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PERMANENT ADMINISTRATIVE ORDER

PUC 6-2022

CHAPTER 860

PUBLIC UTILITY COMMISSION

FILED

09/22/2022 4:34 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Risk-based Wildfire Protection Plans and Planned Activities Consistent with Executive Order 20-04.

EFFECTIVE DATE: 09/22/2022

AGENCY APPROVED DATE: 08/04/2022

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RULES:

860-024-0000, 860-024-0001, 860-024-0005, 860-024-0007, 860-024-0010, 860-024-0011, 860-024-0012, 860-024-0015, 860-024-0016, 860-024-0017, 860-024-0018, 860-024-0020, 860-024-0021, 860-024-0050, 860-300-0001, 860-300-0020, 860-300-0030, 860-300-0040

AMEND: 860-024-0000

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Rules applicable to operators.

CHANGES TO RULE:

860-024-0000

Applicability of Division 24 ¶

(1) Unless otherwise noted, the rules in this division apply to every Operator, as defined in OAR 860-024-0001.¶

(2) Upon request or its own motion, the Commission may waive any of the division 24 rules for good cause shown.

A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Statutory/Other Authority: ORS 183, 756, 757, 759

Statutes/Other Implemented: ORS 756.040, 757.035, 757.039, 757.649, 759.030, 759.040, 759.045

AMEND: 860-024-0001

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Defines terms used in Division 24.

CHANGES TO RULE:

860-024-0001

Definitions for Safety Standards ¶¶

For purposes of this Division, except when a different scope is explicitly stated:¶¶

(1) "Commission Safety Rules," as used in this section, mean the National Electric Safety Code (NESC), as modified or supplemented by the rules in OAR chapter 860, division 024.¶¶

(2) "Facility" means any of the following lines or pipelines including associated plant, systems, supporting and containing structures, equipment, apparatus, or appurtenances:¶¶

(a) A gas pipeline subject to ORS 757.039;¶¶

(b) A power line or electric supply line subject to ORS 757.035; or¶¶

(c) A telegraph, telephone, signal, or communication line subject to ORS 757.035.¶¶

(3) "Government entity" means a city, a county, a municipality, the state, or other political subdivision within Oregon.¶¶

(4) "Utility Practice" means a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region, which a reasonable utility official would expect, in light of the facts reasonably discernable at the time and given applicable local conditions, to accomplish the desired result reliably, safely and expeditiously.¶¶

(4) "Government entity" means a city, a county, a municipality, the state, or other political subdivision within Oregon.¶¶

(5) "High Fire Risk Zones" or "HFRZ" are geographic areas identified by Operators of electric facilities in their risk-based wildfire plans.¶¶

(6) "HFRZ Ignition Prevention Inspection" means an inspection that identifies potential sources of electrical ignition on any utility pole, structure, duct, or conduit owned by either the Owner or an Occupant in a High Fire Risk Zone. The inspection can be combined with other safety or detailed inspections as required by rule.¶¶

(7) "Material violation" means a violation that:¶¶

(a) Is reasonably expected to endanger life or property; or¶¶

(b) Poses a significant safety risk to any eOperator's employees or a potential risk to the general public.¶¶

(58) "Occupant" means any licensee, Government Entity, or other entity that constructs, operates, or maintains attachments on poles, structures or within conduits.¶¶

(9) "Operator" means every person as defined in ORS 756.010, public utility as defined in ORS 757.005, electricity service supplier as defined in OAR 860-038-0005, telecommunications utility as defined in ORS 759.005, telecommunications carrier as defined in ORS 759.400, telecommunications provider as defined in OAR 860-032-0001, consumer-owned utility as defined in ORS 757.270, cable eOperator as defined in ORS 30.192, association, cooperative, or government entity and their agents, lessees, or acting trustees or receivers, appointed by court, engaged in the management, operation, ownership, or control of any facility within Oregon.¶¶

(610) "Owner" means a public utility, telecommunications utility, or consumer-owned utility that owns or controls poles, structures, ducts, conduits, right of way, manholes, handholes or other similar facilities.¶¶

(11) "Pattern of non-compliance" means a course of behavior that results in frequent, material violations of the Commission Safety Rules.¶¶

(712) "Reporting eOperator" means an eOperator that:¶¶

(a) Serves 20 customers or more within Oregon; or¶¶

(b) Is an electricity service supplier as defined in OAR 860-038-0005 and serves more than one retail electricity customer.

