



OREGON TRAIL ELECTRIC COOPERATIVE

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November 18, 2021

Filing Center

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

Via Electronic Filing

Re: Docket AR 648/638 - Wildfire Mitigation Rulemaking, Draft Rules

Attention: Filing Center

Oregon Trail Electric Cooperative (OTEC) appreciates the opportunity to submit written comments concerning the Public Utility Commission of Oregon's (OPUC) draft rules for AR 648/638. OTEC is a not-for-profit, member-owned electric cooperative spanning four rural counties in Eastern Oregon. We've been serving our member-owners since 1987. OTEC has over 23,000 member-owners and serves more than 60,000 residents in Eastern Oregon. OTEC's mission and top priority is to supply power safely and reliably to our members, their homes, and businesses.

While OTEC has specific concerns with individual provisions of the draft rules that we will address later in this letter, we also wanted to briefly speak to the rules more broadly. In general, OPUC's rules are overly prescriptive and attempt to provide a one-size-fits-all approach to wildfire mitigation in a large and geographically diverse State. From vegetation management to joint use and inspection requirements, the draft rules create significantly more costs and complexities without clearly proving that the additional complexities will definitively improve wildfire mitigation strategies. We believe the rules need to be less prescriptive and provide more flexibility for Operators to develop wildfire mitigation plans that are specific to their geographic regions and vegetation types.

1. 860-024-0012(4): Deferment of Corrections to violations of Commission Safety Rules

OTEC believes that subsection (4) should be removed altogether. The exception provided in subsection (3) that is set to expire due to subsection (4) is an important piece of the wildfire mitigation process. Having the flexibility needed to prioritize corrections to

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violations of Commission Safety Rules allows utilities to ensure that the most relevant and important corrections are made to ensure a prudent and successful wildfire mitigation strategy is being implemented. Simply put, the availability of the exceptions granted in subsection (3) allow utilities to address the most consequential fixes first, and to prioritize direct fire mitigation over unnecessary, time consuming, costly fixes that have no significant impact on wildfire mitigation and that will be dealt with during the next major work activity.

2. 860-024-0016(1)(a): Cycle Buster Definition

O TEC encourages OPUC to remove the definition of “Cycle Buster” from the draft rules entirely. OPUC has clearly defined minimum standards in Subsection (5) for vegetation management that Operators must meet. This definition seems unnecessary.

3. 860-024-0016(3): Minimum Vegetation Clearance Requirements, Trim Cycle Rate

O TEC recognizes the very important role that a robust vegetation management program plays in wildfire mitigation. In addition, it is recognized that a cyclic approach to vegetation management is crucial to the safety and reliability of the electrical system. However, O TEC believes that the OPUC clearly established minimum clearance standards in Subsection (5) are sufficient for a prudent vegetation management program with emphasis on wildfire mitigation. The inclusion of a minimum trim cycle rate is a one-size-fits-all approach to a component of wildfire mitigation plans that can be drastically different from one side of the State to the other. Forest types and vegetation species vary significantly from Eastern Oregon to the Oregon Coast, and Operators across the State should have the necessary flexibility to comply with the clear standards outlined in Subsection (5) without being concerned with a minimum trim cycle rate that feels duplicative, unnecessary, and possibly irrelevant depending on geographic factors.

O TEC appreciates the Staff’s effort to provide an operator the ability to set alternative cycle periods. However, the reporting and verification process adds pressure to resources that would better serve the public interest if applied differently. For example, the resources would more effectively protect the public interest by being utilized in managing to the minimum clearance standards currently contained in 860-024-0016(5)

OAR 860-024-0011(2)(c) requires operators to conduct routine safety patrols of overhead facilities at a maximum two-year interval. As part of an Operator’s wildfire mitigation plan, high risk fire areas are typically inspected annually for conditions that are a risk to public safety and wildfire ignition. These inspections and patrols include vegetation management clearances and therefore render the prescription of a three-year trim cycle repetitive, at best. The intent of the OPUC Staff is addressed in application of these inspections and the minimum vegetation clearances already contained in the rule outside of a three minimum trim cycle requirement.



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4. 860-024-0016(5): “including adverse weather and wind conditions”

The addition of “including adverse weather and wind conditions,” without clearly defining what adverse weather and wind conditions are, opens Operators up to additional potential liability and does not add clarity to the rules or improve wildfire mitigation plans. Adverse weather and wind conditions needs to be clearly defined, or the language needs to be removed from the draft rules entirely.

5. 860-024-0016(7)(f): Vegetation Removal Outside of Right of Way

This language calls for trimming outside of the right-of-way without ensuring Operators will have the legal authority to do so. Can OPUC provide Operators with the legal authority? Can OPUC ensure Federal land management agencies or private landowner compliance? Without legal authority this feels like it is setting Operators up for failure and potential litigation. Compliance with vegetation management rules may be impossible for an Operator simply because the Operator does not have the necessary legal authority for any specific location.

6. 860-024-0018(3)(b): “via onsite climbing or high-powered spotting scope”

OTEC recommends removing the language “via onsite climbing or high-powered spotting scope.” This is overly prescriptive and unnecessary. The preceding language of “detailed inspections” suffices. Operators should have the ability to utilize resources and technology necessary to conduct detailed inspections.

7. 860-024-0018(6): Detailed Inspection Cycle Alignment

The language “Consumer Owned Utility Pole Owners and Occupants in High Fire Risk Zones will implement detailed inspection cycle alignment” is confusing, overly prescriptive, and seems to be duplicative given prior requirements in the draft rules. Joint inspections are cumbersome and challenging to administer and implementing them may drastically slow down the implementation of a prudent wildfire mitigation plan.

Additionally, 860-024-0011(2)(a) already requires Operators to “Designate an annual geographic area to be inspected,” including “High Fire Risk Zones as identified by Operators of electric supply facilities.” 860-024-0011(2)(b) then requires Operators to “provide timely notice of the designation of the annual geographic area to all Owners and

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Occupants.” Taken together, 860-024-0011(2)(a) & (b) seem to accomplish the general idea of 860-024-0018(6)’s inspection cycle alignment, making 860-024-0018(6) duplicative. This requirement will only create additional challenges and is mostly covered in preceding draft rules. OTEC recommends removing the language “detailed inspection cycle alignment” and any reference to joint inspections altogether.

OTEC takes our responsibility to safely provide reliable power to our member-owners seriously. We also recognize our responsibility in protecting the lives and property of our member-owners and the vast ecosystems that our rural communities rely on for economic, social, and cultural value through appropriate wildfire mitigation. We understand that prudent, successful wildfire mitigation plans are perhaps the strongest tools we have available to us to accomplish both of those responsibilities. We also believe that this OPUC rulemaking is an important piece of getting those wildfire mitigation plans – and the rules that govern them – right. We again appreciate the opportunity to submit written comments on the draft wildfire mitigation rules and encourage OPUC to give full and fair consideration to our comments.

Sincerely,

Eric Wirfs

Eric Wirfs

Director of Operations