



# Oregon

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**Public Utility Commission**

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September 29, 2021



## AR 638 Draft Phase II Rules

Attached to this letter are Public Utility Commission of Oregon Staff's (Staff) Draft Phase II Rules, as described in the July 28, 2021 [Docket Strategy Announcement](#).

Staff notes that the draft rules include modifications to Division 24 Safety Standards, as well as, Phase II additions to the Division 300 Wildfire Mitigation Plan Phase I rules currently in the formal rulemaking phase in Docket No. AR 648.

As a reminder, the next steps in the informal phase of this docket are as follows:

- 10/11/2021: Workshop on draft rules – meeting details TBA
  - The need for additional workshops or comment opportunities may be identified at the workshop, which may impact the remainder of the informal phase schedule
- 10/18/2021: Written comments due
- 11/11/2021: Staff memo proposing final draft rules
- 11/16/2021: Public Meeting to move to formal rulemaking

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

## **Division 24**

### **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

### **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 (NESCC), 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) "High Risk Fire Zones" are geographic areas identified by Operators of electric facilities in their risk-based wildfire plans.

(5) "Joint Inspection" means an inspection that includes both the Owner and Occupant(s) of any utility pole, structure, duct or conduit.

(6) "Material violation" means a violation that:

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

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

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

(8) "Operator" means every person as defined in ORS 756.010, public utility as defined in 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 759.400,

telecommunications provider as defined in OAR 860-032-0001, consumer-owned utility as defined in ORS 757.270, cable operator as defined in 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.

(9) "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.

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

(117) "Reporting operator" means an operator 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, 756, 757 & 759

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

## **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. All maps and records which the Commission may require the utility to file shall be in a form satisfactory to the Commission.

(3) Operators of electric facilities in High Fire Risk Zones shall provide its most current High Fire Risk Zone maps by April 1<sup>st</sup> of each year in a form satisfactory to the Safety Staff.

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.040 & 757.020

## **860-024-0007**

### **Location of Underground Facilities**

An ~~operator~~ 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, 756, 757 & 759

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

## 860-024-0010

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

Every ~~operator~~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, 756, 757 & 759

Statutes/Other Implemented: ORS 757.035

## 860-024-0011

### Inspections of Electric Supply and Communication Facilities

(1) An ~~O~~Operator of electric supply facilities or an operator 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 each detailed inspection cycles is ten years, with a recommended inspection rate of ten percent of overhead facilities per year. During the fifth year of ~~each~~the detailed inspection cycle, the ~~O~~Operator 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 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 Fire Risk Zones) or when an operator 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 ~~operator~~Operator must make these records available to the Commission upon its request.

(2) Each ~~operator~~Operator of electric supply facilities must:

(a) Designate an annual geographic area to be inspected pursuant to subsection (1)(b) of this rule within its service territory. This includes High Fire Risk Zones as identified by Operators of electric supply facilities;

(b) Provide timely notice of the designation of the annual geographic area to all ~~owners~~Owners and ~~occupants~~Occupants. The annual coverage areas for the entire program must be made available in advance and in sufficient detail to allow all operators with facilities in that service territory to plan needed inspection and correction tasks. Unless the parties otherwise agree, operators 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; and

(c) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. 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, 756, 757 & 759

Statutes/Other Implemented: ORS 757.035

#### **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 operator immediately after discovery.

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

(3) An ~~operator~~Operator 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 ~~operator~~Operator must develop a plan detailing how it will remedy each such violation.

(c) If more than one ~~operator~~Operator 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) The exception in subsection (3) expires on 12/31/2027.

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

Statutes/Other Implemented: ORS 757.035

## 860-024-0015 Ground Return

Every ~~operator~~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, 756, 757 & 759

Statutes/Other Implemented: ORS 757.035, 757.649 & 759.045

## 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.

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

(d) "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 ~~O~~operator 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. These records must be made available to the Commission upon request.

(3) Each ~~O~~operator of electric supply facilities must regularly trim or remove vegetation to maintain clearances from electric supply conductors. A minimum three-year trim cycle rate is required, unless the Operator of electric supply facilities submits documentation confirming compliance with the minimum clearances in (5) below utilizing alternate trim cycles and receives confirmation from Safety Staff that an alternate trim cycle is permissible.

(4) Each ~~operator~~Operator of electric supply facilities must trim or remove readily climbable vegetation as specified in section (5) 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.

(5) Under reasonably anticipated operational conditions, including adverse weather and wind conditions, an ~~operator~~Operator 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.

(6) For conductors energized below 600 volts, an ~~operator~~Operator 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 Operator of electric supply facilities must install suitable material or devices to avoid insulation damage by abrasion.