Statutory/Other Authority: ORS 183, ORS 756, 757, ORS 757, ORS 759

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 758.215, ORS 759.005, ORS 759.045

AMEND: 860-024-0005

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Requirements for development and keeping of maps.

CHANGES TO RULE:

860-024-0005

Maps and Records ¶

(1) Each utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items.¶

(2) Upon request, each utility shall file with the Commission an adequate description or maps to define the territory served. Maps must include all recently identified High Fire Risk Zones. All maps and records which the Commission may require the utility to file shall be in a form satisfactory to the Commission Staff.

Statutory/Other Authority: ORS 183, ~~756~~, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040, ORS 757.020

AMEND: 860-024-0007

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Standard for management of underground facilities.

CHANGES TO RULE:

860-024-0007

Location of Underground Facilities ¶

An Operator and its customers shall comply with requirements of OAR chapter 952 regarding the prevention of damage to underground facilities.

Statutory/Other Authority: ORS 183, ORS 756, ~~757~~, ORS 757, ORS 759

Statutes/Other Implemented: ORS 757.542 - 757.562, ORS 757.649, ORS 759.045

AMEND: 860-024-0010

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Standards for electric and communication lines.

CHANGES TO RULE:

860-024-0010

Construction, Operation, and Maintenance of Electrical Supply and Communication Lines ¶

Every ~~o~~Operator shall construct, operate, and maintain electrical supply and communication lines in compliance with the standards prescribed by the 2017 Edition of the National Electrical Safety Code approved April 26, 2016, by the American National Standards Institute.¶

[Publications: Publications referenced are available for review from the Commission.]

Statutory/Other Authority: ORS 183, ~~ORS 756, 757,~~ ORS 757, ORS 759

Statutes/Other Implemented: ORS 757.035

AMEND: 860-024-0011

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Requirements for inspections of electric and communication equipment.

CHANGES TO RULE:

860-024-0011

Inspections of Electric Supply and Communication Facilities ¶¶

- (1) An eOperator of electric supply facilities or an eOperator of communication facilities must:¶¶
- (a) Construct, operate, and maintain its facilities in compliance with the Commission Safety Rules; and¶¶
 - (b) Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules.¶¶
 - (A) The maximum interval between detailed inspections is ten years, with a recommended inspection rate of ten percent of overhead facilities per year. During the fifth year of the inspection cycle, the eOperator must:¶¶
 - (i) Report to the Commission that 50 percent or more of its total facilities have been inspected pursuant to this rule; or¶¶
 - (ii) Report to the Commission that less than 50 percent of its total facilities have been inspected pursuant to this rule and provide a plan for Commission approval to inspect the remaining percentage within the next five years. The Commission may modify the plan or impose conditions to ensure sufficient inspection for safety purposes.¶¶
 - (B) Detailed inspections include, but are not limited to, visual checks, pole test and treat programs (only required for pole Owners) or practical tests of all facilities, to the extent required to identify violations of Commission Safety Rules. Where facilities are exposed to extraordinary conditions (including High Fires Risk Zones) or when an eOperator has demonstrated a pattern of non-compliance with Commission Safety Rules, the Commission may require a shorter interval between inspections.¶¶
 - (c) Conduct detailed facility inspections of its underground facilities on a ten-year maximum cycle, with a recommended inspection rate of 10 percent of underground facilities per year.¶¶
 - (d) Maintain adequate written records of policies, plans and schedules to show that inspections and corrections are being carried out in compliance with this rule and OAR 860-024-0012. Each eOperator must make these records available to the Commission upon its request.¶¶
- (2) Each eOperator of electric supply facilities must:¶¶
- (a) Designate an annual geographic area (including High Fire Risk Zones if identified by Operators of electric supply facilities) to be inspected pursuant to subsection (1)(b) of this rule within its service territory;¶¶
 - (b) Provide timely notice of the designation of the annual geographic area to all eOwners and eOccupants. The annual coverage areas for the entire program must be made available in advance and in sufficient detail to allow all eOperators with facilities in that service territory to plan needed inspection and correction tasks. Unless the parties otherwise agree, eOperators must be notified of any changes to the established annual geographic area designation no later than 12 months before the start of the next year's inspection. For High Fire Risk Zones, Operators must be notified of any changes to the designation of a High Fire Risk Zone no later than 60 days before the start of the year's inspection; and¶¶
 - (c) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards ~~to the public~~ consistent with Good Utility Practice and of detection quality materially equivalent to onsite inspection. The maximum interval between safety patrols is two years, with a recommended rate of 50 percent of lines and facilities per year.¶¶
 - (d) Inspect electric supply stations on a 45 day maximum schedule.¶¶
- ~~(3) Effective Dates¶¶~~
- ~~(a) Subsection (2)(a) of this rule is effective January 1, 2007;¶¶~~
 - ~~(b) Subsection (1)(b) of this rule is effective January 1, 2008.~~
- Statutory/Other Authority: ORS 183, ORS 756, 757, ORS 757, ORS 759
Statutes/Other Implemented: ORS 757.035

