

4/13/21

Public comments to Oregon PUC (Public Utility Commission) for AR 638 Draft Temporary Rulemaking and 4/14/21 workshop

Submitted to: PUC.FILINGCENTER@puc.oregon.gov; lori.g.koho@puc.oregon.gov

Submitted by: Hood River County Emergency Manager Barb Ayers
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On behalf of Hood River and Wasco County PSPS planning coalition (Hood River County Sheriff's Office of Emergency Management, Hood River Sheriff, Hood River County Administration, Hood River Public Health, Wasco County Sheriff, Wasco County Emergency Management, the City of Hood River, Hood River Fire Department, Mosier Fire District)

Dear Public Utility Commission:

Hood River County and Wasco County are small, rural counties with limited resources; both are directly impacted by new Pacific Power PSPS outage plans and would be directly affected by OR PUC AR 638 rulemaking.

We first learned about PSPS in Hood River and Wasco in June 2019 and had initial communications from PacifiCorp to emergency management, first response and local government leaders, and remain concerned about gaps in our local readiness after 2019 PSPS tabletops. After Oregon firestorm 2020, PSPS and outages may now receive more attention, transparency and response planning statewide, which is a welcome change.

The biggest need moving forward across both of our counties, is better coordination, support, resources and planning to address local community needs in a PSPS incident, particularly for small and rural agencies such as ours, who are ill-equipped for the complexities they cause.

Hood River is a small (population 25,477), remote and rural county with limited resources to serve our vulnerable population base. County risks swell seasonally, with five million annual visitors to Hood River and the Columbia Gorge National Scenic Area visitors, and during our renowned, high-value agriculture industry. Our economy is dependent on agriculture, tourism, and small business. Road closures during winter and wildfires cause isolation and dwindling supplies. Our County's northern boundary, the Columbia River, is a busy interstate

transportation system – comingling river barges, Oregon’s busiest freeway, and Union Pacific Railway – adjacent to our renowned watersports destination.

Thank you for the opportunity to comment on AR 638.

Specific comments:

- We Support Oregon PUC AR 638 Draft Temporary Rules for PSPS protocols, public notification and development of mitigation and response plans.
 - See specific comments on the draft rules lower in this document.
- Please consider adopting plans and lessons learned from California PUC (attached)
 - 1/30/20 Administrative Law Judge ruling, CA PUC rulemaking 18-12-005 and Attachment 1, offer an excellent blueprint for Oregon rulemaking after lessons learned in California PSPS incidents.
- Oregon PUC (OR PUC) Executive order 20-04 work plans focus more on greenhouse gas emissions (GRG) than wildfire mitigation – can you substantially elevate wildfire mitigation planning priority, please?
 - Four of your five work plans focus on GRG – while important; the urgency of Wildfire Prevention, Mitigation and PSPS planning cannot wait, and should be the top priority.
 - The first four 20-04 work plans focus on *GRG Reduction- utility planning; GRG Utility services; GRG Transportation electrification; and Impacted Communities.*
 - The fifth work plan, *Wildfire Prevention and Mitigation* covers wildfire emergency response and PSPS impact on local communities, requires in-depth, urgent attention.
 - *Wildfire Prevention and Mitigation* should be the #1 plan and take the highest priority. There are significant power outage impacts on local communities during PSPS incidents that need to be mitigated, above and beyond wildfire mitigation.
- This draft document puts a heavy emphasis on utilities working with state agencies; it is essential that local (i.e. County, City, public safety agencies) are directly involved with planning for PSPS, notification, power outage and wildfire mitigation efforts.

- This planning and communication should include 911, EM, Fire and law enforcement, City and County leadership, business, transportation, health, and social service sectors.
- We have had limited communication to date from PacifiCorp to the local emergency management/first response/local government community. We worked together on initial 2019 tabletops, and we hope to dramatically increase future partnership on emergency response with the utility and the state to meet significant remaining gaps in local readiness.
- Please consider adopting plans and lessons learned from California PUC (attached)
 - 1/30/20 Administrative Law Judge ruling, CA PUC rulemaking 18-12-005 and Attachment 1, offer an excellent blueprint for Oregon rulemaking after lessons learned in California PSPS incidents.

