emergency Response Centers and Incident Command Systems

(1) If requested by the local jurisdiction, the electric investor-owned utilities should endeavor to embed a liaison officer at the local emergency operation center during a de-energization event. When requested, the utility must embed a liaison officer at the State Emergency Coordination Center during a de-energization event for the purpose of assessing and integrating wildfire threat data for decision-making. The electric investor-owned utilities should have a designated lead with decision-making authority located at the utility's emergency operations center with whom embedded liaisons can communicate in real-time to obtain the most up-to-date information. This requirement does not preclude the utilities from developing a centralized communication structure that is amenable to both the utility, the state ESF-12 liaison and local jurisdictions to provide real-time coordination and situation awareness.

860-XXX-XXXX

Request to Delay De-Energization

(1) The electric investor-owned utilities should address requests for a de-energization delay on a case-by-case basis when requests are made from public safety partners. The electric investor-owned utilities retain ultimate authority to grant a delay and responsibility to determine how a delay in de-energization impacts public safety.

(2) If the utility receives a request to delay de-energization, it must notify the Commission ESF12 liaison of the request, the reason for the request, the utility's decision and justification for the decision.

860-XXX-XXXX

De-Energization of Transmission Lines

(1) The electric investor-owned utilities must design interim protocols for the de-energization of transmission lines based upon the impacts to populations across affected jurisdictions including, but not limited to, publicly-owned utilities/electric cooperatives, adjacent jurisdictions and small/multi-jurisdictional utilities and critical facilities interconnected at the transmission level. The utility must solicit input from stakeholders in developing these protocols.

(2) In the event of transmission line de-energization, additional coordination may be required with the Oregon Office of Emergency Management via the Commission's ESF-12 liaison, the Oregon Department of Forestry, the Oregon State Fire Marshall, local jurisdictional public safety partners and other impacted partners. The electric investor-owned utilities must comply with Federal Energy Regulatory Commission and North American Electric Reliability Corporation reliability standards.

860-XXX-XXXX

Reporting Requirements

(1) No more than ~~10~~30 days following a de-energization event, the electric investor-owned utilities must file a report with Commission with the following information:

(a) Decision criteria leading to de-energization, including an evaluation of alternatives to de-energization that were considered, and mitigation measures used to decrease the risk of utility-

caused wildfire in the de-energized area;

(b) A copy of all notifications, the timing of notifications, the methods of notifications, and who made the notifications (the utility or local public safety partners);

(c) An accounting of any requests to delay de-energization, reason for the request, ultimate decision, and justification for that decision.

(d) If the utility fails to provide advanced notification, or notification according to the minimum timelines set forth in these Guidelines, an explanation of the circumstances that resulted in such failure;

(e) A description and evaluation of engagement with local and state public safety partners in providing advanced education and outreach and notification during the de-energization event;

(f) For those customers where positive or affirmative notification was attempted, an accounting of the customers, the number of notification attempts made, the timing of attempts, who made the notification attempt (utility or public safety partner), and the number of customers for whom positive notification was achieved;

(g) For those customers identified as vulnerable, a narrative of how those individuals or communities were notified, how notification was verified, who provided the notifications (utility or public safety partner), and any special accommodations provided.

(h) A description of how sectionalization, i.e. separating loads within a circuit, was considered and implemented and the extent to which it impacted the size and scope of the de-energization event;

(i) An explanation of how the utility determined that the benefit of de-energization outweighed potential public safety risks;

(j) The timeline for power restoration (re-energization,) in addition to the steps taken to restore power;

(k) Lessons learned from the de-energization event.

~~(2) In addition to de-energization reports, the electric investor owned utilities are required to file reports on de-energization lessons learned no later than December 31, 2021. The reports must include a copy of all educational campaigns and outreach made in advance of the 2021 wildfire season and an evaluation of their effectiveness.~~