AMEND: 860-024-0012

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Guidance for how operators prioritize certain repairs.

CHANGES TO RULE:

860-024-0012

Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities ¶

(1) A violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the eOperator immediately after discovery.¶

(2) Except as otherwise provided by this rule, the eOperator must correct violations of Commission Safety Rules no later than two years after discovery.¶

(3) An eOperator may elect to defer correction of violations of the Commission Safety Rules that pose little or no foreseeable risk of danger to life or property to correction during the next major work activity.¶

(a) In no event shall a deferral under this section extend for more than ten years after discovery.¶

(b) The eOperator must develop a plan detailing how it will remedy each such violation.¶

(c) If more than one eOperator is affected by the deferral, all affected operators must agree to the plan. If any affected operators do not agree to the plan, the correction of violation(s) may not be deferred.¶

(4) After December 31, 2027, the only allowable conditions for deferrals as set forth in section (3) are as follows: repairs that accommodate schedules for permitting issues, repairs impacted by planned public works projects, and/or repairs that cannot be performed within the two-year correction timeframe due to circumstances outside the Operator's reasonable control. Plans for correction for deferrals due to these conditions must be submitted to Commission Staff for review and tracking.

Statutory/Other Authority: ORS 183, ~~ORS 756, 757~~, ORS 757, ORS 759

Statutes/Other Implemented: ORS 757.035

AMEND: 860-024-0015

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Power line ground return guidance.

CHANGES TO RULE:

860-024-0015

Ground Return ¶

Every operator with either alternating or direct current power lines or equipment within Oregon may use a connection to ground only for protection purposes. A ground connection shall not be used for the purpose of providing a return conductor for power purposes.

Statutory/Other Authority: ORS 183, ORS 756, ~~757~~, ORS 757, ORS 759

Statutes/Other Implemented: ORS 757.035, ORS 757.649, ORS 759.045

AMEND: 860-024-0016

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Operator requirements for vegetation management.

CHANGES TO RULE:

860-024-0016

Minimum Vegetation Clearance Requirements ¶¶

(1) For purposes of this rule:¶¶

(a) "Cycle Buster" means vegetation that will not make it through the routine trim cycle without encroaching on the required minimum clearances and, therefore require pruning midterm before the routine cycle is completed.¶¶

(b) "Readily climbable" means vegetation having both of the following characteristics:¶¶

(A) Low limbs, accessible from the ground and sufficiently close together so that the vegetation can be climbed by a child or average person without using a ladder or other special equipment; and¶¶

(B) A main stem or major branch that would support a child or average person either within arms' reach of an uninsulated energized electric line or within such proximity to the electric line that the climber could be injured by direct or indirect contact with the line.¶¶