Hood River and Wasco community needs for wildfire and PSPS power outage mitigation:

- OR PUC should adopt advance planning with local jurisdictions and accountability and reporting measures like CA PUC has for PSPS, wildfires and planned outages.
 - Pacific Power PSPS plans are in effect in Hood River and Wasco Counties. We would request more accountability and transparency in PSPS response, incidents and planning, such as CA PUC mandates of any utility contemplating PSPS, statewide in Oregon.
 - We sincerely appreciate Pacific Power's efforts to limit, or eliminate PSPS from our Counties through system hardening and other measures.
- Oregon PUC laws indicate power shutoffs for public safety reasons limit/remove utility liability for outage impacts
 - This causes concern about the shift of liability from the utility if they call an outage PSPS, or cite public safety reasons, when outages themselves cause additional impacts.
 - PUC laws also help ensure reliable power for residents, due to health risks in power outages

- PSPS shifts responsibility to public agencies from investor-owned utilities, to respond to a new community hazard (long term or recurring power outages) without new resources.
 - In Hood River and Wasco counties, only one investor-owned utility plans PSPS; no Public Utility Districts do.

- Lack of electricity during extreme hot weather events (that are common here) could trigger PSPS. This causes lack of interior cooling capacity, putting vulnerable, elderly and medically fragile populations particularly at risk.
 - As evidenced by recent examples in California, outages put the lives of those that depend on electrical heating, refrigeration, electric medical equipment, or those with underlying conditions, at significant risk.

- Access to electricity is fundamental to effective emergency response, business continuity and preparedness. Interrupted electricity access affects every aspect of community response, from telecommunications, transportation, 911 services, fire and life safety response, public health, food preservation, safety, distribution and access, access to lifeline services and supply chains, fuel and banking access, etc.

- Counties like ours lack – and need - financial support for community impact mitigation
 - Mitigation for high heat and smoke with power outage
 - Food spoilage, health impacts of high heat
 - Loss of power to grocery stores and gas stations during peak summer season crippling supply chain
 - Loss of ability to receive Citizen Alert in outages
 - Traffic problems
 - Impacts to emergency response, families, medically fragile
 - Tourism and Farming – short seasonal term for businesses to make their living in summer and fall
 - High value agriculture economy could be devastated during critical growing and harvest seasons
 - Millions of international tourists here in summer- Columbia Gorge Scenic Area. Hood River County is a hub from that tourism

- Small, rural counties like ours lack energy independence from private utilities, who announced plans to cut power, whereas local PUD's have not.
 - Pacific Power's PSPS Plans affect most of Hood River County and Mosier, except downtown Hood River and all public utility customers (limited areas.)
 - Local PUD's with no PSPS plans: City of Cascade Locks, Hood River Electric Co-Op, North Wasco Co-op, and BPA.
- Impacts on small, rural agencies like ours are particularly high for PSPS outages
 - We have few backup power resources, staffs and resources
 - PSPS shifts the burden from the utility that decides to cut power, to emergency response by county, cities, and nonprofit social services.
 - Local services may also be tapped out due to peak summer season emergency response for high tourism and busy transportation corridors.
- Hood River and Wasco Counties have had limited response and communications planning and capacity to respond to PSPS non-emergency power outages proposed by Pacific Power in wildfire season. We need help, with:
 - Limited staff and resources to add new hazard planning
 - Limited backup power
 - Limited public and social services to help mitigate outage impacts
 - Needed plans in sync with public services and utility to offset this
 - Assessment of health impacts with utility and planned mitigation
 - Vulnerable population planning needs to occur to mitigate community impacts.
 - We do not have the bandwidth for any of these impacts and need utility or state resources to help develop these plans and resources.
- Critical infrastructure and essential services at the County, City and fire district level needs to be addressed and prioritized for maintaining power is possible, in advance of power outages, to ensure continuity of operations
 - We do not have the bandwidth, countywide, to mitigate utility outages and need utility or state resources to help