(7) In determining the extent of trimming or vegetation removal required to maintain the clearances required in section (5) of this rule, the ~~operator~~Operator 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 growing adjacent to the conductor, with the combined displacement of the vegetation, supporting structures, and conductors under adverse weather or routine wind conditions.

(f) The amount of trimming or vegetation removal required inside and outside the right-of-way, to minimize Cycle Buster vegetation interference of energized conductors.

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

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

Statutes/Other Implemented: ORS 757.035 & 758.280 - 758.286

## **860-024-0017**

### **Vegetation Pruning Standards**

An ~~operator~~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, by the American National Standards Institute.



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

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

Statutes/Other Implemented: ORS 757.035 & 758.280-758.286

### **860-024-0018**

#### **High Fire Risk Zone Safety Standards**

(1) Operators of electric facilities must, in High Fire Risk Zones, de-energize out of service, abandoned and non-critical supply equipment as determined by the Operator during fire season.

(2) Utility supply conductors shall not be attached to live trees and should only be attached to utility owned poles and structures designed to meet the strength and loading requirements of the National Electrical Safety Code. This subsection does not apply to customer-supplied equipment at the point of delivery. Compliance with this subsection is effective as of 12/31/2027.

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

(a) conduct at a minimum, enhanced detailed inspections, including, but are not limited to, in person, onsite visual checks, or practical tests of all facilities, to the extent required to mitigate fire risk and identify violations of Commission Safety Rules.

(b) for transmission systems energized at or above 50,001 volts, perform and document, at a minimum, detailed inspections via onsite climbing or high-powered spotting scope to identify structural and conductor defects, as well as violations of Commission Safety Rules.

(4) In addition to the requirements set forth in 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, in person, 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, right of way access for first responders, seasonal vegetation damage, vegetation Cycle Buster clearance conditions as defined in 860-024-0016(1)(a), potential equipment failures, and deteriorated supply or communication facilities.

(5) Public Utility Owners of electric supply facilities and pole Occupants in High Fire Risk Zones shall participate in "Joint Inspections" of facilities to identify violations of Commission Safety Rules and mitigate fire risk.

(6) Beginning on 12/31/2027, at the discretion of the pole owner, Consumer Owned Utility Pole Owners and Occupants in High Fire Risk Zones will implement detailed inspection cycle alignment to identify violations of Commission Safety Rules and mitigate fire risk.

(7) A violation of Commission Safety Rules in High Fire Risk Zones affecting energized conductors and a heightened risk of wildfire, as identified by the Operator of electric facility, shall be corrected no later than 180 days after discovery, regardless of pole ownership.



## **860-024-0020**

### **Gas Pipeline Safety**

Every gas ~~operator~~ 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. 25 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on March 24, 2017.
- (2) 49 CFR, Part 192, and amendments through No. 123 — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on April 14, 2017.
- (3) 49 CFR, Part 192, Interim Final Rule and incorporated by reference American Petroleum Institute (API) Recommended Practices 1171; in effect 1/18/2017.
- (4) 49 CFR, Part 199, and amendments through No. 27 — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on March 24, 2017.
- (5) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

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

Statutory/Other Authority: ORS 183, 756, 757

Statutes/Other Implemented: ORS 757.039

## **860-024-0021**

### **Liquefied Natural Gas Safety**

Every gas ~~operator~~ 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. 25 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on March 24, 2017.
- (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 through No. 27 — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on March 24, 2017.
- (4) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

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

Statutory/Other Authority: ORS 183, 756, 757

Statutes/Other Implemented: ORS 757.039

## **860-024-0025**

### **Steam Heat — Construction, Operation, and Maintenance of Steam and Hot Water Transmission and Distribution Systems**

A steam heat public utility shall construct, operate, and maintain steam and hot water transmission and distribution systems in accordance with the American Society of Mechanical Engineers Code for Pressure Piping, Section B31.1, 1989 Edition, an American National Standard.

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

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.040

## **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.**

(ab) “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.

(bc) “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 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**

**(34)** 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 the occurrence~~ **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.

**(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 **(4)**.

**(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 & 759

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

## **Division 300**

### **860-300-0001**

#### **Scope and Applicability of Rules**

- (1) The rules in this division prescribe the filing requirements for risk-based Wildfire Mitigation Plans filed by an electric utility as defined by ORS 757.600.
- (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:

Statutes/Other Implemented:

### **860-300-0002**

#### **Definitions for this Division**

- (1) "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.
- (2) "Local Community" means any community of people living, or having rights or interests, in a distinct geographical area.
- (3) "Local Emergency Management" means city, county, and tribal emergency management entities.
- (4) "Near-term Wildfire Risk" means elements of wildfire risk that are expected to fluctuate on a daily or weekly basis. Examples include temperature, humidity, and wind.
- (5) "Public Utility" has the meaning given to an "electric company" in ORS 757.600.
- (6) "Public Safety Partners" means ESF-12, Local Emergency Management, and Oregon Department of Human Services (ODHS).
- (7) "Public Safety Power Shutoff" or "PSPS" means a proactive de-energization of a portion of a Public Utility's electrical network, based on the forecasting of and measurement of extreme wildfire weather conditions.
- (8) "Tabletop Exercise" means an activity in which key personnel, assigned emergency management roles and responsibilities, are gathered to discuss, in a non-threatening environment, various simulated emergency situations.
- (9) "Utility-identified Critical Facilities" refers to the facilities the Public Utility identifies that, because of their function or importance, have the potential to threaten life safety or disrupt essential socioeconomic activities if their services are interrupted.
- (10) "Wildfire Mitigation Plan" is the same as a "wildfire protection plan" and refers to the document filed with the Commission relating to an electric utility's risk-based plan designed to

protect public safety, reduce the risk of utility facilities causing wildfires, reduce risk to utility customers, and promote electric system resilience to wildfire damage.

Statutory/Other Authority:

Statutes/Other Implemented:

### **860-300-0003**

#### **Public Utility Wildfire Mitigation Plan Filing Requirements**

(\*note: this will be an amendment to the anticipated adoption of rules in AR 648)

(1) Wildfire Mitigation Plans and Updates must, at a minimum, contain the following requirements as set forth in SB 762, Section 3(2)(a)-(h) and as supplemented below:

(a) Identified areas that are subject to a heightened risk of wildfire and identified means of mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.

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

(c) 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 860-300-0005 through 860-300-0006.

(d) 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.

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

(f) 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.

(g) 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 860-300-0005 and OAR 860-300-0006.

(h) Description of participation in national and international forums, including workshops identified in SB 967, Section 2, 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 develop implement cost-effective wildfire mitigation solutions.

(2) A Public Utility's initial Wildfire Mitigation Plan must be filed no later than December 31, 2021. Wildfire Mitigation Plans must be updated annually and filed with the Commission.

(3) Within 180 days of submission, Wildfire Mitigation Plans and Wildfire Mitigation 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 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 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:

Statutes/Other Implemented:

### **860-300-0004**

#### **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. Examples include cumulative precipitation and fuel moisture content.

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

(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.

(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 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:

Statutes/Other Implemented:

### **860-300-0005**

#### **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 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.

(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 in its Wildfire Mitigation Plan a Wildfire Education and Awareness Strategy. The Education and Awareness Strategy 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. The Education and Awareness Strategy will include, at a minimum:

(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) Training on emergency kits/plans/checklists.



- (d) Public Utility contact and website information.
- (e) Education and preparedness media platforms to inform the public.
- (f) Frequency of preparedness and outreach to inform the public.
- (g) Equity considerations in publication and accessibility, including, but not limited to:
  - (A) Multiple languages prevalent to the area.
  - (B) 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 the Wildfire Mitigation Plan Engagement Strategy and Wildfire Education and Awareness Strategy 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 860-300-0006. 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:

Statutes/Other Implemented:

### **860-300-0006**

#### **Communications Requirements Prior, During, and After a Public Safety Power Shutoff**

- (1) When a Public Utility determines that a PSPS is likely to occur, it must deliver notification of the PSPS to its Public Safety Partners, operators of utility-identified critical facilities, and adjacent local Public Safety Partners.
  - (a) To the extent practicable, the Public Utility must provide priority notification directly to Public Safety Partners, operators of utility-identified critical facilities, and adjacent local Public Safety Partners.
  - (b) In notifying Public Safety Partners of PSPS events, including adjacent local Public Safety Partners, the utility will communicate the following information, at a minimum:
    - (A) The PSPS zone, which would include Geographic Information System shapefile(s) depicting current boundaries of the area subject to de-energization;
    - (B) Date and time PSPS will be executed;