(bc) "Vegetation" means trees, shrubs, and any other woody plants.¶¶

(ed) "Volts" means nominal voltage levels, measured phase-to-phase.¶¶

(2) The requirements in this rule provide the minimum standards for conductor clearances from vegetation to provide safety for the public and utility workers, reasonable service continuity, and fire prevention. Each eOperator of electric supply facilities must have a vegetation management program and keep appropriate records to ensure that timely trimming is accomplished to keep the designated minimum clearances in section (4) below. These records must be made available to the Commission upon request.¶¶

~~(3) Each operator of electric supply facilities must trim or remove~~ If clearances are not being maintained, the Commission may require the Operator to implement an alternative vegetation to maintain clearances from electric supply conductor management program and/or specific trim cycles.¶¶

(43) Each eOperator of electric supply facilities must trim or remove readily climbable vegetation as specified in section (54) of this rule to minimize the likelihood of direct or indirect access to a high voltage conductor by a member of the public or any unauthorized person.¶¶

(54) Under reasonably anticipated operational conditions, an eOperator of electric supply facilities must maintain the following minimum clearances of vegetation from conductors:¶¶

(a) Ten feet for conductors energized above 200,000 volts.¶¶

(b) Seven and one-half feet for conductors energized at 50,001 through 200,000 volts.¶¶

(c) Five feet for conductors energized at 600 through 50,000 volts.¶¶

(A) Clearances may be reduced to three feet if the vegetation is not readily climbable.¶¶

(B) Intrusion of limited small branches and new tree growth into this minimum clearance area is acceptable provided the vegetation does not come closer than six inches to the conductor.¶¶

(65) For conductors energized below 600 volts, an eOperator of electric supply facilities must trim vegetation to prevent it from causing strain or abrasion on electric conductors. Where trimming or removal of vegetation is not practical, the eOperator of electric supply facilities must install suitable material or devices to avoid insulation damage by abrasion.¶¶

(76) In determining the extent of trimming or vegetation removal required to maintain the clearances required in section (54) of this rule, the eOperator of electric supply facilities must consider at minimum the following factors for each conductor:¶¶

(a) Voltage;¶¶

(b) Location;¶¶

(c) Configuration;¶¶

(d) Sag of conductors at elevated temperatures and under wind and ice loading; and¶¶

(e) Growth habit, strength, and health of vegetation (including rates of tree mortality) growing adjacent to the conductor, with the combined displacement of the vegetation, supporting structures, and conductors under adverse weather or routine wind conditions; and¶¶

(f) The amount of trimming or vegetation removal required to minimize Cycle Buster vegetation interference of energized conductors.¶¶

(7) Each Operator of communications facilities must ensure vegetation around communications lines do not pose a foreseeable danger to the pole or electric supply Operator's facilities.

Statutory/Other Authority: ORS 183, ORS 756, 757, ORS 757, ORS 758

Statutes/Other Implemented: ORS 757.035, ORS 758.280 - 758.286

AMEND: 860-024-0017

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Standards for pruning.

CHANGES TO RULE:

860-024-0017

Vegetation Pruning Standards ¶

An Operator that is an electric utility as defined in ORS 758.505 must perform tree and vegetation work associated with line clearance in compliance with the American National Standard for Tree Care Operations, ANSI A300 (Part 1) 2008 Pruning, approved ~~May 1, 2008~~ 2017, by the American National Standards Institute. ¶

[Publications: Publications referenced are available from the Agency.]

Statutory/Other Authority: ORS Ch. 756, ~~757~~, ORS 757, ORS 758

Statutes/Other Implemented: ORS 757.035, ORS 758.280-758.286

ADOPT: 860-024-0018

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Operator requirements for high fire risk zones.

CHANGES TO RULE:

860-024-0018

High Fire Risk Zone Safety Standards

(1) Operators of electric facilities must, in High Fire Risk Zones, remove or de-energize permanently out of service or abandoned electrical equipment as determined by the Operator during fire season. ¶

(2) Utility supply conductors shall not be attached to trees and should only be attached to poles and structures designed to meet the strength and loading requirements of the National Electrical Safety Code. This section does not apply to customer-supplied equipment at the point of delivery. Compliance with this section must be achieved prior to December 31, 2027. ¶

(3) In addition to the requirements set forth in OAR 860-024-0011, Operators of electric facilities in High Fire Risk Zones must: ¶