- We need support with assessments for infrastructure and services
- County public safety leaders must work closely with utility in decision-making, notification and response. The community pays much closer attention to county citizen alerts than utility emails and our list of Citizen Alert community members is substantially more robust than the utilities' lists.
 - We must solidify advance planning with local safety officials and the utility in before wildfire season and prior to possible PSPS incidents.
 - We must ensure the utility works with local emergency response jurisdictions on PSPS notifications and planning, before public warning goes out.
 - We need shared decision making about when/how to reduce impacts of outages
- We must increase public outreach about power outages in summer for PSPS – the public in our Counties are not aware of impacts and hazards.
 - We do not have the bandwidth for this and need utility or state resources to help develop these plans and resources.
- The utility must provide mitigation for power outages they put into effect:
 - Stable of generators, communications platforms, batteries to reinstate power and communication losses
 - Mitigation payments and benefits to impacted communities, and resources available to offset power outage impacts before, during and after incidents.
 - Cooling shelters and emergency shelters, evacuations, and transportation out of the community during PSPS for safety
 - Red Cross will not open shelters for PSPS
 - How will the utility mitigate lost power and lost income to its customers?
 - Significant economic impacts that business insurance doesn't cover.
- PPS triggers – we need more transparency and accountability; enhanced public/private partnership in triggers and outage decision-making.

- Drought conditions, high winds – patterns last several days here; Pacific Power says to expect only 6-12 hour outages
 - Our extreme weather patterns last longer than 6-12 hours; usually several days to a week. And recur monthly throughout summer.
 - Add inspection and reinstatement time after outage time to capture true down time and need power loss mitigation for that duration
 - Recurring outages lasting short duration (6-12 hours) but recurring during weather patterns cause higher impacts that need mitigation
- Need to ensure recurring outage impact planning, worst case scenario planning and public/private partnership.

Line by line comments on AR 638 draft temporary rules:

860- Definitions for PSPS

(5) Add: lifeline services such as emergency shelters, food banks, community, and social services

Add: 911 communications towers and systems

Requirement to notify

(2) B Remove “to the extent possible”, replace with WILL partner with local jurisdictions; and add: will develop community relief services, in addition to vulnerable population planning and communication protocols and make every effort to mitigate lost power and resources due to the outage.

(1) Remove: “Whenever possible;” replace with: the electric investor-owned utility will provide advance notice ...

Procedure for notification

(3) Remove “every effort must be made.” Reads: Electric utility investor owned utilities WILL provide notice...

Required information in Notification in Advance of and Directly Preceding a De Energization Event

- (1) The electric investor-owned utility (REMOVE: are afforded discretion to evaluate real time information in determining whether to de-energize.)
 Insert: will consider its own real time data and will also work with local jurisdictions in determining whether to de-energize, length and recurrence of de-energization and will work to reduce impacts on community and public services.

Methods for communications de-energization with the public

- (1) Remove “whenever possible.” Reads: Utility must develop notification strategies with local and state public safety officials.

Coordination with Public Safety Partners before and During a De-energization event

ADD: The electric investor-owned utility will sponsor community power outage mitigation strategies to help offset lost electric service.

Request to delay de-energization

- Please address: what are the liability issues for delays, if requested by local leaders?

Reporting requirements

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

ADD: and the directly affected local jurisdiction/s.

Thank you again for the opportunity to comment.



MBL/nd3 1/30/2020

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02:11 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine
Electric Utility De-Energization of Power
Lines in Dangerous Conditions.

Rulemaking 18-12-005

**ASSIGNED COMMISSIONER'S RULING REGARDING
PACIFIC GAS AND ELECTRIC COMPANY'S POST-PUBLIC SAFETY
POWER SHUTOFF CORRECTIVE ACTION REPORTING**

This Ruling identifies serious deficiencies in Pacific Gas and Electric Company's (PG&E) weekly post-Public Safety Power Shutoff (PSPS) corrective action reporting; finds that it was inappropriate for PG&E to have unilaterally determined it could discontinue weekly corrective action reporting; directs PG&E to reinstate corrective action reporting on a biweekly basis; imposes additional reporting requirements; and directs PG&E to engage with California Public Utilities Commission (CPUC) staff and other state agencies to demonstrate progress towards the elements in its post-PSPS corrective action related to the October 2019 PSPS events and in its pre-2020 wildfire season preparation efforts as outlined herein.

