



# Recommendation to Adopt Proposed Temporary Rules

**AR 638**

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**May 18, 2021**

# TEMPORARY RULES

**Establish minimum expectations for actions in 2021 by updating Div. 24:**

- Fire-related incident reporting
- Public Safety Power Shutoff (PSPS) communication and coordination protocols
- Expire ~mid-November 2021

## Decision to propose temporary rules

- Permanent rulemaking timeline
- The 2020 Labor Day fires experience
- Rulemaking participant feedback
- Need for data on fire-related incidents to inform the permanent rulemaking

## Temporary Rules Process

Aug. 2020	●	Open AR 638
Dec. 2020	●	Kick-off Workshop
Jan. 2021	●	Scoping survey
Mar. 2021	●	Announce scope and schedule (incl. temporary rules)
Apr. 2021	●	Release draft temporary rules
	●	Temporary Rules Workshop
May 2021	●	Written comments
	●	Final proposed temporary rules

# Feedback Received

- **Overall:** Support for temporary rules!
- **Utilities:**
  - Clarity and flexibility
- **Communities and public safety partners:**
  - Firmer requirements
  - More transparency, coordination
  - More support for local partners
  - Long-term role of PSPS
- **State agencies:**
  - Streamline roles
  - Align with existing systems



# STRATEGY FOR FINAL TEMPORARY RULES

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*Spirit of temporary rules: minimum guidance in place quickly*



# FIRE-RELATED INCIDENT RULES

## **Staff proposal:**

- Modify existing rule for Incident Reports (OAR 860.024.0050) to include “Fire-related Incidents” that meet specific criteria.
- Modify existing Incident Report Form 221 to capture detailed information about incidents meeting the criteria specified in the rule.



# FEEDBACK ON FIRE-RELATED INCIDENT REPORTING

Clarify types of incidents,  
remove subjectivity



- Clarified types of incidents
- Kept requirement for incidents “that are the subject of significant public attention or media coverage.”

Provide the information  
in annual report rather  
than after each incident.



No change, need to maximize situational awareness and gather data to inform permanent rules

Concern that the utility  
may not have detailed  
information in timeframe  
requested in rules.



No change, already have ability to indicate “N/A”

# QUESTIONS/COMMENTS?

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## Fire-related incident reporting

- Reporting requirements
- Reporting forms



# PSPS RULES

## **Staff proposal:**

Establish minimum requirements for communication, coordination, transparency related to PSPS in 2021

# PSPS TEMPORARY RULES SUMMARY

## In preparation for PSPS events

Education Campaign

Data Sharing with Public Safety Partners

Points of Contact

Publishing De-energization Considerations

## Around the time of PSPS events

Notification Process, Format, Prioritization

Coordination with Local and State Partners

Requests to Delay PSPS

Notify OPUC of Transmission De-energization

## After PSPS events

Report after each PSPS – 10 Business Days

Report at End of Season – October 31, 2021

Posting Public Versions

# KEY DEFINITIONS

## Public Safety Partner

Emergency responders at the local, state and federal level

Water, wastewater and communication service providers

Energy providers (electricity, natural gas, fuels)

County Emergency Managers

Members of the Oregon Emergency Response System Council (OERS)

## Vulnerable Population

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

Those who are low income, experiencing homelessness, unhoused, or unsheltered

Transportation disadvantaged, including, but not limited to, those who are dependent on public transit

Individuals who have elected to identify

# NOTIFICATION PROCESS

*Overarching expectation = To the extent possible, notify all affected in advance*

Must make every reasonable effort to notify all affected as soon as utility believes PSPS is likely

Whenever possible, provide priority notification to Public Safety Partners, Critical Facilities, adjacent

Adhere to minimum timelines whenever feasible

## In advance of PSPS

- Notify Public Safety Partners and Critical Facilities **at least 48-72 hrs**
- Notify all other affected **at least 24-48 hrs**
- Update all groups if still likely **1-4 hrs in advance**, if possible

## At the time of PSPS

- Notify all groups when de-energization begins
  - Notify all groups immediately before re-energization
- \*Must have a strategy for communicating during loss of power*

## After PSPS

Notify all groups when re-energization is complete

# NOTIFICATION PROTOCOLS

*Overarching expectation = Utility responsible for communication strategy, goal to leverage existing systems where reasonable*

Must work with local partners to disseminate information for PSPS events

- Work in good faith to develop notifications using existing public alerting systems
- Must include minimum information (group specific)
- Should deliver notifications in multiple formats, across several channels
- Must consider the geographic and cultural demographics of affected areas
- Must work to continually improve

