

ALISON WILLIAMS
Regulatory Policy & Strategy Advisor
awilliams@idahopower.com

VIA ELECTRONIC FILING

May 3, 2021

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

Re: Docket No. AR 638
Draft Temporary Rules – Idaho Power Company’s Comments

Dear Commissioners:

Idaho Power Company (“Idaho Power” or “Company”) appreciates this opportunity to provide a second set of comments on the temporary rules in the wildfire protection plan rulemaking (AR 638), as proposed by the Staff (“Staff”) of the Public Utility Commission of Oregon (“OPUC” or “Commission”) on April 6, 2021. Idaho Power offers these comments on the two distinct proposed temporary rules—ignition reporting requirements and Public Safety Power Shutoff (“PSPS”) protocols. Separately, Idaho Power, in coordination with Portland General Electric and PacifiCorp (the “IOUs” or “Joint Utilities”) submits for consideration proposed modifications to the temporary rules.

INTRODUCTION

In response to Governor Brown’s Executive Order 20-04, the OPUC launched AR 638 in August 2020 with the intent of a deliberative rulemaking process. The Company understands, however, that the Labor Day fires of 2020 marked a turning point for Oregon with respect to wildfire vulnerability and, as a result, fundamentally altered the scope of this rulemaking. What was once a single-track rulemaking is now a dual-track effort with a near-term objective of implementing wildfire measures in advance of the 2021 wildfire season.

The Company recognizes that Staff has been working diligently in recent months to develop temporary rules. Unfortunately, the release of these proposed rules in April leaves

insufficient time for a rulemaking process, including necessary discussion, examination, and/or revision of the temporary rules, before the wildfire season begins. Idaho Power is concerned that, as proposed, the temporary rules assume a level of readiness and coordination that, to date, has not been evaluated and, in Idaho Power's specific case, is unachievable on such an accelerated timeline. The underlying work required to comply with the rules will take months of preparation and coordination, not weeks.

While these proposed rules may be worth considering on the permanent track of this rulemaking, they are ill-applied in the near-term. A reasonable course of action would involve identifying those measures that the IOUs could reasonably accomplish in the few weeks before the 2021 fire season and base the temporary rules on that information. To date, however, Idaho Power has not been asked about and has had limited opportunity to offer comment on its ignition-related data collection, PSPS development and readiness, level of engagement and coordination with first responders and land managers, or ability to identify and communicate with so-called "vulnerable populations." Such information should be collected to ensure that any temporary rules are based on a foundation that can be accomplished in the coming fire season.

As explained in the sections below, Idaho Power has concerns about the breadth of the temporary rules and the accelerated nature of this temporary rulemaking.

IGNITION REPORTING REQUIREMENTS

Staff proposes adding ignition reporting requirements to the existing Incident Reports portion of the Oregon Administrative Rules. Idaho Power considers this a logical fit, so long as the requirements for reporting are limited to ignition events within reasonable proximity of a utility's equipment or facilities.

During the Workshop on April 14, 2021, Staff made clear that the intent of the temporary ignition reporting rules is to develop a database of fire events in the state of Oregon, regardless of whether those events are near or related to a utility's facilities. If a database is indeed the intent, Idaho Power questions the use of OPUC's Form 221 as the data-gathering mechanism. A utility cannot report in a meaningful way, if at all, on fires that occur beyond its facilities or service area.

As proposed in Section (3)(a), the state's IOUs *"must report fire-related incidents that are (a) The subject of significant public attention or media coverage; or where the utility's facilities are associated with the following criteria..."* As an initial matter, Idaho Power does not know what constitutes "significant public attention or media coverage" and who (or what) will make such a determination. Additionally, Idaho Power questions the two qualifying events joined by an "or" (rather than "and") in the above referenced rule language (*"or where the*

utility's facilities are associated with the following criteria..."). As written, this rule would require any IOU, regardless of fire location relative to its service area or facilities, to file an incident report. Put another way: the rule as written would require Idaho Power to file an incident report for a fire in Portland, more than 200 miles from its service area and facilities. Further, the temporary rule as written would result in the three IOUs filing reports on the same events, distorting the dataset Staff has the intention of developing. A simple solution, supported by Idaho Power and consistent with the Joint Utilities redline document, is to strike "*The subject of significant public attention or media coverage*" from the temporary rules.

Additionally, Idaho Power seeks to understand the basis for a 20-day filing requirement for any fire event and questions whether this timing is sufficient to identify ignition sources. The Company understands that modifications to the OPUC's Form 221 are in development as part of this docket—and that the form would be expanded to include specific causes of ignition events. Any added components to Form 221, the level of detail required, and both practical and legal implications of such disclosure should be a subject of review during the temporary rulemaking process. To date, however, the proposed modifications to the form have not been introduced to the rulemaking. Idaho Power believes there should be ample opportunity to review and comment on any changes to the form before adoption.