1. Background

On October 14, 2019, I sent a letter to PG&E Corporation Chief Executive Officer William Johnson regarding PG&E's power shutoffs from October 9, 2019 to October 12, 2019 (October 14 Letter). In that letter, I directed PG&E to file weekly updates on its progress toward a series of corrective actions intended to improve PG&E's planning and execution of PSPS events. My guidance in that letter was for PG&E to continue submitting the corrective action reports until all

concerns described in the letter were addressed. PG&E chose to comply with this requirement by submitting weekly updates by letter to me beginning on October 17, 2019. These letters were then posted on the CPUC website.

On November 12, 2019, an assigned Commissioner and Administrative Law Judge (ALJ) ruling was issued directing PG&E to show cause why it should not be sanctioned by the CPUC for violation of Public Utilities Code Section 451, Decision 19-05-042, and Resolution ESRB-8 during the PSPS events from October 9, 2019 to October 12, 2019 and from October 23, 2019 to November 1, 2019 (Order to Show Cause).

On November 15, 2019, PG&E filed a Motion for Clarification of the October 14 Letter and November 12, 2019 Order to Show Cause, identifying a potential conflict with the way PG&E chose to meet the compliance requirement from the October 14 Letter and the Commission's *ex parte* rules, because the Order to Show Cause phase of the proceeding may be categorized as adjudicatory.

On November 26, 2019, an ALJ ruling determined that the Order to Show Cause phase of the proceeding is categorized as adjudicatory, and accordingly, *ex parte* communications on the issues within the Order to Show Cause are prohibited. Therefore, the ALJ ruling required that PG&E formally file and serve in the Rulemaking (R.) 18-12-005 its weekly report on post-PSPS corrective actions.

PG&E subsequently filed its weekly report in the R.18-12-005 proceeding. With its December 6, 2019 filing, referred to as a "final report," PG&E unilaterally determined that it had met the criteria in the October 14 Letter for demonstrating that all of the concerns in the letter had been addressed, and

PG&E absolved itself from continuing to file weekly updates on its progress on corrective actions in R.18-12-005.¹

2. Reinitiating and Refining Reports

I have reviewed PG&E's weekly reports in consultation with the Commission's Safety and Enforcement Division (SED) Staff, and find the reports to be fundamentally inadequate in the detail and substance necessary to allow us to make a determination of whether PG&E has fully complied with the corrective actions it claims to have completed, let alone to engender confidence that it will meet its proposed timelines and milestones for the remaining corrective actions, or be released from its obligation to continue to report on its progress.

PG&E's weekly reports failed to cover all aspects of the directed corrective actions and failed to provide sufficient detail that would lead SED to believe that PG&E has taken appropriate measures to prepare for the next wildfire season. On multiple occasions processes and actions are listed, but they lack specifics and definitive timelines or assigned ownership of who within PG&E is responsible for the action.

PG&E's performance during PSPS events in 2019 was unacceptable and cannot be repeated in 2020. It is the CPUC's expectation that PG&E will invest the necessary resources to mitigate the need for, and scope of, future PSPS events. Additionally, PG&E must demonstrate that both its internal and external communications regarding PSPS events have received the attention required. The mandate from my October 14 Letter for PG&E to implement and report on a

¹ See, "Final report of Pacific Gas and Electric Company Providing Weekly Update in Compliance with October 14, 2019 Letter of Commission President Batjer," <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M323/K764/323764277.PDF>.

series of corrective actions was intended to be a concrete step toward improving public safety and helping PG&E improve its performance in 2020 and beyond.

