



Portland General Electric Company
121 SW Salmon Street • 1WTC0306 • Portland, OR 97204
portlandgeneral.com

May 12, 2022

Via Electronic Filing

Public Utility Commission of Oregon
Attention: AR 638 Service List
P.O. Box 1088
Salem, OR 97308-1088

Re: AR 638: Utility Group comments and redlines to Division 024 Proposed Rules

Portland General Electric Company, PacifiCorp d/b/a Pacific Power, Idaho Power Company, the Oregon Rural Electric Cooperative Association, the Oregon People's Utility District Association, and the Eugene Water & Electric Board (collectively referred to as the "Utility Group") appreciates the Public Utility Commission of Oregon ("Commission") providing the opportunity to comment on the proposed Wildfire Mitigation rules. In these comments, the Utility Group proposes a new rule: 860-024-0060, Resolution of Violations of Commission Safety Rules in High Fire Risk Zones.

As reflected through this rulemaking, existing rules, agreements, and processes that inform inspection and correction programs may not be enough to mitigate the growing risk of wildfire. The Utility Group appreciates the significant progress made to advance the Wildfire Mitigation draft rules, specifically 860-024-0018, which includes a mechanism to accelerate the correction of conditions that correlate to a heightened wildfire risk for both pole occupants and pole owners. To build upon this progress, the Utility Group proposes an additional rule to facilitate an accelerated path of escalation for the circumstances in which resolution of these conditions cannot initially be reached between pole owners and occupants in the High Fire Risk Zones (HFRZ). The Utility Group believes that this additional, expedited path of escalation will result in more timely correction of violations.

The Utility Group's proposed rule is drafted in the spirit of the discussion that took place at the Commission's February 8th Public Meeting, during which Commissioner Thompson suggested that the Commission has a role to play in driving the ultimate (and timely) correction

of a violation located in an HFRZ. This conceptual process was also raised in the Administrative Hearings Division-led (AHD) Workshop held on May 4th, in which Judge Mapes invited participants to submit proposals for an enforcement process. Accordingly, the Utility Group is proposing a process that would function on an expedited basis, similar to the process that is employed by the Commission to address violations of the Call Before You Dig laws.

The Utility Group is encouraged by the open discussions during the workshops and believe that progress is being made to develop clear and actionable rules that will help utilities mitigate the risk of their facilities causing an ignition in HFRZs. The Utility Group encourages the AHD to include this proposal in the redline draft of rule language that will be circulated on May 20, 2022, in order to facilitate additional comment and discussion.

Sincerely,

/s/ W.M. Messner
Director of Wildfire Mitigation and Resiliency
Portland General Electric Company

/s/ Amy McCluskey
Managing Director, Wildfire Safety & Asset Management
Pacific Power

/s/ Alison Williams
Regulatory Policy & Strategy Advisor
Idaho Power

/s/ Ted Case
Executive Director
Oregon Rural Electric Cooperative Association

/s/ Danelle Romain
/s/ Mike Freese
Lobbyists
Oregon People's Utility District Association

/s/ Jason Heuser
Policy and Government Affairs Director
Eugene Water & Electric Board

+860-024-0060

Resolution of Violations of Commission Safety Rules in High Fire Risk Zones

(1) This rule establishes a process to initiate a complaint alleging failure to address a violation consistent with the requirements in OAR 860-024-0018 (7).

(2) The complaint may be filed by either a pole owner or pole occupant. The party filing the complaint under this rule is the "Complainant." The other party, against whom the complaint is filed, is the "Respondent."

(3) In order to initiate this form of complaint at the Commission, the Complainant must be able to demonstrate that it issued a written notice of the violation(s) to the Respondent. The notice must contain, at a minimum: notice of each attachment allegedly in violation; an explanation of how the attachment violates Commission Safety Rules; the pole number and location; an explanation of where the alleged violation(s) are located within the HFRZ; and the timeframe(s) within which the Respondent was expected to address each attachment allegedly in violation.

(4) If the Complainant has made the correction itself or the alleged violation remains uncorrected by the Respondent for an additional seven (7) calendar days following the correction timeframe set forth in the notice, the Complainant may then file a complaint with the Commission.

(5) The complaint must contain each of the following:

(a) A copy of the Complainant's notice of violation, that is in conformance with criteria described in part (3) of this rule;

(b) If applicable, a description of any actions taken by the Complainant to address the violation(s), including actions permitted by Chapter 860, Division 028 rules and Chapter 860, Division 024 rules;

(c) A description of the relief sought by the Complainant from the Commission; and

(d) Any other information the Complainant deems relevant to the complaint.

(6) The Commission will serve a copy of the complaint upon the Respondent. Service may be made by electronic mail if the Commission verifies the Respondent's electronic mail address prior to service of the complaint and a delivery receipt is maintained in the official file. Within seven (7) calendar days of service of the complaint, the Respondent must file its response with the Commission, addressing in detail each claim raised in the complaint and a description of the Respondent's position on the alleged violation(s).

(7) If the Commission determines after a hearing that the Respondent failed to address a violation of Commission Safety Rules pursuant to OAR 860-024-0018 (7), the Commission may order any relief it deems just and reasonable including

(a) ordering Respondent to repair the violation or remove the attachment from the pole within a prescribed timeframe;

(b) ordering Respondent to take any necessary actions to avoid future non-compliance; and/or

(c) imposing a penalty upon the Respondent pursuant to ORS 757.990(1).