(a) Conduct HFRZ Ignition Prevention Inspections that follow Good Utility Practice as required to mitigate fire risk; and ¶

(b) For transmission systems energized at or above 50,001 volts, perform and document HFRZ Ignition Prevention Inspections that may include, but are not limited to, onsite climbing, drone or high-powered spotting scope to identify structural and conductor defects, as well as violations of Commission Safety Rules and other circumstances that could lead to electrical ignition. Inspections must include an in-person component except and to the extent remote technology can conduct an equivalent or enhanced inspection. ¶

(4) In addition to the requirements set forth in OAR 860-024-0011, Public Utility Operators of electric facilities must conduct annual fire season "safety patrols" in High Fire Risk Zones. Public Utility Operators of electric facilities shall perform and document fire safety patrols of overhead electric supply lines and accessible facilities for potential fire risks, including but not limited to, off right of way hazard trees, status of existing right-of-way access for first responders, seasonal vegetation damage, vegetation Cycle Buster clearance conditions as defined in OAR 860-024-0016(1)(a), potential equipment failures, and deteriorated supply or communication facilities. ¶

(5) A violation of Commission Safety Rules which poses a risk of fire ignition identified by an HFRZ Ignition Prevention Inspection or safety patrol in an HFRZ shall be subject to the following correction timeframes: ¶

(a) Any violation that poses imminent danger to life or property must be repaired, disconnected, or isolated by the Operator immediately after discovery. If in doing so, the Operator disconnected or isolated equipment belonging to a third-party, the Operator will notify the equipment Owner as soon as practicable. ¶

(b) Any violation which correlates to a heightened risk of fire ignition shall be corrected no later than 180 days after discovery unless an occupant receives notification under OAR 860-028-0120(6) that the violation must be corrected in less than 180 days to alleviate a significant safety risk to any operator's employees or a potential risk to the general public. ¶

(c) All other violations requiring correction under section 2 of OAR 860-024-0012 shall be corrected consistent with OAR 860-024-0012. ¶

(6) If an Operator of electric facilities discovers a violation identified in an HFRZ that correlates to a heightened wildfire risk, notice shall be provided to the pole owner or equipment owner within 15 days of discovering the violation. That notice shall state that the violation must be repaired within the time frame set out in these rules; that time frame will begin on the day the violation was discovered or 15 days before the notice was sent, whichever is later. ¶

(7) If the pole owner or equipment owner does not replace the reject pole or repair the equipment within the timeframe set forth in the notice, then the Operator of electric facilities may repair the equipment or replace the pole and seek reimbursement of all work related to correction or replacement of the reject pole or equipment including, but not limited to, administrative and labor costs related to the inspection, permitting, and replacement of the reject pole. The Operator of electric facilities is also authorized to charge the pole owner or equipment owner a replacement fee of 25 percent of the total amount of work. ¶

(8) If the Operator of electric facilities does not repair equipment as permitted under section (7) of this rule, the operator must pursue a remedy under Oregon law, contract, or through a Complaint before the Commission as specified in OAR 860-024-0061. Nothing in this provision precludes the Operator of electric facilities from pursuing remedies through multiple forums. This section does not preclude an Operator, Owner or Occupant from exercising any other rights or remedies afforded by Oregon Law or contract. ¶

(9) If an Operator of electric facilities discovers a violation in a HFRZ that correlates to a heightened wildfire risk and is unable after good faith efforts to ascertain pole or equipment ownership or to contact that owner; or if that

pole or equipment owner is no longer financially solvent and is without a legally responsible successor, then it is the obligation of the Operator to remove that equipment or otherwise remedy the condition correlating to a heightened risk of ignition. An electric utility or telecommunications utility Operator may recover the prudently incurred costs of any actions performed pursuant to this section in its rates.[¶]

(10) Nothing in this rule is intended to alter liability under existing law or under provisions contained in existing contractual arrangements between Owners, Occupants, and Operators.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 758

Statutes/Other Implemented: ORS 757.035, ORS 758.280 - 758.286

AMEND: 860-024-0020

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Safety standards applicable to gas pipelines.

