

Submitted Electronically

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Comments on Order No. 22-011, Docket AR 638, Rulemaking for Phase II Wildfire Mitigation Plan-PSPS

The Oak Creek Safety Action Group is a community volunteer organization focused on the safety concerns of neighborhoods in the Oak Creek Valley, a Benton County region in unincorporated Corvallis. The community is nestled in an 8,000 acre forest-dominated basin that includes residential neighborhoods, agriculture, public and private forest and open space lands. The community is "limited access", meaning there is a single public road in and out of the neighborhood (although additional emergency routes are in development). Consumers Power (CPI) is the electrical power provider for the neighborhood, but there are a number of high voltage power lines crisscrossing the region as well.

Although we are not an historically fire-prone area it is clear to us that climate change will most likely change our community's good fortune, so wildfire risk is a growing concern--including wildfire that is caused or contributed to by power transmission and distribution lines.

OPUC is doing outstanding work in understanding the 2020 fire season wake up call: we need updated safety standards that are well thought out and relevant to the new and emerging wildfire threat. OCVSAG's comments here relate to two subjects: Public Safety Power Shut Offs (PSPS) and CPI's Comments on the Phase II Wildfire Mitigation Plan as summarized in Docket AR 638, Order No. 22-011.

OAR 860-300-0006

Communication Requirements Prior, During and After a Public Safety Power Shut Off

Staff clearly recognizes that safeguarding telecommunications must be a priority for myriad reasons. In California, PSPS limited the ability of residents and firefighters alike, during a number of wildfires¹.

¹ <https://www.nytimes.com/2019/10/28/business/energy-environment/california-cellular-blackout.html>

OPUC appropriately recognizes telecommunications as Critical Facilities, and Order No. 22-011 notes that staff has added special considerations for telecommunications

providers to receive the information they need (to the extent feasible in rapidly changing conditions) in order to identify the facilities that might be impacted by a PSPS so that (for example) additional batteries or generators for cell towers can be staged.

At first glance this seems like a sound strategy. Unfortunately, there may not be sufficient time to deploy those batteries or it may be logistically challenging (or unsafe) to do so. What's being addressed in Order No. 22-011 is appropriate with regards to the OCTA and CTIA members' need to get information. But nothing in the Phase II Wildfire Mitigation Plan *requires* operators to stage or deploy the back up power, nor does the order require a minimum length of time to provide that back up power. California's PUC learned that assurances of preparedness by the tower operators was misplaced: "Yet, despite claims of preparedness, during the October and November 2019 wildfire and PSPS events, widespread reports of communications outages across all sectors were reported."²

Our concern is that during a PSPS, operational communication infrastructure is critically needed due to emergency services engagement, evacuation notification, spot fire reporting, and first responder coordination.

In California the PUC requires cell towers have installed at least 72 hours of back up energy which must be deployed during a PSPS (CPUC Rulemaking 18-03-011). We at OCVSAG urge OPUC to require the same, at a minimum.

OAR 860-300-0005 Wildfire Mitigation Plan Strategies

We note that our power provider, CPI, views community engagement on the subject of PSPS a "significant burden"³. This is concerning. OCVSAG agrees that engagement with community members and local public safety partners requires effort, particularly for a smaller utility. But it is difficult to accept CPI's reasoning that public safety partners "may be difficult to engage outside of an emergency" given that CPI provided no evidence that attempts at proactively coordinating strategies with public safety partners have been rebuffed. Our thinking is that during an actual emergency is probably the worst time to try to develop a PSPS plan with public safety partners and educate the public on PSPS. And as noted above (OAR 860-300-0006), the importance of as much advance notice as possible to operators of Critical Facilities like cell towers can't be overstated.

² Section 1.2, page 6, CPUC Rulemaking 18-03-011
<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M364/K925/364925916.PDF>).

³ OPUC Order No. 22-011, January 20, 2022.

The ideal circumstance is for utility customers, cell tower operators, public safety partners and utilities to have, prior to an emergency, a plan in place for PSPS events. The utility should have medically fragile citizens dependent on electricity for life-saving

devices previously identified, and understand the potential communication and other vulnerabilities that would likely result from a PSPS (e.g. lack of electricity to power water pumps to fight fires). Utilities' participation in table-top exercises with public safety partners are an important tool to elucidate and plan for these vulnerabilities.

OCVSAG is grateful for staff's confirmation in the Order that the Phase II Plan reflects best practice. Our community supports collaboration to find the best paths forward to keep our neighborhoods safe. CPI's position is therefore worrisome in the context of public safety. Is it feasible that OAR 860-300-0005 could be changed to also apply to consumer-owned utilities?

OAR 860-300-0007

Ongoing Informational Requirements for Public Safety Power Shut Offs

and

OAR 860-300-0008

Reporting Requirements for Public Safety Power Shut Offs

Both of the above rules appear to apply only to Public Utilities and we are concerned whether CPI will comply with them given CPI's comment with regard to OAR 860-300-0005 and in General Comments (below) as summarized in OPUC Order No. 22-011.

As to Ongoing Informational Requirements, without CPI's compliance CPI customers and our public safety partners would not have access to online information and maps with updated PSPS information. This hinders public safety partners' and the public's planning during periods when there is danger from wildfire (e.g. when evacuations may be necessary).

As to Reporting Requirements, in the absence of this type of reporting there is no utility accountability for PSPS. It is well established that under certain circumstances a PSPS saves lives and preserves property. However, failure to initiate a PSPS appropriately has led to significant litigation (and following findings of negligence on the part of utilities) in California and we've begun to see similar suits here in Oregon. Thus, it is not hard to conceive that a utility would be overly aggressive about initiating PSPS events in order to mitigate the risk of liability to the company, without regard to the significant costs and risks PSPS poses to consumers. Annual reporting to regulators for compliance review is the only way consumers can be assured that PSPS is deployed in the consumer's best interest.

General Comments

OCVSAG agrees with staff's rejection of CPI's request for a "safe harbor" allowance as stated in Docket AR 638, Order No. 22-011.

Communities and emergency managers have become far more aware of the increasing dangers posed by power transmission and telecommunications in combination with climate change in recent years. They and other stakeholders understand their responsibilities in the public safety domain have changed and become more important than ever. It is distressing to learn of CPI's foretelling that other stakeholders wouldn't willingly collaborate.

What the PUC is promulgating in AR 638 is likely a bigger challenge for smaller utilities like CPI. But actions (and inaction) by utilities serving rural areas also impact more densely populated nearby communities. Wildfire won't stay within a particular utility's service area; a utility ill prepared to coordinate PSPS strategy with emergency management staff will make decisions (for better or worse) that impact other utilities and communities. The town of Corvallis, for example, is nearly encircled by CPI's service area. For this reason OCVSAG fully supports CPI's compliance and stands ready to collaborate where appropriate and useful, for the benefit of our and surrounding communities.

We thank you for the hard work you're doing on our behalf.

For OCVSAG,

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