With these outcomes in mind, I direct PG&E to reinstate reporting its progress on post-PSPS corrective actions effective immediately, and require the following adjustments:

- PG&E shall file biweekly reports in both R.18-12-005 and Investigation 19-11-013. The next report shall be submitted no later than February 10, 2020;
- PG&E shall report in an electronic word processing format (*e.g.*, Word) in order to provide more comprehensive narrative details of the corrective actions;
- PG&E senior management shall meet with SED staff, and other CPUC staff as appropriate, to discuss the status and substance of the items in its biweekly reports on a recurring basis. The frequency of these meetings shall be determined by the Director of SED;
- PG&E shall expand the level of detail it provides on each of the corrective actions (at a minimum, listing all actions taken for each reporting requirement instead of just the most recent; providing detailed descriptions of processes and procedures; providing specific milestones for corrective actions and timelines for accomplishing the milestones; and reports on progress or lack of progress toward the corrective actions), and adjust the content and detail of its reporting on an ongoing basis to incorporate direction and feedback provided by SED staff, and other CPUC staff as appropriate, in the recurring status meetings identified above;
- PG&E shall itemize actions taken with regard to PSPS preparation, operations, and corrective actions by assigning a process owner at the director level; and
- PG&E shall continue biweekly reporting until it receives authorization in writing from the Director of SED to cease, or change frequency of, the biweekly reporting.

3. Additional Wildfire Season Preparation Requirements

Based on the identified deficiencies in PG&E's reporting on its post-PSPS corrective actions to date, I am directing further action to ensure that PG&E is adequately operationalizing the clear guidance we have provided and implementing corrective actions that will meaningfully mitigate the impact of any future PSPS. To that end, PG&E is required to undertake the following:

- Within 15 days of the issuance of this ruling, PG&E Executive Leadership shall provide, and present in person to, the Director of SED with a detailed plan that:
 - a. Describes PG&E's (1) current capabilities, (2) planned improvements, and (3) anticipated challenges/concerns with regard to anticipated PSPS events in the following metrics and actions:
 - i. Predictive weather analysis (installation of weather stations, staffing, reaction criteria, training and improvements to the PG&E Operational Mesoscale Modeling System high-resolution weather forecasting model);
 - ii. Enhanced Public Outreach (notifying customers and the public at large of potential PSPS events including the methods used for each customer classification, such as, Medical Baseline, Vulnerable, Critical Facility Operators, *etc.*);
 - iii. Interagency Communication (processes on how PG&E will meet the requirements of the California Governor's Office of Emergency Services (Cal OES), the California Department of Forestry and Fire Protection (CAL FIRE), CPUC, local, state, and tribal government);
 - iv. Internal PG&E Emergency response procedures and capabilities (training to date, response needs/shortfalls, how PG&E plans to improve its ability to recover following a PSPS event that is both safe, and limits impact on customers);

- v. Mutual Assistance agreements/plans with peer utilities, agencies, contractors, *etc.*, who provide assistance, resources, training, or other operational needs at any phase of a PSPS event;
 - vi. Identification of critical infrastructure refinement, and what PG&E is doing to coordinate with these facilities (this includes not only medical and first responder facilities, but also vital transportation infrastructure locations that are critical to the economic health and safety of California); and
 - vii. System and grid improvements that will reduce the potential scope and scale of future PSPS events.
 - b. Details what PG&E resources are dedicated, or gaps, to PSPS mitigation, operations, and recovery, and identifies if they are PG&E owned resources, contracted, or obtained via mutual assistance agreements.
- Within 45 days of the issuance of this ruling PG&E shall have updated PSPS operating protocols established and, at the discretion of the CPUC, be prepared to exercise them in collaboration with Cal OES, CAL FIRE and CPUC Staff. PG&E shall be prepared to hold a no-notice exercise.
 - a. Within 14 days of completion of any such exercise, PG&E shall submit to the Director of SED an after-action report that details outcomes of the exercise and steps to address any elements of the execution of the exercise that were determined to need improvement.
- Within 30 days of the issuance of this ruling PG&E shall establish active working groups with tribal and local governments across PG&E's service territory, grouped by county or by other geographical boundary as appropriate, in which the needs of tribal and local governments during, before, and after a PSPS event are identified and addressed. PG&E shall also develop its 2020 de-energization protocols using feedback from the working groups. The protocols shall include, at a minimum, the provision of Community Resource Centers, communication strategies, information sharing,

identification of critical facilities and access and functional needs customers, and contingency plans. PG&E shall convene the working groups at least monthly, and shall consult with CPUC staff regarding the optimal frequency and duration of these working groups in preparation for the 2020 wildfire season. PG&E shall adjust any elements of its working groups on an ongoing basis based on feedback from CPUC staff pursuant to its inherent authority.