CHANGES TO RULE:

860-024-0020

Gas Pipeline Safety ¶

Every gas operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:¶

(1) 49 CFR, Part 191, and amendments through No. 27 - Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.¶

(2) 49 CFR, Part 192, and amendments through No. 126 - Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on July 1, 2020.¶

(3) 49 CFR, Part 199, and amendments - Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.¶

(4) 49 CFR, Part 40, and amendments - Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 183, ORS 756, ORS 757

Statutes/Other Implemented: ORS 757.039

AMEND: 860-024-0021

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Safety standards applicable to liquefied gas pipelines.

CHANGES TO RULE:

860-024-0021

Liquefied Natural Gas Safety ¶

Every gas operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:¶

(1) 49 CFR, Part 191, and amendments through No. 27 - Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.¶

(2) 49 CFR, Part 193, and amendments through No. 25 - Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on March 6, 2015.¶

(3) 49 CFR, Part 199, and amendments - Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.¶

(4) 49 CFR, Part 40, and amendments - Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 183, ORS 756, ORS 757

Statutes/Other Implemented: ORS 757.039

AMEND: 860-024-0050

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Requirements for reporting of serious injuries and losses.

CHANGES TO RULE:

860-024-0050

Incident Reports ¶

(1) As used in this rule:¶

(a) "Self-propagating fire" means a fire that is self-fueling and will not extinguish without intervention.¶

(b) "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~~c) "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 (56) 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 loss of life or limb, or 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 knowledge of the occurrence, all investor-owned electric utilities must report by telephone, by facsimile, by electronic mail, or personally to the Commission fire-related incidents:¶

(a) that are the subject of significant public attention or media coverage involving the utility's facilities or is in the utility's right-of-way; or¶

(b) where the utility's facilities are associated with the following conditions:¶

(A) a self-propagating fire of material other than electrical and/or communication facilities; and¶

(B) the resulting fire traveled greater than one linear meter from the ignition point.¶

(4) Except as provided in section (56) 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 (FM221) 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.¶

(45) 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.¶

(56) 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 (3).¶

(67) Gas operators have additional incident and condition reporting requirements set forth in OARs 860-024-0020 and 860-024-0021.

Statutory/Other Authority: ORS 183, ~~654, 756, 757~~, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: ORS 654.715, ~~ORS 756.040, ORS 756.105, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045~~

AMEND: 860-300-0001

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Defines scope of Division 300 rules.

CHANGES TO RULE:

860-300-0001

Scope and Applicability of Rules

(1) The rules in this division prescribe the filing requirements for risk-based Wildfire ~~Protect~~Mitigation Plans filed by a Public Utility that provides electric service in Oregon pursuant to ORS 757.005.¶

(2) Upon request or its own motion, the Commission may waive any of the rules in this division for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045

AMEND: 860-300-0020

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Outlines requirements of a plan.

CHANGES TO RULE:

860-300-0020

Wildfire Protection Plan Filing Requirements

(1) Wildfire ~~Protect~~Mitigation Plans and Updates must, at a minimum, contain the following requirements as set forth in Section 3(2)(a)-(h), chapter 592, Oregon Laws 2021 and as supplemented below:¶

(a) Identified areas that are subject to a heightened risk of wildfire, including determinations for such conclusions, and are:¶

(A) Within the service territory of the Public Utility, and¶

(B) Outside the service territory of the Public Utility but within the Public Utility's right-of-way for generation and transmission assets.¶

(b) Identified means of mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.¶

(c) Identified preventative actions and programs that the Public Utility will carry out to minimize the risk of utility facilities causing wildfire.¶

(d) Discussion of outreach efforts to regional, state, and local entities, including municipalities regarding a protocol for the de-energization of power lines and adjusting power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.¶

(e) Identified protocol for the de-energization of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure, including a PSPS communication strategy consistent with OAR 860-300-0040 through 860-300-0050.¶

(f) Identification of the community outreach and public awareness efforts that the Public Utility will use before, during and after a wildfire season, consistent with OAR 860-300-0040 and OAR 860-300-0050.¶