Finally, the Company seeks to understand the rationale behind reporting on any fire traveling "greater than one linear meter." Idaho Power would appreciate learning about assessments undertaken by Staff to determine this distance as a reasonable reporting threshold. This language stems from the California Public Utilities Commission's ignition reporting requirements¹—however, it is Idaho Power's understanding that this language in California is related to an **annual** reporting requirement, not reporting immediately following an event. If language is borrowed from another state, Idaho Power would request consistent application of that language in terms of a reporting timeline.

PSPS PROTOCOLS

Idaho Power recognizes that emergency de-energization is a priority issue for the OPUC. While the Company has taken significant proactive measures to mitigate wildfire risk (primarily through the development of its 2020 Wildfire Mitigation Plan²), Idaho Power will not have an operational PSPS strategy in place before the 2021 fire season.

The Company has formed an internal team that is currently developing a PSPS strategy. The team's efforts—which will encompass evaluation and determination of PSPS-level events, operational measures and practices, community collaboration and

¹ See <https://www.cpuc.ca.gov/fireincidentsdata/>

² On January 22, 2021, Idaho Power filed its Wildfire Mitigation Plan with the Idaho Public Utilities Commission in Docket No. IPC-E-21-02.

communication, and the design and execution of customer outreach programs and platforms during PSPS events, among other considerations—will take upwards of 12 months. Idaho Power does not take the prospect of PSPS lightly and, as such, has designed a development process that allows for awareness, input and a thoughtful implementation timeline.

Given the extent of work that needs to be accomplished, Idaho Power does not consider it reasonable—or even possible—to have its PSPS strategy operational in the next several weeks. Beyond operational challenges, Idaho Power is concerned by the extent of the proposed communications requirements as laid out in the temporary rule—all of which assume a communications network and comprehensive customer information beyond what is currently in place or available in Idaho Power’s service area.

The Company appreciates the need to communicate widely about de-energization events. However, Idaho Power would like to highlight some of the challenges associated with the reporting requirements of reaching “vulnerable populations,” as defined. Currently, Idaho Power has a voluntary text message program to reach its customers by cell phone. Beyond this opt-in program, the Company has limited ability—if any—to discern a customer’s age, income, primary language, physical and/or mental disability, injury, medical condition, or dependence on public transit. Further, the Company has no ability to communicate beyond its customer base, such as to those experiencing homelessness. Building out a communications apparatus and network that allows Idaho Power to identify and reach “vulnerable populations” will not only take significant time and resources, but will require the participation of customers and the public, many of whom have historically not volunteered their information to Idaho Power or who do not wish to have certain information retained by Idaho Power. Moreover, such efforts should be designed to comply with federal laws that include the Telephone Consumer Protection Act and the CAN-SPAM Act, any applicable state medical privacy laws and regulations, and with future state consumer privacy laws that may develop.

Finally, the Company would like to point out that each section of the PSPS protocols presupposes an operational PSPS strategy, which, as previously stated, Idaho Power is currently developing but will not have ready for the upcoming fire season. Communications with Staff indicate that a waiver of PSPS protocols will be proposed. Considering the proximity of the approaching fire season and the stage of the Company’s PSPS development, Idaho Power supports inclusion of such a waiver and intends to request one for the following reasons: 1) the Company is in the process of developing a PSPS strategy; 2) the Company may only develop PSPS protocols for its identified Red Risk Zones (highest identified risk areas)—and has no Red Risk Zones in its Oregon service area or transmission corridors, and 3) the Company considers its proactive wildfire mitigation measures sufficiently robust for the upcoming fire season.

CONCLUSION

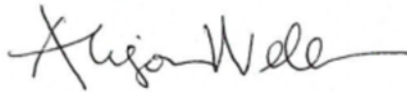
Idaho Power thanks the Commission for this opportunity to review the proposed temporary rules. As the comments above illuminate, the Company has concerns about temporary rules that would establish unclear yet expansive requirements or requirements associated with programs that Idaho Power will not have in place for the 2021 fire season.

The Company certainly recognizes the importance of having some fire-related measures in place for the 2021 fire season but believes that any rules should be thoughtful and practical based on what is possible to develop in the next few weeks.

Finally, with respect to PSPS protocols, the Company requests the inclusion of a waiver process in acknowledgement that Idaho Power will not have an operational PSPS strategy in place for the upcoming fire season.

If you have any questions about these comments, please do not hesitate to contact me at (202) 674-2447 or Doug Dockter, Senior Manager of Transmission & Distribution Engineering and Reliability, at ddockter@idahopower.com or (208) 388-2741.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alison Williams", with a long horizontal flourish extending to the right.

Alison Williams
Regulatory Affairs