IT IS SO RULED.

Dated January 30, 2020, at San Francisco, California.

/s/ MARYBEL BATJER

Marybel Batjer
Assigned Commissioner



Oregon

Kate Brown, Governor

Public Utility Commission

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April 6, 2021

AR 638 Draft Temporary Rules and Workshop Announcement



Attached to this letter are Public Utility Commission of Oregon Staff's (Staff) Draft Temporary Rules for Ignition Reporting and Public Safety Power Shut-offs, as described in the March 24, 2021 [Docket No. AR 638](#) Scope and Schedule Announcement.

Draft temporary rules

Staff is proposing that the Commission adopt temporary rules on the following:

- **Public Safety Power Shut-off (PSPS) Protocols:** Establish baseline protocols for communication, community education, and coordination with key partners prior to, during, and after wildfire de-energization events for Investor Owned Utilities (IOUs). Request Consumer Owned Utilities (COUs) submit a copy of any de-energization plans to facilitate Commission functions regarding statewide wildfire preparedness. Providing minimum guidance for how these events are planned and executed will allow immediate steps to better protect customers and communities and coordinate with partners during 2021 fire weather.
- **Ignition Reporting Requirements:** Update the Commission's existing safety incident reporting rules ([OAR 860-024-0050](#)) so that investor-owned utilities are required to report fire-related incidents that meet certain criteria to the Commission within a minimum timeframe. This will allow Staff to identify emerging issues in a timely way in order to evaluate system safety and ratepayer protection.

Temporary rulemaking process

Staff plans to bring the temporary rules to the Commission at a public meeting May 18, 2021 and, if adopted, the rules will remain in place until November 14, 2021.

Staff will convene a workshop on April 14, 2021 to seek input on the draft temporary rules.

Staff also welcomes written comment. Comment prior to the April 14, 2021 workshop will help inform the workshop agenda; however, Staff understand the limitations of that timeline and requests that written comments are provided by May 3, 2021. Comments can be emailed to

PUC.FILINGCENTER@puc.oregon.gov.

Staff will discuss next steps in further detail at the April 14, 2021 workshop.

Temporary rules workshop

Below is the participation information for the April 14, 2021 workshop.

- **Date:** April 14, 2021
- **Time:** 9:30 AM Pacific Time
- **Join Zoom Meeting:** <https://opuc-state-or-us.zoom.us/j/88964728042?pwd=NUtWbFUzb2o5L2wzbXVhNXBlcmd5UT09>
- **Join by Phone:** 1-971-247-1195
 - Meeting ID: 889 6472 804
 - Passcode: 7804282721

If you have questions on the process or content of this rulemaking, contact: Lori Koho, Administrator Safety, Reliability, & Security Division, 503-576-9789, lori.g.koho@puc.oregon.gov.

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 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 the electric investor-owned utilities to 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 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 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

Methods for Communicating De-Energization Event with the Public

(1) The electric investor-owned utilities must develop notification strategies for all customer groups affected by de-energization, and the electric investor-owned utilities must partner with local and state public safety partners, whenever possible, to develop notification strategies. In order to be effective, notifications should be delivered in multiple formats across several media channels, both to increase the potential a message successfully reaches an impacted population and to provide a sense of corroboration that will encourage individuals to take protective actions. Customer notifications should include, but are not limited to, telephonic notification, text message notification, social media advisories, emails, and messages to agencies that service disadvantaged communities within an impacted area to allow them to amplify any pertinent warnings. Communication methods must consider the geographic and cultural demographics of affected areas (e.g. broadband access, languages prevalent within the utility's service territories, considerations for those who are vision or hearing impaired.).

(2) The electric investor-owned utilities must develop a strategy for how communication will occur with affected customers once de-energization has begun and during re-energization, recognizing that communication channels may be restricted due to the loss of power. The electric investor-owned utilities should develop this strategy in coordination with public safety partners.

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. When requested, the utility must embed a liaison officer at the State Emergency Coordination Center 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 ESF-12 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 days following a deenergization 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.