(g) Description of procedures, standards, and time frames that the Public Utility will use to inspect utility infrastructure in areas the Public Utility identified as heightened risk of wildfire, consistent with OAR 860-024-0018.¶

(h) Description of the procedures, standards, and time frames that the Public Utility will use to carry out vegetation management in in areas the Public Utility identified as heightened risk of wildfire, consistent with OAR 860-024-0018.¶

(i) Identification of the development, implementation, and administrative costs for the plan, which includes discussion of risk-based cost and benefit analysis, including consideration of technologies that offer co-benefits to the utility's system.¶

(j) Description of participation in national and international forums, including workshops identified in section 2, chapter 592, Oregon Laws 2021, as well as research and analysis the Public Utility has undertaken to maintain expertise in leading edge technologies and¶

operational practices, as well as how such technologies and operational practices have been used to develop and implement cost effective wildfire mitigation solutions.¶

(2) ~~A Public Utility's initial~~ (k) Description of ignition inspection program, as described in Division 24 of these rules, including how the utility will determine, and instruct its inspectors to determine, conditions that could pose an ignition risk on its own equipment and on pole attachments.¶

(2) ~~Wildfire Protection~~Mitigation Plans must be filed no later than December 31, 2021 per section 5, chapter 592, Oregon Laws 2021. Subsequent updated annually and filed with the Commission no later than December 31 of each year. Public Utilities are required to provide a plan supplement explaining any material deviations from the applicable Wildfire Mitigation Plan acknowledged by the Commission. A Public Utility's initial Wildfire Protection Plans must be updated annually and filed with the Commission no later than December 15th filed no later than December 31, 2021, per section 5, chapter 592, Oregon Laws 2021.¶

(3) Within 180 days of submission, Wildfire ~~Protect~~Mitigation Plans and Wildfire ~~Protection~~-Plan Updates may be approved or approved with conditions through a process identified by the Commission in utility-specific proceedings, which may include retention of an Independent¶

Evaluator (IE). For purposes of this section, "approved" means the Commission finds that the Wildfire ~~Protect~~Mitigation Plan or Update is based on reasonable and prudent practices including those the Public Utility identified through Commission workshops identified in SB 762, Section 2, and designed to meet all applicable rules and standards adopted by the Commission.¶

(4) Approval of a Wildfire Protection Mitigation Plan or Update does not establish a defense to any enforcement action for violation of a Commission decision, order or rule or relieve a Public Utility from proactively managing wildfire risk, including by monitoring emerging practices and technologies.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: ORS 757.649, 2021 Senate Bill 762, ORS 756.040, ORS 756.105, ORS 757.035

ADOPT: 860-300-0030

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Requirements for the review of risks associated with a plan.

CHANGES TO RULE:

860-300-0030

Risk Analysis

(1) The Public Utility must include in its Wildfire Mitigation Plan risk analysis that describes wildfire risk within the Public Utility's service territory and outside the service territory of the Public Utility but within the Public Utility's right of way for generation and transmission assets. The risk analysis must include, at a minimum: ¶

(a) Defined categories of overall wildfire risk and an adequate discussion of how the Public Utility categorizes wildfire risk. Categories of risk must include, at a minimum: ¶

(A) Baseline wildfire risk, which include elements of wildfire risk that are expected to remain fixed for multiple years. Examples include topography, vegetation, utility equipment in place, and climate; ¶

(B) Seasonal wildfire risk, which include elements of wildfire risk that are expected to remain fixed for multiple months but may be dynamic throughout the year or from year to year; Examples include cumulative precipitation, seasonal weather conditions, current drought status, and fuel moisture content; ¶

(C) Risks to residential areas served by the Public Utility; and ¶

(D) Risks to substation or powerline owned by the Public Utility. ¶

(b) a narrative description of how the Public Utility determines areas of heightened risk of wildfire using the most updated data it has available from reputable sources. ¶

(c) a narrative description of all data sources the Public Utility uses to model topographical and meteorological components of its wildfire risk as well as any wildfire risk related to the Public Utility's equipment. ¶

(A) The Public Utility must make clear the frequency with which each source of data is updated; and ¶

(B) The Public Utility must make clear how it plans to keep its data sources as up to date as is practicable. ¶

