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***VIA ELECTRONIC FILING***

April 13, 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 Ms. Koho:

Idaho Power Company (“Idaho Power” or “Company”) appreciates this opportunity to provide initial comments on the temporary rules in the wildfire protection plan rulemaking (AR 638), as proposed by the Staff of the Public Utility Commission of Oregon’s (“OPUC” or “Commission”) on April 6, 2021. Considering the limited amount of time between the release of the draft temporary rules and the associated workshop on April 14, 2021, Idaho Power offers these high-level comments to inform the workshop agenda on the two components of the temporary rules: ignition reporting requirements and Public Safety Power Shutoff (“PSPS”) protocols.

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. However, the Company understands 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 also understands that Staff has been working diligently in recent months to develop temporary rules. Unfortunately, the release of these rules in April leaves insufficient time for discussion, examination, and/or revision before the wildfire season begins. Further, Idaho Power is concerned that, as written, the temporary rules assume a

level of readiness, coordination, and development that, to date, has not been evaluated and, in Idaho Power's specific case, is unachievable on such an accelerated timeline. The Company offers more detailed comments below with respect to the two components of the temporary rules.

### **IGNITION REPORTING REQUIREMENTS**

Idaho Power considers the existing Incident Reports portion of the Oregon Administrative Rules a reasonable place to add fire-related ignition reporting requirements. However, the Company asks for clarity and further examination around the following:

- A. **Incident report timing:** Idaho Power seeks to understand the basis for a 20-day filing requirement and whether this timing is sufficient to identify ignition sources. Further, Idaho Power believes the timing requirement should be informed by the level of specificity for reporting within the OPUC's Form 221—and it is the Company's understanding that the Form 221 modifications are in development as part of this docket. The added components of Form 221, the level of detail required, and both practical and legal implications of such disclosure should be a subject of review during the rulemaking process.
- B. **Scope of reporting:** As written in Section (3)(a), the state's investor-owned utilities ("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 seeks clarity on 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. As written, any IOU, regardless of fire location relative to its service area or facilities, would need 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.
- C. **Terminology and metrics:** Idaho Power welcomes a definition for a "self-propagating fire" to better understand qualifying events. Additionally, the Company seeks to better understand the rationale behind reporting on any fire traveling "greater than one linear meter." Idaho Power would appreciate understanding any assessments undertaken to determine this distance as a reasonable reporting threshold. This language appears to stem from the California Public Utilities Commission's ignition reporting

requirements<sup>1</sup> and the Company encourages an evaluation of the appropriateness of this metric for IOUs in Oregon.

## **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 identify ways to mitigate wildfire risk (primarily through the development of its 2020 Wildfire Mitigation Plan<sup>2</sup>), Idaho Power will not have an operational PSPS in place before the 2022 fire season. Considering this timing misalignment, the Company is unsure how it can comply with notification requirements for a program it will not have in place for this year's fire season.

The Company would like to note that it has an internal team in place 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 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 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 these rules—all of which assume a communications network and 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

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

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

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, and with future state consumer privacy laws that may develop.

The Company appreciates the desire to have fully operational and functional rules, but also would like to acknowledge that each section of the PSPS protocols presupposes an operational PSPS strategy, which, as previously stated, Idaho Power has not yet developed. Idaho Power is uncertain how it would, for example, “articulate thresholds for strong wind events as well as the conditions that define ‘an extreme fire hazard’” if it has not yet determined the conditions under which it will implement PSPS. Similarly, a company without an operational PSPS cannot be expected to “develop and execute a statewide Public Safety Power Shut-off education campaign.”

Idaho Power requests that the workshop address possible exemptions or modified rules for companies that will not have PSPS protocols operational on the timeline envisioned for these temporary rules.

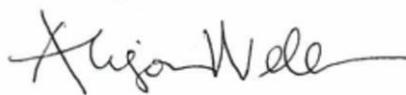
### **CONCLUSION**

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

The Company looks forward to discussion during the upcoming workshop. Anticipating a productive conversation during the workshop and the potential for modified rule language, Idaho Power plans to file a second set of comments for the Commission’s consideration.

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](mailto: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