To the extent possible, identify and ensure outreach to Vulnerable Populations

- Take all reasonable steps within the boundaries of the law to attempt to reach
- Should include messages to agencies that service Vulnerable Populations to amplify

Must prominently display PSPS info and methods of contact on utility website

# FEEDBACK ON NOTIFICATION REQUIREMENTS

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## Changes Made ✓

- Clarify roles, prioritization
- Clarify notification requirements, use of local notification strategies
- Recognized self-identification as a tool to identify Vulnerable Populations

## Changes Not Made ✗

- Limit definition of Public Safety Partner
- Add food banks, shelters to critical facilities
- Limit or increase notification requirements
- Limit or expand requirements to identify and notify vulnerable populations

# COORDINATION WITH PARTNERS

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*Overarching expectation = Must develop and maintain comprehensive contact information and coordinate with local and state emergency response*

Must have multiple 24-hr points of contact with Public Safety Partners and Critical Facilities

Endeavor to embed a liaison in Emergency Coordination Center

Must coordinate with emergency planners to identify Critical Facilities (and contact info)



# FEEDBACK ON COORDINATION REQUIREMENTS

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## Changes Made ✓

- Clarify that Liaisons must only be embedded during PSPS events
- Refine requirements to work local and state emergency *planners* to identify non-utility Critical Facilities

## Changes Not Made ✗

- Limit requirement maintain contact information
- Specify training for local liaisons
- Specify the Fire Defense Board Chief is a local Public Safety Partner

# QUESTIONS/COMMENTS?

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Identifying and notifying various groups and agencies prior, during, and after a PSPS

- Key definitions
- Notification process
- Notification protocol
- Coordination with partners

# EDUCATION AND DATA SHARING

*Overarching expectation: Must prepare communities and partners with information*

Must develop and execute education campaigns with local partners

Must provide GIS data to Public Safety Partners

- Must provide when first notifying Public Safety Partners of PSPS, the most accurate and specific
- If requested provide in preparation for 2021 PSPS's
- If requested must provide additional “operational coordination” to Public Safety Partners

# FEEDBACK ON EDUCATION AND DATA REQUIREMENTS

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## Changes Made ✓

- Streamline education campaign in light of timeline
- Require GIS data provided to *all* Public Safety Partners in preparation for PSPS

## Changes Not Made ✗

- Remove education campaign
- Specify additional requirements for education campaign
- Increase or decrease requirements to for GIS data

# QUESTIONS/COMMENTS?

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## Community education and data sharing with public safety partners

- Education campaign
- Data sharing

# PSPS DECISIONS

*Overarching expectation: Utilities retain ultimate responsibility for PSPS decisions, with transparency*

Must articulate PSPS **considerations**

Must provide any transmission de-energization protocols

- Must notify OPUC of transmission de-energizations
- Must comply with FERC

Should consider requests to delay de-energization on a case-by-case basis

- Must notify OPUC of requests within 2 hours

# FEEDBACK ON PSPS DECISIONS

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## Changes Made ✓

- Refer to PSPS decision factors as “considerations”

## Changes Not Made ✗

- Prescribe de-energization decision protocols for 2021
- Remove requirement to make PSPS considerations public
- Add requirement for joint decision or coordination of decision with local partners, emergency managers or other agencies
- Remove Request to Delay and De-Energization of Transmission Lines Sections



# QUESTIONS/COMMENTS?

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Providing access to information about the criteria utilities use to decide whether to initiate a PSPS

- PSPS decision considerations
- Requests to delay de-energization
- Transmission de-energization protocols

# REPORTING REQUIREMENTS

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*Overarching expectation: Must provide transparent PSPS data and share lessons learned*

Must report after each PSPS – 10 Business Days

Required to report at end of season – October 31, 2021

Must post non-confidential versions on website

# FEEDBACK ON REPORTING REQUIREMENTS

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## Changes Made ✓

- Provide 10 *business* days for post-event reporting
- Require post-season report filed before the expiration of the temporary rules (Oct. 31, 2021)
- Make public versions of reports available

## Changes Not Made ✗

- Eliminate the post-season report
- Specify a process and timeline to review reports and apply lessons learned
- Specify that OPUC will facilitate any reporting requirements for state agencies

# QUESTIONS/COMMENTS?

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Reporting requirements following a PSPS and the fire season as a whole

- Post-PSPS report
- Post-season report
- Public versions

# QUESTIONS AND OTHER TOPICS?

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