(d) The Public Utility's risk analysis must include a narrative description of how the Public Utility's wildfire risk models are used to make decisions concerning the following items: ¶

(A) Public Safety Power Shutoffs ¶

(B) Vegetation Management; ¶

(C) System Hardening; ¶

(D) Investment decisions; and ¶

(E) Operational decisions. ¶

(e) For updated Wildfire Mitigation Plans, the Public Utility must include a narrative description of any changes to its baseline wildfire risk that were made relative to the previous plan submitted by the utility, including the Public Utility's response to changes in baseline wildfire risk, seasonal wildfire risk, and Near-term Wildfire Risk. ¶

(2) To the extent practicable, the Public Utility must confer with other state agencies when evaluating the risk analysis included in the Public Utility's Wildfire Mitigation Plan.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040, ORS 757.035

ADOPT: 860-300-0040

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Requirements for collaboration with certain public partners.

CHANGES TO RULE:

860-300-0040

Wildfire Mitigation Plan Engagement Strategies

(1) The Public Utility must include in its Wildfire Mitigation Plan a Wildfire Mitigation Plan Engagement Strategy. The Wildfire Mitigation Plan Engagement Strategy will describe the utility's efforts to engage and collaborate with Public Safety partners and Local Communities impacted by the Wildfire Mitigation Plan in the preparation of the Wildfire Mitigation Plan and identification of related investments and activities. The Engagement Strategy must include, at a minimum: ¶

(a) Accessible forums for engagement and collaboration with Public Safety Partners, Local Communities, and customers in advance of filing the Wildfire Mitigation Plan. The Public Utility should provide, at minimum: ¶

(A) One public information and input session hosted in each county or group of adjacent counties within reasonable geographic proximity and streamed virtually with access and functional needs considerations; and ¶

(B) One opportunity for engagement strategy participants to submit follow-up comments to the public information and input session. ¶

(b) A description of how the Public Utility designed the Wildfire Mitigation Plan Engagement Strategy to be inclusive and accessible, including consideration of multiple languages and outreach to access and functional needs populations as identified with local Public Safety Partners. ¶

(2) The Public Utility must include a plan for conducting community outreach and public awareness efforts in its Wildfire Mitigation Plan. It must be developed in coordination with Public Safety Partners and informed by local needs and best practices to educate and inform communities inclusively about wildfire risk and preparation activities. ¶

(a) The community outreach and public awareness efforts will include plans to disseminate informational materials and/or conduct trainings that cover: ¶

(A) Description of PSPS including why one would need to be executed, considerations determining why one is required, and what to expect before, during, and after a PSPS; ¶

(B) A description of the Public Utility's wildfire mitigation strategy; ¶

(C) Information on emergency kits/plans/checklists; ¶

(D) Public Utility contact and website information. ¶

(b) In formulating community outreach and public awareness efforts, the Wildfire Mitigation Plan will also include descriptions of: ¶

(A) Media platforms and other communication tools that will be used to disseminate information to the public; ¶

(B) Frequency of outreach to inform the public; ¶

(C) Equity considerations in publication and accessibility, including, but not limited to: ¶

(i) Multiple languages prevalent to the area; ¶

(ii) Multiple media platforms to ensure access to all members of a Local Community. ¶

(3) The Public Utility must include in its Wildfire Mitigation Plan a description of metrics used to track and report on whether its community outreach and public awareness efforts are effectively and equitably reaching Local Communities across the Public Utility's service area. ¶

(4) The Public Utility must include a Public Safety Partner Coordination Strategy in its Wildfire Mitigation Plan. The Coordination Strategy will describe how the Public Utility will coordinate with Public Safety Partners before, during, and after the fire season and should be additive to minimum requirements specified in relevant Public Safety Power Shut Off requirements described in OAR 860-300-0050. The Coordination Strategy should include, at a minimum: ¶

(a) Meeting frequency and location determined in collaboration with Public Safety Partners; ¶

(b) Tabletop Exercise plan that includes topics and opportunities to participate; ¶

(c) After action reporting plan for lessons learned in alignment with Public Safety Partner after action reporting timeline and processes.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040, ORS 757.035