- (C) Estimated duration of PSPS;
  - (D) Number of customers impacted by PSPS;
  - (E) When feasible, the Public Utility will support Local Emergency Management efforts to send out emergency alerts;
  - (F) At a minimum, status updates at 24-hour intervals until service has been restored;
  - (G) Notice of when re-energization begins and when re-energization is complete;
  - (H) Information provided under this rule does not preclude the Public Utility from providing additional information about execution of the PSPS to its Public Safety Partners;
- (c) In notifying utility-identified critical facilities, the Public Utility will communicate the following information, at a minimum:
- (A) Date and time PSPS will be executed;
  - (B) Estimated duration of PSPS;
  - (C) At a minimum, status updates at 24-hour intervals until service has been restored;
  - (D) Notice of when re-energization begins and when re-energization is complete.
- (d) ESF-12 will notify Oregon Emergency Response System (OERS) partners and Local Emergency Management in coordination with Oregon's Office of Emergency Management.
- (2) When a Public Utility determines that a PSPS is likely to occur, the Public Utility must provide advance notice of the PSPS to customers via a PSPS web-based interface on the Public Utility's website and other media platforms, and may communicate PSPS information directly with customers consistent with 860-300-0006(b).
- (a) In providing notice to customers about a PSPS, the Public Utility will, at a minimum:
- (A) Utilize multiple media platforms to maximize customer outreach, including but not limited to, social media, e-mail, radio, television, and press releases.
  - (B) Consider the geographic and cultural demographics of affected areas, including but not limited to broadband access, languages prevalent within the utility's service territories, considerations for those who are vision or hearing impaired.
  - (C) Display on its website homepage a prominent link to access current information about the PSPS, consistent with OAR 860-300-0007, including a depiction of the boundary. The PSPS information must be easily readable and accessible from mobile devices.
- (b) The Public Utility may directly notify its customers through email communication or telephonic notification (e.g., text messaging and phone calls) when it will not impede Local Emergency Management alerts due to capacity limitations. If the Public Utility provides direct notification, the Public Utility will communicate the following information, at a minimum:
- (A) A statement of impending PSPS execution, including an explanation of what a PSPS is and the risks that the PSPS would be mitigating;
  - (B) Date and time PSPS will be executed;
  - (C) Estimated duration of PSPS;

- (D) A 24-hour means of contact customers may use to ask questions or seek information;
  - (E) How to access details about the PSPS via the Public Utility's website, including education and outreach materials disseminated in advance of the annual wildfire season;
  - (F) After initial notification, the Public Utility will provide, at a minimum, status updates at 24-hour intervals until service has been restored;
  - (G) Notice of when re-energization begins and when re-energization is complete.
- (3) To the extent possible, the Public Utility will adhere to the following minimum notification prioritization and timeline in advance of a PSPS:
- (a) 48-72 hours in advance of anticipated de-energization, priority notification to Public Safety Partners, operators of utility-identified critical facilities, and adjacent local Public Safety Partners;
  - (b) 24-48 hours in advance of anticipated de-energization, when safe: secondary notification to all other affected customers and other populations;
  - (c) 1-4 hours in advance of anticipated de-energization, if possible: notification to all affected customers and other populations.
- (4) The Public Utility's communications required under this rule do not replace emergency alerts initiated by local emergency response.
- (5) Nothing in this rule prohibits the Public Utility from providing additional information about execution of the PSPS to Public Safety Partners, utility-identified critical facilities, or customers.

Statutory/Other Authority:

Statutes/Other Implemented:

## **860-300-0007**

### **Ongoing Informational Requirements for Public Safety Power Shutoffs**

- (1) The Public Utility will create a web-based interface that includes real-time, dynamic information on location, de-energization duration estimates, and re-energization estimates. The web-based interface will be hosted on the Public Utility's website and must be accessible during a PSPS event. The Public Utility will complete the web-based interface before March 31, 2024.
- (2) The Public Utility will make its considerations when evaluating the likelihood of a PSPS publicly available on its website. These considerations include, but are not limited to: strong wind events, other current weather conditions, primary triggers in high risk zones that could cause a fire, and any other elements that define an extreme fire hazard evaluated by the Public Utility.
- (3) The Public Utility will ensure that its website has the bandwidth capable of handling web traffic surges in the event of a Public Safety Power Shutoff.
- (4) The Public Utility will work to provide real-time geographic information pertaining to PSPS outages compatible with Public Safety Partner GIS platforms.
- (5) The Public Utility will provide a comprehensive narrative of each subsection of this rule as part of its annual Wildfire Mitigation Plan.

Statutory/Other Authority:  
Statutes/Other Implemented:

**860-300-0008**  
**Reporting Requirements for Public Safety Power Shutoffs**

(1) The Public Utility is required to file annual reports on de-energization lessons learned, providing a narrative description of all PSPS events which occurred during the fire season. Reports must be filed no later than December 31<sup>st</sup> of each year.

(2) Non-confidential versions of the reports required under this section must also be made available on the Public Utility's website.

Statutory/Other Authority:  
Statutes/Other Implemented:

**860-300-0009**  
**Cost Recovery**

All reasonable operating costs incurred by, and prudent investments made by, a Public Utility to develop, implement or operate a Wildfire Mitigation Plan are recoverable in the rates of the Public Utility from all customers through a filing under ORS 757.210 to 757.220.

Statutory/Other Authority:  
Statutes/Other Implemented:

**OAR 860-300-0010**  
**Consumer-owned Utility Plans**

Municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, and electric cooperatives organized under ORS chapter 62 must file with the Commission a copy of its approved risk-based wildfire mitigation plan or plan update within 30 days of approval from its governing body.

Statutory/Other Authority:  
Statutes/Other Implemented: