

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 18, 2021

REGULAR CONSENT EFFECTIVE DATE Upon filing with Sec. of State

DATE: May 13, 2021

TO: Public Utility Commission

FROM: Lori Koho

THROUGH: Bryan Conway **SIGNED**

SUBJECT: PUBLIC UTILITY COMMISSION STAFF:
Docket No. AR 638
Request to adopt temporary rules.

STAFF RECOMMENDATION:

Adopt the proposed temporary rule amendments to OAR 860-024-0050 and additional new temporary rules, OAR 860-024-0060 through OAR 860-024-0160, related to Public Safety Power Shut-off (PSPS) Protocols in Attachment A, effective upon filing with the Secretary of State.

DISCUSSION:

Issue

Whether the Oregon Public Utility Commission (Commission) should adopt the proposed temporary rule amendments to OAR 860-024-0050 and additional new temporary rules, OAR 860-024-0060 through OAR 860-024-0160, related to PSPS in Attachment A, effective upon filing with the Secretary of State.

Applicable Rule or Law

Pursuant to ORS 756.060, the Commission “may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission...” The Oregon Administrative Procedures Act sets forth the process for adoption and amendment of administrative rules and allows for the adoption or amendment of temporary rules for a period of up to 180 days in appropriate circumstances. Under

ORS 183.335(5), an agency may adopt, amend, or suspend a rule without the notice or hearing required for a permanent rulemaking if the agency prepares a written statement that includes:

- (1) Findings that failure to act promptly will result in serious prejudice to the public interest or the interests of the parties concerned;
- (2) Specific reasons why failure to act promptly will result in serious prejudice to those interests;
- (3) Legal authority relied upon for adoption, amendment or suspension of the rule;
- (4) A statement about the need for the rule and how the rule is intended to meet the need; and
- (5) A list of the principal documents, reports, or studies, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location where those documents are available for public inspection.

Pursuant to ORS 756.040, the Commission has the power and duty to ensure safe and adequate service at just and reasonable rates, and is vested with the power and jurisdiction to supervise and regulate every public utility and telecommunications utility in Oregon, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

Pursuant to ORS 757.035, the Commission has the authority to adopt and enforce safety rules and regulations “and to require the performance of any other act which seems to the commission necessary or proper for the protection of the health or safety of all employees, customers or the public.”

Analysis

Justification for Temporary Rules

The Commission opened Docket No. AR 638 on August 25, 2020 to address risk-based wildfire protection plans and planned activities, and to ensure that reporting requirements reflect information necessary to facilitate wildfire preparedness in Oregon. The proposed temporary amendments to OAR 860-024-0050 and additional new temporary rules, OAR 860-024-0060 through OAR 860-024-0160, related to PSPS are necessary to guide reporting, communication and coordination with communities and public safety partners impacted by wildfire events in Oregon.

On March 10, 2020 Governor Brown issued Executive Order 20-04 (EO 20-04). Section 5B(4) directs the Commission to evaluate electric companies’ risk-based wildfire

protection plans and planned activities to protect public safety, reduce risks to utility customers, and promote energy system resilience in the face of increased wildfire frequency and severity, and in consideration of the recommendations made by the Governor's Council on Wildfire Response 2019 Report and Recommendations.

During the 2020 wildfire season, just under 1,000,000 acres of Oregon burned. Adding to the public safety threat caused by the fires was the lack of clear communication or procedures surrounding PSPS. First responders and public safety partners struggled to determine when power lines were energized, and if or when they would be de-energized. De-energization events are greatly impactful in communities where they occur, threatening those who depend on power for medical needs, impacting access to 911 services, and in some instances severing the ability to pump the water needed to fight fires. The communication protocols between utilities, public safety partners, state agencies, local jurisdictions, and the public need to be defined and documented. Similarly reporting of fires associated with utility facilities is vital to understanding the extent of the wildfire threat posed, enabling appropriate planning for that risk. Without the adoption of these rules, there is a substantial likelihood that preventable injury to people and property will occur.

Procedural Background

Staff facilitated a Kick-off Workshop on December 9, 2020, which included an initial discussion of issues and priorities to be addressed in the rulemaking. The workshop was followed by an opportunity to submit written comments on the rulemaking scope. Staff asked commenters to include feedback on opportunities to make the meaningful progress on wildfire mitigation prior to the next fire season.

Following this input, Staff released a scope and schedule on March 24, 2021. Staff designed the rulemaking strategy to balance the need for a robust investigation and input process, which can take a significant amount of time, with the advantages of taking a limited number of targeted actions prior to the 2021 wildfire season. Specifically, Staff identified two areas where temporary rules would be most effective at putting near-term protections in place and gathering important data to remain informed throughout the 2021 fire season:

- *PSPS Protocols*: Baseline protocols for communication, community education, and coordination with key partners prior to, during, and after wildfire de-energization events for Investor Owned Utilities (IOUs).
- *Ignition Reporting Requirements*: Additions to existing requirements, which add fire-related incidents to the Commission's incident reporting rules (OAR 860-024-0050).

Staff circulated initial draft temporary rules on April 6, 2021, found in Attachment B. Staff held a workshop on April 14, 2021 where stakeholders were able to ask clarifying questions and provide comments on the initial draft rules. Staff also provided an additional opportunity for written comments on the draft rules on or before May 3, 2021. In response to that request, Staff received additional written comments from:

- Idaho Power Company (Idaho Power), PacifiCorp and Portland General Electric (PGE)(collectively, the Joint Utilities);
- Idaho Power Company (Idaho Power)
- Hood River and Wasco Counties (collectively, the Counties);
- Office of State Fire Marshal (OSFM);
- Mike Harryman, State Resilience Officer;
- Rogue Climate;
- Oregon Cable Telecommunications Association (OCTA);
- International Brotherhood of Electrical Workers Local 125 (IBEW);
- United Telephone Company of the Northwest, CenturyTel of Oregon, CenturyTel of Eastern Oregon and Qwest Corporation (collectively, Lumen);
- The Wireless Association (CTIA);
- A collaborative of non-profit organizations and individuals (Coalition);¹
- Mid-Columbia Economic Development District (MCEDD), and
- Gail Carbiener, Bend, Oregon resident.

Staff recognizes the weight of these issues and greatly appreciates the time and care that participants put into this discussion. Given the oral and written comments received thus far, Staff revised its initial draft of rules. Staff's proposed temporary rules are provided in Attachment A. The remainder of this Staff Report describes and summarizes Staff's proposed rules and addresses substantive participant comments on the initial draft temporary rules, as well as the modifications that Staff made in response.

Objectives in developing and revising the temporary rules

Staff's objective in proposing temporary rules is to quickly establish minimum expectations that the utilities can implement before high-risk fire conditions in 2021. Staff's proposed rules are designed to balance two major considerations: 1) setting clear expectations for utilities to work hard to prepare customers and key partners for

¹ Including NW Energy Coalition; Rogue Climate; MPH; Helen Kennedy, Resident of Marcola; Ecumenical Ministries of Oregon/Oregon Interfaith Power and Light; Oregon Environmental Council; Southwestern Chapter of The Climate Reality Project; Umpqua Watersheds; Rural Oregon Climate Political Action Committee; Claire Richards, PhD, RN; Oregon Association of Conservation Districts; Metro Climate Action Team; Our Climate; Spark Northwest; 350 Salem; Southern Oregon Climate Action Now; and 350 Eugene.

PSPS events in 2021, and 2) establishing near-term requirements that are actionable and enforceable.

Execution of a PSPS impacts all infrastructure dependent on electric power as well as individuals and communities. The decision to execute a PSPS is not taken lightly by an electric utility and is based on a number of risks the utility evaluates. The issue of risk analysis will be evaluated in depth as part of the permanent rulemaking. The intent of these temporary rules is to capture the minimum communication requirements the utility must develop for the 2021 fire season. These temporary rules may not be perfect, but Staff believes that they are sufficient in providing near-term guidance for utilities.

In revising the draft temporary rules, Staff focused on improving the clarity and effectiveness of the requirements originally proposed. Commenters provided a range of good ideas for additional requirements, but Staff found most of these suggestions too expansive to quickly incorporate into the temporary rules. Staff expects the utilities to make best efforts to address the concerns and suggestions from their partners and communities, but believes these important topics warrant additional consideration in the permanent rulemaking.

Several commenters also suggested that the Commission adopt firmer language around the expectations for utilities (e.g., use of term “must”), given the impact that a PSPS event has on customers, communities, and emergency responders. At the same time, the Joint Utilities recommended softening the requirements that they find difficult to meet in the near term. Staff believes that the spirit of the temporary rules are furthered by retaining the proposed expectations and directing the utilities to make every reasonable effort to meet these requirements. This approach is preferable to lowering requirements and mandating compliance with ‘must’ statements.

Finally, Staff appreciates the range of suggestions that have helped avoid duplicative or conflicting requirements. Staff seeks to propose temporary rules that align with existing emergency response and wildfire preparedness systems and made these changes from commenters

Summary of Temporary Rules and Comments Received
Applicability of Temporary Division X Rules

The proposed temporary rules include a general waiver provision, for good cause shown, consistent with waivers permitted by other divisions of the Commission’s administrative rules.

Idaho Power comments that it views the temporary rulemaking process as rushed and not allowing adequate time to comment on or implement any of the proposed rules. It believes the rules are not attainable for a utility that is in the early stages of developing its Wildfire Mitigation Plan.

Staff response: Staff added a waiver provision to its final proposed temporary rules given the proximity of these rules to the 2021 wildfire season and the varying levels of development for wildfire plans and based on comments and feedback from stakeholders.

Hood River and Wasco County object to qualifying language in the rules, such as “to the extent possible,” “whenever feasible,” and “every effort must be made,” that would provide flexibility for compliance rather than create strict requirements. Hood River asks for these statements to be removed and replaced with “must.” Given the importance of coordination with telecommunications, CTIA, and OCTA also recommend changing or removing the “whenever possible” and “if possible” language in various sections. CTIA proposes a more stringent “except for circumstances beyond an electric IOU’s control”.

Staff response: As described previously in this Staff report, Staff considered the tension between creating more strict standards that address public safety concerns, and the reality of implementation given the short timeframe before the 2021 wildfire season. Staff maintains the temporary rules are necessary and intentionally drafted to reflect a minimum set of requirements, sometimes on a best-efforts basis, that utilities should have in place to ensure that Oregonians are in the best position possible to respond to the 2021 wildfire season. However, inclusion of a waiver provision will allow a utility to petition for a waiver of requirements it is unable to meet, and allow the Commission to make a determination about whether the request should be granted for good cause shown.

Definitions for a New Rule Public Safety Power Shutoff

The temporary rules define key terms to ensure clarity in implementation.

The key terms benefitted from feedback of the Joint Utilities, the State Resilience Officer, OFSM, OCTA and CTIA, as summarized below.

The Joint Utilities offer several suggestions to the definitions in the initial draft rules, which were generally incorporated. These include adding the definition for “Electric Utility” and “Public Safety Power Shutoff,” and removing terms that were not used elsewhere within the rules.

Staff response: These suggestions help streamline and clarify the rules. Staff made the suggested additions and deletions.

More substantively, the Joint Utilities suggestions include paring down the definitions of “Public Safety Partner” and “Vulnerable Population” over concerns they are too broadly written, making them difficult to interpret and implement.

Staff response: Staff has not made the Joint Utilities’ suggested changes to the definition of Public Safety Partner or Vulnerable Population. It is important that the utilities seek to do as much as they can to coordinate with this group of partners and help particularly vulnerable groups prepare for PSPS in 2021.

The Joint Utilities also propose allowing persons to self-identify as a member of a Vulnerable Population with the Electric Utility.

Staff response: Staff hopes that utilities take advantage of all reasonable ways to identify and prepare vulnerable groups for PSPS, and has modified the definition of Vulnerable Populations to include individuals that may have self-identified with the utility.

Comments provided by the State Resilience Officer and the Office of State Fire Marshal suggest replacing specific state agencies with the Oregon Emergency Response System (OERS) Council in the definition of Public Safety Partners. This would streamline requirements for coordination with state agencies throughout the temporary rules.

Staff response: Staff supports more efficient coordination between utilities and state agencies and replaced references to individual state agencies with OERS members in the definition of Public Safety Partner.

The Counties recommend including 911 infrastructure and local “lifeline services”, such as emergency shelters, food banks, community, and social services, in the definition of Critical Facilities.

Staff response: Staff clarifies that Public Safety Answering Points (PSAPs) or 911 facilities are included in the definition of Critical Facilities. Staff urges the utilities to work with local partners to increase coordination and support for lifeline service providers in 2021 but is unable to incorporate this potentially expansive set of social service facilities into the definition in the near-term.

Requirement to Notify

This rule establishes overarching expectations for the electric utilities to (1) develop and maintain critical contact information; (2) provide advance notice to all potentially affected populations; and (3) provide priority notification to key emergency response groups.

The Joint Utilities made several substantive suggestions to the initial draft rules. First, they propose that subsection (1), relating to developing and maintaining vital information for a PSPS, apply only in the circumstance when an Electric Utility is initiating a PSPS.

Staff response: Staff finds that it is important to maintain the required contact information for the duration of the 2021 fire season/temporary rules. The proposed temporary rules require an Electric Utility to meet these obligations without the qualifier "If initiating a Public Safety Power Shutoff."

In subsection (2) and (3) the Joint Utilities propose to remove the requirement that the Electric Utility must, to the extent possible, notify jurisdictions that are not at threat of a utility-caused wildfire but may lose power as a result of de-energization elsewhere on the system.

Staff response: Given the implications of a PSPS event, Staff finds it reasonable that the rule be clear that an Electric Utility, to the extent possible, is also required to notify adjacent jurisdictions.

In subsection (3), the Joint Utilities propose to change the list of priority notification recipients to include Critical Facilities.

Staff response: Staff finds it reasonable to expect utilities to make their best effort to provide priority notification to operators of Critical Facilities and has made this change.

CTIA and OCTA emphasize the importance of providing advance notice to communications providers. Both commenters noted the potential for confusion about the prioritization requirements in this section given the range of groups referenced in different subsections. This confusion is particularly concerning to communications providers, which are both Public Safety Partners and operators of Critical Facilities.

Staff response: Requirements and timelines for notification are at the heart of these temporary rules. In addition to adding operators of Critical Facilities to the priority notification list, Staff streamlined subsection (2) and (3) to provide more

clarity about the overarching requirements for utilities to provide notice of a PSPS.

Multiple stakeholders commented on the difficult, but important, task of identifying and maintaining information on Vulnerable Populations. Commenters suggest that the utilities work with counties or other entities who may already have information that allows utilities to identify vulnerable populations. Particular emphasis is given to those that are medically vulnerable. Comments also discuss the advantages and disadvantages of individuals self-identifying.

Staff response: Staff urges the utilities to make as much progress as possible to work with local partners to identify vulnerable populations but is unable to develop requirements for this complicated topic in temporary rules. Staff finds that these considerations warrant additional investigation and consideration in the permanent rulemaking.

Procedure for Notification

Subsection (1) of this rule requires the utility to make every reasonable effort to provide early notice of a potential PSPS and sets forth minimum procedures for notice at different intervals before, during, and following a PSPS.

Subsection (2) makes clear that the Electric Utility retains ultimate responsibility for the development of its communication strategy and notifications in advance of, during and following a Public Safety Shutoff Event, with the goal of integrating and leveraging existing outreach and notification systems whenever possible.

The Joint Utilities propose two substantive changes to subsection (1). First, the Joint Utilities propose to add the qualifier “reasonable” when describing efforts that must be made by the Electric Utility to provide notice.

Staff response: Staff finds this in alignment with the spirit of the proposed temporary rules and has made this change.

Second, the Joint Utilities propose to limit requirements for providing notification as early as possible to Public Safety Partners, which conflicts with provisions in the “Requirement to Notify” rule and may create confusion about who must receive notification.

Staff response: The intent of subsection (1) is to communicate an overall expectation that the utilities provide notice of a potential PSPS as early as

practicable after they identify that it's likely. Staff has not modified this subsection to limit this expectation to Public Safety Partners.

OCTA suggests removing the qualifier "if possible" on the notification requirement for 1-4 hours in advance of anticipated de-energization.

Staff response: Notice to all affected populations is required 24-48 hours in advance and at the time that the PSPS is initiated without a qualifier. Staff finds that a qualifier is reasonable for notification in the 1-4 hour range in recognition of the previously described challenge of identifying vulnerable populations and understanding that robust emergency communication systems may not have been developed by the county or the state.

Required Information in Notifications in Advance of and Directly Preceding a De-energization Event

This rule sets forth more detailed requirements for Electric Utility communication strategies (1) in preparation for Public Safety Power Shutoffs generally, and (2) prior to an actual Public Safety Power Shutoff event.

Subsection (1) requires the Electric Utility to clearly articulate the conditions it considers when determining "an extreme fire hazard" and whether to de-energize, and to provide this information to Public Safety Partners and the public.

Subsection (1)(a) requires the Electric Utility to provide to Public Safety Partners, including local jurisdictions and local emergency managers, in advance of wildfire season, upon request, relevant geographic information system data within the confines of applicable law. This subsection also requires the Electric Utility to provide additional operational coordination to Public Safety Partners if requested.

Subsection (1)(b) requires the Electric Utility to develop and execute a Public Safety Power Shut-off education campaign tailored to the needs of its customers and communities, including Vulnerable Populations. In developing the campaign, the Electric Utility is required to consult with local jurisdictions and work through the Commission if seeking input from state agencies. The Electric Utility is also required to attempt to measure the effectiveness of its outreach efforts.

Subsection (1)(c) requires the Electric Utility to work with Public Safety Partners to develop an understanding of reverse 9-1-1 capabilities (and limitations) and identify the most effective public notification tools in preparation for the 2021 fire season. The

Electric Utility must also work in good faith to develop Common Alerting Protocol compliant messages and protocols for use during the 2021 fire season.

Subsection (2) requires the Electric Utility's initial notice to Public Safety Partners preceding a de-energization event (priority notice) to contain information about the estimated start time of the event, estimated duration of the event, and estimated time to full restoration.

Subsection (2)(a) requires, as part of the priority notice, that the Electric Utility make available a Geographic Information System shapefile to all Public Safety Partners whose jurisdictions or service areas will be impacted by the de-energization event, including adjacent jurisdictions and those that could lose power as a result of the event.

Subsection (2)(b) requires the Electric Utility partner with local Public Safety Partners for purposes of communicating to all customers that a de-energization event is possible, including relevant information.

Subsection (2)(c) requires the notification communication to answer five questions: (i) who is the source of the warning? (ii) what is the threat? (iii) does this affect my location? (iv) what should I do? and (v) what is the expected duration of the event?

Subsection (2)(d) requires communications to point customers towards education and outreach materials disseminated in advance of the 2021 fire season.

Subsection (2)(e) requires the Electric Utility to clearly provide information related to Public Safety Power Shutoffs on its website homepage, or a prominent link to such information and make a 24-hour means of contact available for customers.

This rule received extensive feedback at the April 14, 2021 Workshop and in the informal comments that followed. Staff made several revisions to the initial draft rules in line with these comments.

Multiple parties suggest that local jurisdictions and other community agencies should be consulted and have input on the Electric Utility's decision to initiate a PSPS. CTIA suggests that the Commission should establish the criteria for a PSPS event in the temporary rules to ensure it is treated as a consistent and predictable last resort.

Staff response: Given the utility's operational knowledge and the risks associated with de-energization, Staff believes the utility must retain sole discretion when determining whether to de-energize and thus declined to make the requested changes in the temporary rules. Staff further believes that it is infeasible to

develop meaningful PSPS decision protocols for the temporary rules, given the complexity and level of interest from various perspectives. Staff notes that both issues will benefit from additional consideration in the permanent rulemaking.

Regarding subsection (1), the Joint Utilities propose to refer to the PSPS decision factors as “considerations,” to clarify that the Electric Utility evaluates a variety of factors and how those factors may interact, and that a decision to de-energize is not made based on crossing any single threshold. The Joint Utilities also propose to remove the requirement that the information contained in subsection (1) be provided and be readily available to Public Safety Partners and the public in advance of a de-energization event.

Staff response: Staff finds that the use of the term “considerations” provides helpful clarity about the complex nature of Public Safety Shutoff decisions and has made this change. Staff, however, does not find that it is acceptable for utilities to withhold information about these conditions, which have serious impacts on customers. Consequently, Staff did not remove the requirement that information about the conditions are provided and made readily available to Public Safety Partners and the public.

OCTA recommends providing a shapefile with relevant geographic data about the electric system and Critical Facilities to all Public Safety Partners, not just local government partners, at the start of the fire season.

Staff response: Staff agrees that this information is important to adequately prepare critical communications facilities for Public Safety Power Shutoffs. Staff has included all Public Safety Partners in the group that receives this data as early as local government partners.

Regarding subsection (1)(b) the Joint Utilities comment that the requirements for utilities to develop a statewide PSPS education campaign with multiple agencies is onerous.

The OSFM similarly indicates that the Commission should serve as lead agency for support of the education campaign to promote efficiency and avoid a fiscal.

Rogue Climate suggests that the campaign includes information on the hazards of prolonged power outages, incorporates local input, prioritizes vulnerable zip codes, be multi-lingual, be shared through multiple channels, and follow the Oregon Environmental Justice Task Force outreach guidelines.

Staff response: Staff made several changes to the requirements for the education campaign. First, Staff modified the rule so that the utility must work

with the Commission if it wishes to seek input from state agencies when developing an education campaign. Under the rule, the Electric Utility remains responsible for developing the communication strategies but is no longer required to develop an education campaign that is “statewide.” Staff is concerned that implementation of a fully integrated statewide communication campaign for this fire season may not be achievable. Instead, Staff modified the rule to require coordination with local jurisdictions to facilitate more targeted outreach along the lines of Rogue Climate’s recommendations.

For subsection (1)(c), PGE commented during the April 14, 2021 Workshop that coordinating with jurisdictions and with the public alerting authority requires negotiated agreements that will be difficult to have in place for this fire season. The Joint Utilities propose edits to reflect a shift to an aspirational goal, rather than a hard requirement.

Staff response: Staff agrees this may be too onerous to achieve prior to the 2021 fire season, and therefore added language that the Electric Utility must “work in good faith” to develop Common Alerting Protocol compliant messages to encourage implementation of such agreements as soon as practicable.

Regarding Subsection (2)(a), PGE asks for clarification in the rule that sharing GIS information is limited to physical location information and does not include any operational details.

Staff response: Staff agrees that this is the case but did not find an edit to the initial proposed language to be necessary for clarity.

PGE also asks if anything in this subsection prohibits an Electric Utility from communicating directly with its customers.

Staff response: Staff added a statement clarifying that the rule was not intended to prohibit an Electric Utility from directly communicating with its customers.

In their comments, the Joint Utilities propose removing altogether the phrase “the most accurate and specific information possible,” which may be due to security concerns and compliance with other applicable laws, as well as removing the requirement that such information be shared with adjacent jurisdictions that will lose power due to the Public Safety Power Shut-off.

Staff response: Providing up to date and accurate information to Public Safety Partners and operators of Critical Facilities is important for protecting public

safety during a PSPS. This language is focused on best efforts; therefore, Staff has not made the utilities' suggested change.

CTIA and OCTA also provide recommendations to standardize, increase the granularity of, and provide easier access to fresh data through a secure portal for the shapefiles that are provided to Public Safety Partners in preparation for and directly in advance of Public Safety Power Shutoffs. OCTA also notes the importance of providing updated data as things change during the event.

Staff response: Staff urges the utilities to work with Public Safety Partners and local emergency planners to ensure that provided information is as fresh and useful as possible. However, Staff did not add any new criteria to the temporary rules given the short timeline for consideration and implementation of appropriate minimum data sharing requirements.

The Joint Utilities propose to delete subsections (2)(b) through (2)(d).

Staff response: Staff finds that these requirements provide clarity to customers and those impacted by Public Safety Power Shutoff events and should be retained.

Regarding Subsection (2)(e), PGE comments that the initial draft rule was overly specific about where PSPS information was to be posted on its website. The Joint Utilities propose edits to this section that do not appear to change the substance of the rule.

Staff response: Staff modified the language to allow the Electric Utility discretion in how it directs customers to PSPS information. The requirement is that the information has to be either on the homepage or there must be a prominent link to the information on the homepage.

Regarding subsection (2), CTIA urges the Commission to provide more specificity regarding the information that must be provided with notifications, including specific information that should be required in the header and body of the e-mail, consolidation of information into a single initial e-mail, and changes in subsequent e-mails highlighted to make it immediately clear to the recipient what has changed.

Staff response: Staff urges the utilities to work with experienced entities, such as CTIA, and other Public Safety Partners to ensure that notices are as streamlined and effective as possible. However, Staff did not add any new criteria for

formatting and content of notices to the temporary rules given the short timeline for consideration and implementation.

Points of Contact

This rule requires the Electric Utility to work with Public Safety Partners and operators of Critical Facilities to identify points of contact related to PSPS events, as well as to develop a list of Critical Facilities, including those located within its service territory. In the initial draft rules, the title of the rule was “Identification of Customer Groups,” which Staff finds to be less accurate than the currently proposed title.

Subsection (1) requires the Electric Utility to work with Public Safety Partners and operators of Critical Facilities to identify first responder points of contact.

Subsection (2) requires the Electric Utility to provide utility personnel 24-hour points of contact to Public Safety Partners and Critical Facilities.

Subsection (3) requires the Electric Utility to file emergency contact information with the Commission consistent with ORS 758.013.

Subsection (4) requires the Electric Utility work with Oregon Emergency Management and local county managers and planners to identify non-utility Critical Facilities within the Electric Utility’s service territory. The Electric Utility must work with the operators of those Critical Facilities to identify 24-hour points of contact, secondary contacts, and preferred methods of communication.

Subsection (5) requires an Electric Utility take all reasonable steps within the boundaries of the law to identify and attempt outreach to Vulnerable Populations in the event of a Public Safety Power Shutoff.

The Joint Utilities propose a number of edits to the requirements of this rule. For Subsection (4), the Joint Utilities propose to remove the requirement that the Electric Utility work with Public Safety Partners and operators of Critical Facilities to identify 24-hour points of contact, secondary contacts, and preferred methods of communication as part of the coordination effort.

Staff response: Staff finds that the specific requirements about how to develop contact information is valuable and should be included in the temporary rules.

In Subsection (5), the Joint Utilities propose edits that may be read to limit its obligation for notification to Vulnerable Populations to those individuals that self-identify with the Electric Utility.

Staff response: Staff expects the utilities to put forth their best effort to ensure vulnerable customers have advance notice of Public Safety Power Shutoffs in 2021 and has not adopted any changes that limit this obligation in the way proposed by the Joint Utilities. Staff has added a mention to using self-identified customer data as part of its operations.

The OSFM suggests that the utilities should be required to collaborate with the Fire Defense Board Chief. The OFSM also suggests that OEM's Raptor Software be used in coordination with local emergency planners, rather than local emergency response entities.

Staff response: Staff is grateful for the expertise OSFM shared and has updated this requirement to ensure that utilities coordinate with OEM and local emergency planners to identify critical facilities and points of contact. Staff believes that this language captures coordination with the Fire Defense Board Chief.

Methods for Communicating De-Energization Event with the Public

Subsection (1) of this rule requires the Electric Utility develop notification strategies for all customer groups affected by a Public Safety Power Shutoff event, and to partner with Public Safety Partners in developing notification strategies to the extent possible. The rule also describes effective notification strategies and requirements.

Subsection (2) requires the Electric Utility to develop, in coordination with Public Safety Partners, communication strategies to be used at the beginning and during de-energization.

The Counties suggest that coordinating with Public Safety Partners be made mandatory, rather than require coordination to the extent possible.

Staff response: Staff urges the utilities to put forth their best effort to ensure effective notification at the time of de-energization but has declined to make this change in the temporary rules, as it believes the latitude is appropriate given the short period for implementation of these requirements.

The Joint Utilities propose to change the Subsection (1) requirement for customer notification to be "subject to customer preference" in terms of communication channel.

Staff response: Staff agrees that customer preference for communication channels should be considered if possible. Given the uncertain nature of how or when this could be incorporated into 2021 practices, Staff has not included

specific language about the role of communication channel preferences in the temporary rules.

Coordination with Public Safety Partners Before and During a De-Energization Event

This rule makes the Electric Utility responsible for communicating an impending Public Safety Power Shutoff event to local officials and the Commission's ESF-12 Liaison. This rule further requires the utility to coordinate with local officials and emergency managers to disseminate all information in accordance with how it is done in other emergencies, and to work with the Public Safety Partners to develop notification strategies for all customers groups that comport with best practices.

The Joint Utilities' propose changes that appear to remove the requirement that the Electric Utility contact local Public Safety Partners in impacted jurisdictions prior to and during a Public Safety Power Shut-off event, as well as communicate an impending Public Safety Power Shut-off event to local officials and the Commission's ESF-12 Liaison.

Staff response: Staff appreciates the Joint Utilities' efforts to streamline this section of the rules, including removing the requirement to notify Public Safety Partners of impending de-energization from this section of the temporary rules. Staff has not removed the requirement that the Electric Utility retains responsibility to ensure notification of affected customers but made it part of Subsection (1).

The Joint Utilities also propose to eliminate the requirement that an Electric Utility partner with Public Safety Partners to develop notification strategies for all customers groups, in favor of deferring to the practices preferred by Public Safety Partners.

Staff response: Staff changed the rule to reference the notification strategies identified in the Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event section OAR 860-024-0090(1)(c), which requires collaboration with Public Safety Partners to identify preferred and most effective public notification tools.

In addition, the OSFM notes that Public Safety Partners included entities, such as OSFM, that do not have a notification system. OSFM also notes that there is no defined lead state agency for these notifications and suggests that the OPUC be the lead agency using the existing response framework that is already in place with OERS. The SRO supported these comments.

Staff response: Staff has narrowed the requirements in this subsection to specify that Electric Utilities are required to work with local officials and emergency managers to disseminate all information in formats and through processes as identified in the Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event section (1)(c).

Coordination with Emergency Response Centers and Incident Command Systems

This rule requires an Electric Utility endeavor to embed a liaison officer at the local emergency operation center upon request by the local jurisdiction, and requires the Electric Utility to embed a liaison officer at the State's Emergency Coordination Center for the purpose of assessing and integrating wildfire threat data for decision-making. The rule also requires the Electric Utility have a designated lead with decision-making authority at its emergency operations center with whom the embedded liaisons can communicate in real-time.

The Joint Utilities request insertion of language related to the timing of such obligations to coincide with Public Safety Power Shutoff events.

Staff response: Staff finds the suggestion reasonable and specified that the requirements apply once the Electric Utility has delivered a notification of a potential Public Safety Power Shutoff, and continuously until an event has ended or until conditions have subsided so that the notice is de-activated.

The OSFM is concerned that the Liaison Officer would be best placed and trained to engage with the Incident Management Team at the time of the incident to ensure the appropriate flow of information and management concerns. The OSFM suggests that each utility's Liaison receive ICS training to ensure he or she understands the process of the IMT meeting, and should attend IMT Cooperator meetings at the onset and throughout the incident. The SRO supported these comments.

Staff response: Staff agrees with these requirements. Staff has not added a new requirement for utility liaisons to receive to work with the IMT or receive ICS training to the temporary rules because it believes that these requirements are currently being met for the 2021 fire season. Staff urges the utilities to adhere to this guidance if they have not taken steps to do so.

Request to Delay De-Energization

This rule requires an Electric Utility to consider any received requests to delay de-energization on a case-by-case basis when made by a Public Safety Partner but makes clear that the Electric Utility retains ultimate authority on whether to grant such a request. The rule also requires notification to the Commission ESF-12 liaison of any received requests within two hours.

The Joint Utilities propose to delete this rule.

Staff response: Staff believes requests to delay de-energization are likely to occur, and there needs to be a rule in place to address how those requests will be handled.

The OFSM is concerned that there is a risk that requests to delay from individual Public Safety Partners would be made in a silo, losing sight of the overarching goal due to lack of collaboration. The OFSM suggests that the local county emergency managers should be part of the decision to ensure all components of response and planning are considered prior to a delay being granted.

Staff response: Staff believes the utility must retain sole discretion when determining whether to de-energize given its operational knowledge and the risk associated with de-energization, so declined to make the requested changes in the temporary rules. Staff encourages the utilities to put forth their best effort to staff coordinated with local emergency managers and to understand the overarching goals of the emergency response when weighing de-energization considerations.

De-Energization of Transmission Lines

Subsection (1) of this rule requires an Electric Utility to provide interim protocols for de-energization of transmission lines based upon the impacts to populations across affected jurisdictions, to the extent the utility has developed such protocols, and that the Electric Utility must comply with applicable Federal Energy Regulatory Commission and North American Electric Reliability Corporation reliability standards.

Subsection (2) of this rule requires the utilities notify the Commission when transmission lines are de-energized.

The Joint Utilities propose removal of this rule.

Staff response: Staff finds that information related to the de-energization of transmission lines, in addition to distribution lines, is beneficial and notes that the draft rule does not require development of information, but rather, disclosure of the information that already exists. Staff has not deleted this rule.

The OFSM cautions that “stakeholders” should be defined.

Staff response: Staff removed the reference to stakeholders from the proposed rules.

Reporting Requirements

Subsection (1) sets forth the reporting requirements following a Public Safety Power Shutoff event. The information required includes information about the decision, notifications and outreach, customers affected, duration, requests to delay de-energization and lessons learned.

Subsection (2) requires a report following the 2021 Fire Season that describes de-energization lessons learned, and includes all educational campaigns and outreach made in advance of the 2021 wildfire season and an evaluation of their effectiveness. Subsection (3) requires that non-confidential copies of such reports must be made available on the Electric Utility’s website.

The Joint Utilities propose to delete reporting on requests to delay de-energization in accordance with their proposal to eliminate the related rule.

Staff response: Staff proposes to retain the Request to Delay De-Energization rule, and therefore, finds that the associated reporting requirement is still necessary.

The Joint Utilities also propose to eliminate the post-fire season reporting requirement in Subsection (2).

Staff response: Staff finds that there is value in these reports. Staff retained this rule but modified it so that reports are due no later than October 31, 2021 to stay within the time-frame of the temporary rules.

Commenters at the April 14, 2021 workshop, as well as, the Counties, Coalition, and CTIA urge that Public Safety Partners and the public also receive a report following an event.

Staff response: Staff agrees that there is value in increasing transparency and making data about Public Safety Power Shutoff events available but understands concerns that these reports may contain confidential information. The proposed rule was modified to require that non-confidential versions of the reports be made available on the Electric Utility's website.

CTIA states that the Commission should review all aspects of the event so that it can determine lessons learned to implement in future events, which should be an explicit part of the rule. CTIA also recommends that a public version of the report be made available for stakeholder comment so that a full picture of the event will be available.

Staff response: Staff thanks CTIA for raising the importance of carefully analyzing these events to drive continual improvement. Staff is unable to create a new public review process in time for the temporary rules but commits to exploring this in the permanent rulemaking.

The OSFM suggests that the OPUC be the lead agency if there are requirements for state agencies to provide information for reporting.

Staff response: The rules do not include requirements for state agencies to supply information, so Staff did not make changes to this rule. Staff commits to serve as lead agency in facilitating any information needs related to Electric Utility reporting requirements.

Amendment to OAR 860-024-0050 - Fire-Related Incident Reporting

Staff proposes amendments to OAR 860-024-0050 to include reporting requirements for fire-related incidents. Collection and subsequent analysis of fire-related incidents during the 2021 fire season is critical for understanding the situations and conditions where wildfires may either present a risk to utility infrastructure or where utility infrastructure may be a source of ignition for a wildfire.

Staff's proposed amendments add two reporting requirements for fire-related incidents. In subsection (3), the utility is required report to the Commission, as soon as practicable following knowledge of the event, fire-related incidents that (1) are the subject of significant public or media attention and involve the utility's facilities or is in the utility right-of-way, or (2) involve utility facilities associated with a self-propagating fire of material other than electrical and/or communication facilities and the resulting fire traveled greater than one linear meter from the ignition point. A definition of "self-propagating fire" is added to the definitions in subsection (1).

Subsection (4) requires the utility to also submit a Form 221 for fire-related incidents described in subsection (3) within 20 days of knowledge of the occurrence. Staff has updated its Form 221 to include the required information for fire-related incidents.

Staff's proposed amendments to OAR 860-024-0050 benefitted from extensive feedback from stakeholders in this process.

In their written comments, the Joint Utilities suggest a number of edits that they find will add clarity but are generally supportive of the objective to have temporary procedural mechanisms for reporting utility-related wildfire incidents. The Joint Utilities made a number of non-substantive edits, which Staff generally accepted.

More substantively, the Joint Utilities, as well as Idaho Power individually, propose deleting the qualifier "subject of significant public attention or media coverage," stating "it is difficult to imagine a wildfire garnering significant public attention or media coverage which does not satisfy the more detailed conditions for reporting." They argue that removing this language removes ambiguity in reporting. Comments at the April 14, 2021 workshop also raise concern that this threshold is subjective.

Staff response: Staff believes this requirement should remain. Fire-related incidents associated with utility infrastructure are and will continue to be a subject of public interest and scrutiny. Utilities must be aware of what is being circulated in the media and report that information to the Commission for situational awareness.

The Joint Utilities also raise concerns that the rule is unclear on the timing and form of reports required in subsections (3) and (4), which have similar 20 day deadlines. The Joint Utilities suggest that the information required by subsection (3) is satisfied by the information required by subsection (4) and submission of the Form 221 report.

Staff response: Staff appreciates the feedback that the initial proposed amendments could be confusing as to what information is to be provided, through which channels, and timelines applicable. Staff made additional edits to the rule to clarify that the information required to be submitted in subsection (3) is expected on a more immediate timeline for fire-related incidents that meet the criteria in subsections (3)(a) or (3)(b). The Form 221 report is subject to the Commission's current 20 day timeline and will require information as set forth in the Form 221. As such, Staff's amendments make the different requirements for each report more clear. A copy of Form 221 is provided in Attachment C.

Idaho Power, through its individual comments, raises a number of other questions and concerns. Idaho Power expresses concern that it would be required to submit reports on

fire-related incidents that are outside of its service territory and/or do not involve its facilities or utility property.

Staff's response: Staff made clarifying edits to ensure that reporting will be limited to the utility's knowledge, and incidents that involve the utility's facilities and/or are located within its service territory.

Idaho Power also questions the reporting criteria that includes a fire traveling "greater than one linear meter." Its concerns are related to understanding the basis for one linear meter as a threshold. PacifiCorp and Idaho Power question requiring reports on an individual basis immediately following a fire-related incident rather than an annual report that would provide aggregate data.

Staff response: Staff appreciates Idaho Power's engagement and desire to understand the basis for adding reporting requirements based on particular thresholds. Staff chose one linear meter because it strikes an appropriate balance in terms of scale and burden for the utility. Staff also finds that, given the current lack of information and the need to work expeditiously to develop permanent rules in 2021 for the 2022 fire season and beyond, more information is necessary to ensure that the rules are informed by appropriate data. As such, while permanent reporting requirements may be adjusted, Staff's proposed amendments to the reporting requirements for fire-related incidents are necessary at this time.

Summary of Other Comments Received

Staff received a range of additional feedback, not specific to the content of the temporary rules. Local governments, community groups, individuals, IBEW, and several telecommunications companies shared valuable perspectives on Public Safety Power Shutoffs. It is clear from this feedback that Public Safety Power Shutoffs are highly impactful to many groups and that rulemaking participants and the Commission should carefully consider the role of this tool over the long-term.

The Counties, the Coalition, and Rogue Climate raise a number of concerns related to the impact of long-duration power outages on communities and raise questions regarding who has the responsibility to minimize impacts to communities in the event of a PSPS. These groups highlight that PSPSs leave the local government and community-based organizations liable to protect individuals, businesses, tourists, and industries. These groups also explain that most counties and other local service providers have limited resources to develop plans to address the impact to the community of PSPS and believe the state or the utility should provide more resources to mitigate impacts of a PSPS, such as backup power. These groups also highlight several

concerns related to a historical lack of coordination and support from utilities during wild fire and PSPS events.

In addition, these groups highlight the importance of wildfire mitigation in the Commission's Executive Order 20-04 work plans, urging more transparency and consideration for the effects on vulnerable populations in particular.

The Counties believe the rules place more priority on working with state agencies than local jurisdictions. Staff reviewed the rules and believes that there is appropriate balance between state and local coordination. Further consideration of this will be included in the permanent rulemaking. The Counties also articulate specific issues to be addressed, including:

- Limited staff and resources to add new hazard planning
- Limited backup power
- Limited public and social services to help mitigate outage impacts
- Needed plans in sync with public services and utility to offset this
- Assessment of health impacts with utility and planned mitigation
- Vulnerable population planning needs to occur to mitigate community impacts.

Rogue Climate suggested that the Commission evaluate power shutoff implications for rural communities and other high-risk communities and that the utilities should be required to upgrade out-of-date infrastructure in fire prone areas and for ratepayers not to bear these investments.

The Coalition also encourages the use of "power shutoff" instead of "de-energization" whenever possible. They believe that this terminology helps center what is happening to members of the impacted communities, rather than the electric grid.

IBEW's comments are not focused on any specific part of the rules but instead on the ability of its members to respond to the upcoming challenges of wildfires and PSPS. IBEW emphasizes the skill sets of its members to ensure safe shutoff and subsequent energization of electrical systems.

CTIA urges limited use of PSPS, due to the impacts on vital communications during an emergency. CTIA cautions that the temporary rules should not be used as a default foundation for the permanent rulemaking.

OCTA emphasizes that PSPS should always be a last resort and encourages the Commission to balance the costs and burdens on the electric utilities, their customers and the public in reaching those ends.

Lumen comments that reverse 9-1-1 calling is a helpful tool for emergency response, and notes that it is engaged in regular conversations with its government partners in educating about the capabilities and limitations of the system. Lumen also encourages the Commission to ensure that telecommunications providers are prioritized in notifications.

Gail Carbiener provided comments as a citizen, opposed to the Boardman to Hemmingway transmission line. Mr. Carbiener supports development of the rules but is concerned that minimal progress was made on the temporary rules. He emphasizes the importance of developing communication plans and coordinating at the local level for all wildfire mitigation plans.

Conclusion

Staff recommends that the Commission adopt the proposed temporary rule amendments to OAR 860-024-0050 and additional new temporary rules OAR 860-024-0060 through OAR 860-024-0160 in Attachment A, effective upon filing with the Secretary of State.

PROPOSED COMMISSION MOTION:

Adopt the proposed temporary rule amendments to OAR 860-024-0050 and additional new temporary rules OAR 860-024-0060 through OAR 860-024-0160 in Attachment A, effective upon filing with the Secretary of State.

Incident Reports

860-024-0050

Incident Reports

(1) As used in this rule:

(a) “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) “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.

(c) “self-propagating fire” means a fire that is self-fueling and will not extinguish without intervention.

(2) Except as provided in section ~~(5)~~ (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

~~(3)~~(4) Except as provided in section ~~(5)~~(6) 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.

~~(4)~~(5) 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.

~~(5)~~(6) 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)~~(4).

~~(6)~~(7) Gas operators have additional incident and condition reporting requirements set forth in OAR 860-024-0020 and 860-024-0021.

Stat. Auth.: ORS Ch. 183, 654, 756, 757 & 759

Stats. Implemented: ORS 654.715, 654.720, 756.040, 756.105, 757.035, 757.039, 757.649, 759.036, 759.040 & 759.045

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 21-1985, f. & ef. 11-25-85 (Order No. 85-1130); PUC 12-1989, f. & cert. ef. 8-11-89 (Order No. 89-946); PUC 4-1992, f. & ef. 2-14-92 (Order No. 92-234); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); renumbered from OAR 860-028-0005 and 860-034-0570; PUC 23-2001, f. & ef. 10-11-01 (Order No. 01-839); PUC 9-2006, f. & ef. 9-28-06 (Order No. 06-547)

New Temporary Public Safety Power Shutoff Rules

860-024-0060

Definitions for Public Safety Power Shutoff

(1) “CAP” refers to the Common Alerting Protocol and the methods of delivering emergency messages from one source to all properly coded stations simultaneously, via internet connections to the CAP server. Oregon uses the server provided by the Federal Emergency Management Agency.

(2) “Critical Facilities” refers to facilities and infrastructure that are essential to the public safety and that require additional assistance and advance planning to ensure resiliency during a Public Safety Power Shutoff. Critical Facilities may include the following: Communication infrastructure (e.g. wireless towers and support infrastructure, communication carrier infrastructure including selective routers, central offices, head ends, cellular switches, and remote terminals); Emergency Services (e.g. police stations, fire stations, emergency operations centers, public safety answering points (PSAPs)); Government Facilities (e.g. schools, jails, and prisons); Healthcare and Public Health (e.g. public health departments, and medical facilities including hospitals, skilled nursing facilities, nursing homes, blood banks, health care facilities, dialysis centers, and hospice facilities); Key Grid Interdependencies (e.g. public and private utility facilities vital to maintaining or restoring normal service, including, but not limited to, interconnected publicly-owned utilities and electric cooperatives); Fueling Systems (e.g. fuel pumping and dispensing for vehicles or into containers for generators, electric vehicle charging stations); Water and Wastewater Systems (e.g. facilities associated with the provision of drinking water or processing of wastewater including facilities used to pump, divert, transport, store, treat, and deliver water or wastewater); and Chemical (e.g. facilities associated with the provision of manufacturing, maintaining, or distributing hazardous materials and chemicals).

(3) “Electric Utility” means an electric investor-owned electric subject to Oregon Public Utility Commission jurisdiction.

(4) “Emergency Response Provider” includes federal, state, and local governmental and nongovernmental public safety, fire, law enforcement, emergency response, emergency medical services providers (including hospital emergency facilities), and related personnel, agencies and authorities.

(5) “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.

(6) “First Responder” refers to those individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers.

(7) “Public Safety Partners” refers to emergency responders at the local, state and federal level,

water, wastewater and communication service providers, energy providers (electricity, natural gas, fuels) County Emergency Managers, and members of the Oregon Emergency Response System Council (OERS).

(8) “Public Safety Power Shutoff” is a proactive de-energization of a portion of an Electric Utility’s electrical network, based on the forecasting of and measurement of extreme wildfire weather conditions.

(9) “Vulnerable Populations” consists of 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, or those who are low income, experiencing homelessness, unhoused, or unsheltered, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit. Vulnerable Populations also includes individuals who have elected to identify to an electric utility as a person whose safety may be materially impacted by a Public Safety Power Shutoff.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0070

Requirement to Notify for Public Safety Power Shutoff

(1) In partnership with local jurisdictions, the Electric Utility must:

(a) Develop and maintain with other emergency partners comprehensive contact information for Public Safety Partners and Critical Facilities dependent on electric power.

(b) to the extent possible, identify Vulnerable Populations and develop appropriate communication protocols that address the needs of those populations.

(2) The Electric Utility must, to the extent possible, provide advance notification to all populations potentially affected by a Public Safety Power Shutoff event.

(3) Whenever possible, an Electric Utility should deliver priority notification to the following entities, at a minimum: Public Safety Partners, operators of Critical Facilities that are not Public Safety Partners, and adjacent local jurisdictions that may lose power as a result of Public Safety Power Shutoff. An Electric Utility must also notify ESF-12 directly and ESF-12 will facilitate coordination with the OERS Council. Notice to all other affected populations may occur after the Electric Utility has given priority notice. Vulnerable Populations may require additional notification efforts. This rule is not intended to be restrictive; the Electric Utility may provide priority notification to a broader group to promote public safety, e.g. Critical Facilities.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0080

Procedure for Notification for Public Safety Power Shutoff

(1) Every reasonable effort must be made by the Electric Utility to provide notice of a potential Public Safety Power Shutoff as early as the Electric Utility reasonably believes de-energization is likely. The Electric Utility must provide notice when a decision to de-energize is made, at the beginning of a de-energization event, when re-energization begins and when re-energization is complete. Electric Utility must adhere to the following minimum notification timeline, whenever feasible:

- (a) 48-72 hours in advance of anticipated de-energization: notification of Public Safety Partners and operators of Critical Facilities entities identified in OAR 860-024-0070(3);
- (b) 24-48 hours in advance of anticipated de-energization: notification of all other affected customers/populations;
- (c) 1-4 hours in advance of anticipated de-energization, if possible: notification of all affected customers/populations;
- (d) When de-energization is initiated: notification of all affected customers/populations;
- (e) Immediately before re-energization begins: notification of all affected customers/populations;
- (f) When re-energization is complete: notification of all affected customers/populations.

(2)(a) The Electric Utility, as the entity with the most knowledge of its electrical facilities and operations, retains ultimate responsibility for development of the communication strategy and notification in advance of, during and after a Public Safety Power Shutoff event.

(b) The Electric Utility must work with the goal of integrating into and leveraging existing outreach and notification systems wherever reasonable, rather than creating duplicative and potentially conflicting systems to those employed by local jurisdictions/ first responders.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0090

Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event for Public Safety Power Shutoff

(1) In advance of a Public Safety Power Shutoff event, the Electric Utility must clearly articulate considerations for strong wind events as well as the conditions that define “an extreme fire hazard” that the electric investor-owned utility evaluates in considering whether to de-energize. This information may vary for different jurisdictions and topographies; however, the information must be provided to and be readily available to Public Safety Partners and the public. The Electric Utility is afforded discretion to evaluate real-time and on-the-ground information in determining whether to de-energize; articulation of conditions is not determinative of de-energization.

(a) To aid in preparation, the Electric Utility must provide, if requested, relevant geographic information system data, including identification of Critical Facilities, and number of customers with medical certificates that have registered with the Electric Utility, to Public Safety Partners, including local jurisdictions and local emergency managers, in advance of wildfire season, to the extent permissible under applicable law. In addition, the Electric Utility must provide, if requested, operational coordination with Public Safety Partners to ensure such partners have not only the information but also the coordination with the utilities necessary to prepare for de-energization.

(b) The Electric Utility, must develop and execute a Public Safety Power Shut-off education

campaign that provides education tailored to the needs of stakeholders, including Vulnerable Populations, in order to make citizens aware of the impacts of prolonged loss of power and how to prepare for and obtain information during a prolonged loss of power, including as a result of a Public Safety Power Shutoff. In the development of the campaign, the Electric Utility must work with local jurisdictions and consult with the Commission if seeking input from state agencies.

(c) In preparation for the 2021 fire season, the Electric Utility must work with Public Safety Partners to understand the capabilities of and endeavor to utilize reverse 9-1-1 and identify preferred or most effective public notification tools (e.g., local radio stations, TV, social media). In order to allow jurisdictions with public alerting authority to send timely and appropriate messages to populations potentially impacted by a Public Safety Power Shutoff, the Electric Utility must work in good faith to develop CAP compliant messages and best practice protocols for use by the designated alert authorities for the 2021 fire season. Whether local jurisdictions choose to utilize their Public Alert and Warning system to notify the public of a Public Safety Power Shutoff event is at their discretion.

(2) The Electric Utility must convey to Public Safety Partners at the time of first notification preceding a Public Safety Power Shutoff, information regarding the upcoming de-energization, including estimated start time of the event, estimated duration of the event, and estimated time to full restoration.

(a) For the 2021 wildfire season, the Electric Utility must, at the time of first notification preceding a de-energization event, make available a Geographic Information System shapefile via a secure data transfer process depicting the most accurate and specific information possible regarding the boundaries of the area subject to de-energization to all Public Safety Partners whose jurisdictions or service areas will be impacted by the Public Safety Power Shutoff event, including adjacent jurisdictions or service areas that could lose power as a result of de-energization in a high fire threat district. Nothing in this provision prohibits an Electric Utility from directly communicating with its customers.

(b) The Electric Utility must partner with local Public Safety Partners to communicate with all other customers that a Public Safety Power Shutoff event is possible, the estimated start date and time of de-energization, the estimated length of de-energization, which may be communicated as a range, and the estimated time to power restoration, which again, may be communicated as a range. Communications should state when the customer can next expect communication about the de-energization event.

(c) Communication must answer five key recipient questions:

- (i) Who is the source of the warning?
- (ii) What is the threat?
- (iii) Does this affect my location?
- (iv) What should I do? and
- (v) What is the expected duration of the event?

(d) Communications must also point customers towards education and outreach materials disseminated in advance of the 2021 wildfire season.

(e) The Electric Utility must clearly provide customers information on how to access details on Public Safety Power Shutoff via the Electric Utility's website homepage or a prominent link on the utilities' website homepage. The information must be up-to-date, including a depiction of the boundary of the Public Safety Power Shutoff event. The Public Safety Power Shutoff information must be easily readable and accessible from mobile devices. The Electric Utility, in partnership

with local public safety partners, must establish and communicate a 24-hour means of contact that customers may use to ask questions and/or seek information.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0100

Points of Contact for Public Safety Power Shutoff

(1) The Electric Utility must work with Public Safety Partners and operators of Critical Facilities that are not included in Public Safety Partners to identify appropriate First Responder points of contact. This may include local government points of contact for jurisdictions that share First Responder resources. The Electric Utility must identify 24-hour contact points and must identify secondary contacts at a minimum and tertiary contacts if possible. The Electric Utility must also identify primary and secondary means of communication for each contact.

(2) The Electric Utility must provide to Public Safety Partners, and operators of Critical Facilities that are not included in Public Safety Partners, utility personnel 24-hour points of contact, including secondary and tertiary contacts and primary and secondary means of communication.

(3) Consistent with ORS 758.013, utilities shall file the utility personnel 24-hour points of contact information with the Commission.

(4) The Electric Utility must, in addition to developing its own list of Critical Facilities, work in coordination with Oregon Emergency Management, including the use of the Raptor Software, and in coordination with local county managers and planners to identify other potential Critical Facilities within the Electric Utility's service territory. The Electric Utility must work together with operators of Critical Facilities to identify 24-hour points of contact and at a minimum, secondary points of contact, including preferred methods of communication.

(5) Identification of Vulnerable Populations, including individuals identify as such with the Electric Utility, is a goal that may not be fully achievable even with assistance of Public Safety Partners. An Electric Utility must, however take all reasonable steps within the boundaries of the law to attempt outreach to members of Vulnerable Populations, including those self-identifying a such with the Electric Utility, in the event of a Public Safety Power Shutoff.

860-024-0110

Methods for Communicating De-Energization Event with the Public for Public Safety Power Shutoff

(1) The Electric Utility must develop notification strategies for all customer groups affected by Public Safety Power Shutoff, and the Electric Utility must partner with Public Safety Partners, whenever possible, to develop notification strategies. In order to be effective, notifications should be delivered in multiple formats across several media channels, both to increase the potential a message successfully reaches an impacted population and to provide a sense of corroboration that will encourage individuals to take protective actions. Customer notifications should include, but

are not limited to, telephonic notification, text message notification, social media advisories, emails, and messages to agencies that service Vulnerable Populations within an impacted area to allow them to amplify any pertinent warnings. Communication methods must consider the geographic and cultural demographics of affected areas (e.g. broadband access, languages prevalent within the utility's service territories, considerations for those who are vision or hearing impaired.).

(2) The Electric Utility must develop a strategy for how communication will occur with affected customers once de-energization has begun and during re-energization, recognizing that communication channels may be restricted due to the loss of power. The Electric Utility should develop this strategy in coordination with Public Safety Partners.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0120

Coordination with Public Safety Partners Before and During a De-Energization Event for Public Safety Power Shutoff

The Electric Utility must communicate an impending Public Safety Power Shutoff event to local officials and the Commission's ESF-12 Liaison. The Electric Utility must work with local officials and county emergency managers to disseminate all information in formats and through processes as identified in OAR 860-024-0090(1)(c). The Electric Utility retains responsibility to ensure notification of affected customers.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0130

Coordination with Emergency Response Centers and Incident Command Systems for Public Safety Power Shutoff

If requested by the local jurisdiction, the Electric Utility should endeavor to embed a liaison officer at the local emergency operation center. When requested, the utility must embed a liaison officer at the State Emergency Coordination Center for the purpose of assessing and integrating wildfire threat data for decision-making. Once it has delivered a notification of a potential Public Safety Power Shutoff, and continuously until an event has ended or until conditions have subsided so that the notice is de-activated, an Electric Utility should have a designated lead with decision-making authority located at the Electric Utility's emergency operations center with whom embedded liaisons can communicate in real-time to obtain the most up-to-date information. This requirement does not preclude the Electric Utility from developing a centralized communication structure that is amenable to both the Electric Utility, the state ESF-12 liaison and local jurisdictions to provide real-time coordination and situation awareness.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0140

Request to Delay De-Energization for Public Safety Power Shutoff

- (1) The Electric Utility should address requests for a de-energization delay on a case-by-case basis when requests are made from Public Safety Partner. The Electric Utility retain ultimate authority to grant a delay and responsibility to determine how a delay in de-energization impacts public safety.
- (2) If the Electric Utility receives a request to delay de-energization, it must notify the Commission ESF-12 liaison of the request, the reason for the request, the utility's decision and justification for the decision within two hours of the request.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0150

De-Energization of Transmission Lines for Public Safety Power Shutoff

- (1) The Electric Utility must articulate interim protocols for the de-energization of transmission lines based upon the impacts to populations across affected jurisdictions including, but not limited to publicly-owned utilities/electric cooperatives, adjacent jurisdictions and small/multi-jurisdictional utilities and critical facilities interconnected at the transmission level. The Electric Utility must comply with applicable Federal Energy Regulatory Commission and North American Electric Reliability Corporation reliability standards.
- (2) In the event of transmission line de-energization the Electric Utility must notify the Commission's ESF-12 liaison.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

860-024-0160

Reporting Requirements for Public Safety Power Shutoff

- (1) No more than 10 business days following a Public Safety Power Shutoff event, the Electric Utility must file a report with Commission with the following information:
 - (a) Decision criteria leading to de-energization, including an evaluation of alternatives to de-energization that were considered, and mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area;
 - (b) A copy of all notifications, the timing of notifications, the methods of notifications, and who made the notifications (the Electric Utility or Public Safety Partners);
 - (c) An accounting of any requests to delay de-energization, reason for the request, ultimate decision, and justification for that decision.
 - (d) If the utility fails to provide advanced notification, or notification according to the minimum timelines set forth in these rules, an explanation of the circumstances that resulted in such failure;
 - (e) A description and evaluation of engagement with Public Safety Partners in providing advanced

- education and outreach and notification during the Public Safety Power Shutoff event;
- (f) For members of Vulnerable Populations, a narrative of how those individuals or communities were notified, how notification was verified, who provided the notifications (Electric Utility or Public Safety Partner), and any special accommodations provided, including whether positive or affirmative notification was attempted.
 - (g) A description of how sectionalization, i.e. separating loads within a circuit, was considered and implemented and the extent to which it impacted the size and scope of the Public Safety Power Shutoff event;
 - (h) An explanation of how the Energy Utility determined that the benefit of de-energization outweighed potential public safety risks;
 - (i) The timeline for re-energization, in addition to the steps taken to restore power;
 - (j) Lessons learned from the Public Safety Power Shutoff event;
 - (k) The number of customers affected;
 - (l) The duration of the event.
- (2) In addition to Public Safety Power Shutoff reports, the Electric Utility are required to file reports on de-energization lessons learned no later than October 31, 2021. The reports must include a copy of all educational campaigns and outreach made in advance of the 2021 wildfire season and an evaluation of their effectiveness.
- (3) Non-confidential versions of the reports required under this section must also be made available on the Electric Utility's website.

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

Statutes/Other Implemented: ORS 756.040 & 757.035.

Incident Reports

860-024-0050

Incident Reports

(1) As used in this rule:

(a) “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) “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:

(a) Loss of life or limb; or

(b) 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 the event, but not more than 20 days of knowledge following the event, all investor-owned electric utilities must report fire-related incidents that are:

(a) The subject of significant public attention or media coverage; or where the utility’s facilities are associated with the following criteria

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

(B) The resulting fire traveled greater than one linear meter from the ignition point; and

(C) The utility has knowledge that the fire occurred.

(4) Except as provided in section (6) 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 (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.

(5) 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.

(6) 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).

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

Stat. Auth.: ORS Ch. 183, 654, 756, 757 & 759

Stats. Implemented: ORS 654.715, 654.720, 756.040, 756.105, 757.035, 757.039, 757.649, 759.036, 759.040 & 759.045

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 21-1985, f. & ef. 11-25-85 (Order No. 85-1130); PUC 12-1989, f. & cert. ef. 8-11-89 (Order No. 89-946); PUC 4-1992, f. & ef. 2-14-92 (Order No. 92-234); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); renumbered from OAR 860-028-0005 and 860-034-0570; PUC 23-2001, f. & ef. 10-11-01 (Order No. 01-839); PUC 9-2006, f. & ef. 9-28-06 (Order No. 06-547)

Public Safety Power Shutoff

860-XXX-XXXX

Definitions for Public Safety Power Shutoff

- (1) “First Responder” refers to those individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers.
- (2) “Emergency Responder” has the same meaning as “first responder.”
- (3) “Emergency Response Provider” includes federal, state, and local governmental and nongovernmental public safety, fire, law enforcement, emergency response, emergency medical services providers (including hospital emergency facilities), and related personnel, agencies and authorities.
- (4) “Public Safety Partners” refers to first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, energy providers (electricity, natural gas, fuels) County Emergency Managers, Office of Emergency Management, Oregon Department of Forestry, Oregon State Fire Marshal, and the Commission.
- (5) “Critical Facilities” refers to facilities and infrastructure that are essential to the public safety and that require additional assistance and advance planning to ensure resiliency during de-energization events. Critical facilities and critical infrastructure may include the following: Emergency Services (e.g. police stations, fire stations, emergency operations centers); Government Facilities (e.g. schools, jails, and prisons); Healthcare and Public Health (e.g. public health departments, and medical facilities including hospitals, skilled nursing facilities, nursing homes, blood banks, health care facilities, dialysis centers, and hospice facilities); Key Grid Interdependencies (e.g. public and private utility facilities vital to maintaining or restoring normal service, including, but not limited to, interconnected publicly-owned utilities and electric cooperatives); Fueling Systems (e.g. fuel pumping and dispensing for vehicles or into containers for generators, electric vehicle charging stations); Water and Wastewater Systems (e.g. facilities associated with the provision of drinking water or processing of wastewater including facilities used to pump, divert, transport, store, treat, and deliver water or wastewater); Communications (e.g. communication carrier infrastructure including selective routers, central offices, head ends, cellular switches, remote terminals and cellular sites); and Chemical (e.g. facilities associated with the provision of manufacturing, maintaining, or distributing hazardous materials and chemicals).
- (6) “Critical Infrastructure” see definition for “Critical Facilities”
- (7) “Vulnerable Populations” consists of 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, or those who are low income, experiencing homelessness, unhoused, or unsheltered, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit.

(8) “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.

860-XXX-XXXX

Requirement to Notify

(1) The electric investor-owned utilities must:

(a) in partnership with local jurisdictions and other emergency partners, develop and maintain comprehensive contact information for public safety partners, critical infrastructure facilities and other critical facilities systems dependent on electric power.

(b) to the extent possible, in partnership with local jurisdictions, identify vulnerable populations and develop appropriate communication protocols that address the needs of those populations.

(2) The electric investor-owned utilities must, whenever possible, provide advance notification to all populations potentially affected by a de-energization event. This includes, but is not limited to, public safety partners, critical facilities and infrastructure, vulnerable populations, and jurisdictions that are not at threat of a utility-caused wildfire but may lose power as a result of de-energization elsewhere on the system.

(3) Whenever possible, priority notification should occur to the following entities, at a minimum: public safety partners, as defined herein, and including adjacent local jurisdictions that may lose power as a result of de-energization. Notice to all other affected populations, may occur after the electric investor-owned utilities has given priority notice; however, vulnerable populations may require additional notification streams. This guideline is not meant to be restrictive; utilities may provide priority notification to a broader subset of customers, e.g. certain critical facilities, to promote public safety.

860-XXX-XXXX

Procedure for Notification

(1) Every effort must be made by the electric investor-owned utilities to provide notice of potential de-energization as early as the electric investor-owned utilities reasonably believe de-energization is likely. In addition, the electric investor-owned utilities must provide notice when a decision to de-energize is made, at the beginning of a de-energization event, when re-energization begins and when re-energization is complete. The electric investor-owned utilities should, whenever possible, adhere to the following minimum notification timeline:

(a) 48-72 hours in advance of anticipated de-energization: notification of public safety partners/priority notification entities;

(b) 24-48 hours in advance of anticipated de-energization: notification of all other affected customers/populations;

(c) 1-4 hours in advance of anticipated de-energization, if possible: notification of all affected customers/populations;

(d) When de-energization is initiated: notification of all affected customers/populations;

(e) Immediately before re-energization begins: notification of all affected customers/populations;

(f) When re-energization is complete: notification of all affected customers/populations.

(2)(a) The electric investor-owned utilities, as the entity with the most knowledge of and jurisdiction to call a de-energization event and subsequent re-energization, retain ultimate responsibility for development of the communication strategy and notification in advance of, during and after a de-energization event.

(b) The electric investor-owned utilities must work with the goal of integrating into and leveraging existing outreach and notification systems wherever possible, rather than creating duplicative and potentially conflicting systems to those employed by local jurisdictions/emergency/first responders.

860-XXX-XXXX

Required Information in Notifications in Advance of and Directly Preceding a De-Energization Event

(1) In advance of a de-energization event, an electric investor-owned utility must clearly articulate thresholds for strong wind events as well as the conditions that define “an extreme fire hazard” (e.g. humidity, fuel dryness, temperature) that the electric investor-owned utility evaluates in considering whether to de-energize. This information may vary for different jurisdictions and topographies; however, the information must be provided to and be readily available to public safety partners and the public. The electric investor-owned utilities are afforded discretion to evaluate real-time and on-the-ground information in determining whether to de-energize; adoption of thresholds is not determinative of de-energization.

(a) To aid in preparation, the electric investor-owned utilities must provide, if requested, relevant geographic information system data, including identification of critical facilities and circuits, and number of medical baseline customers that have registered with the utility to local jurisdictions in advance of wildfire season. In addition, the utilities must provide, if requested, operational coordination with public safety partners to ensure such partners have not only the information but also the coordination with the utilities necessary to prepare for de-energization.

(b) The electric investor-owned utilities, must, in consultation with the Commission, the Office of Emergency Management, the Oregon Department of Forestry and the Oregon State Fire Marshal, ensure the development and execution of a statewide Public Safety Power Shut-off education campaign, that provides education tailored to the needs of stakeholders, including vulnerable populations, in order to make citizens aware of how to prepare for and obtain information during a prolonged loss of power, including as a result of de-energization. The electric investor-owned utilities, in coordination with the above-named agencies, must measure effectiveness of education and outreach efforts and adjust efforts accordingly.

(c) In preparation for the 2021 fire season, utilities must work with local and state public safety partners to develop an understanding of reverse 9-1-1 capabilities and identify preferred or most effective public notification tools (e.g., local radio stations, TV, social media) In order to allow jurisdictions with public alerting authority to send timely and appropriate messages to populations potentially impacted by a de-energization event, the utilities must develop Common Alerting Protocol compliant messages and protocols for use by the designated alert authorities. Whether local jurisdictions choose to utilize their Public Alert and Warning system to notify the public of a de-energization event is at their discretion.

(2) The electric investor-owned utilities must convey to public safety partners at the time of first notification preceding a de-energization event information regarding the upcoming de-energization, including estimated start time of the event, estimated duration of the event, and estimated time to full restoration.

(a) For the 2021 wildfire season, the electric investor-owned utilities must, at the time of first notification preceding a de-energization event, make available a Geographic Information System shapefile via a secure data transfer process depicting the most accurate and specific information possible regarding the boundaries of the area subject to de-energization to all public safety partners whose jurisdictions or service areas will be impacted by the de-energization event, including adjacent jurisdictions or service areas that could lose power as a result of de-energization in a high fire threat district.

(b) The electric investor-owned utilities must partner with local public safety partners to communicate with all other customers that a de-energization event is possible, the estimated start date and time of the de-energization event, the estimated length of the de-energization event, which may be communicated as a range, and the estimated time to power restoration, which again, may be communicated as a range. Communications should state when the customer can next expect communication about the de-energization event. Communication, must answer five key recipient questions: (1) Who is the source of the warning; (2) What is the threat; (3) Does this affect my location; (4) What should I do; and (5) What is the expected duration of the event. Communications must also point customers towards education and outreach materials disseminated in advance of the 2021 wildfire season.

(c) The electric investor-owned utilities must provide up-to-date information, including a depiction of the boundary of the de-energization event, on their websites' homepage and a dedicated Public Safety Power Shut-off webpage regarding the de-energization event. The electric investor-owned utilities, in partnership with local public safety partners, must establish and communicate a 24-hour means of contact that customers may use to ask questions and/or seek information.

860-XXX-XXXX

Identification of Customer Groups

(1) The electric investor-owned utilities must work with local and county officials to identify appropriate emergency/first responder points of contact. This may include local government points of contact for jurisdictions that share first responder resources. The electric investor-owned utilities must identify 24-hour contact points and must identify secondary contacts at a minimum and tertiary contacts if possible. The electric investor-owned utilities must also identify primary and secondary means of communication for each contact.

(2) The electric investor-owned utilities must provide utility personnel 24-hour points of contact, including secondary and tertiary contacts to affected local jurisdictions/first responders.

(3) Consistent with ORS 758.013, utilities shall file the emergency contact information with the Commission.

(4) The electric investor-owned utilities must, in addition to developing their own list of critical facilities and critical infrastructure based on the adopted definition, work in coordination with first/emergency responders and local governments to identify critical facilities within the electric

investor-owned utilities' service territories. The electric investor-owned utilities must work together with operators of critical facilities and critical infrastructure to identify 24-hour points of contact and at a minimum, secondary points of contact, including preferred methods of communication.

(5) The Commission acknowledges that identification of vulnerable individuals and populations is a goal that may not be fully achievable even with assistance of local jurisdictions; however, the utilities must take all reasonable steps within the boundaries of the law towards that goal in order to protect the safety of vulnerable populations.

860-XXX-XXXX

Methods for Communicating De-Energization Event with the Public

(1) The electric investor-owned utilities must develop notification strategies for all customer groups affected by de-energization, and the electric investor-owned utilities must partner with local and state public safety partners, whenever possible, to develop notification strategies. In order to be effective, notifications should be delivered in multiple formats across several media channels, both to increase the potential a message successfully reaches an impacted population and to provide a sense of corroboration that will encourage individuals to take protective actions. Customer notifications should include, but are not limited to, telephonic notification, text message notification, social media advisories, emails, and messages to agencies that service disadvantaged communities within an impacted area to allow them to amplify any pertinent warnings. Communication methods must consider the geographic and cultural demographics of affected areas (e.g. broadband access, languages prevalent within the utility's service territories, considerations for those who are vision or hearing impaired.).

(2) The electric investor-owned utilities must develop a strategy for how communication will occur with affected customers once de-energization has begun and during re-energization, recognizing that communication channels may be restricted due to the loss of power. The electric investor-owned utilities should develop this strategy in coordination with public safety partners.

860-XXX-XXXX

Coordination with Public Safety Partners Before and During a De-Energization Event

(1) The electric investor-owned utilities will be responsible for contacting local public safety officials in impacted jurisdictions prior to and during a de-energization event. The electric investor-owned utilities must communicate an impending de-energization event to local officials and the Commission's ESF-12 Liaison. The electric investor-owned utilities must work with public safety partners to disseminate all information in formats and through processes that are used by public safety partners during other emergencies. The electric investor-owned utilities must partner with local and state public safety partners to develop notification strategies for all customer groups that comport with the best practices.

(2) Electric investor-owned utilities must work to continually improve communication and outreach effectiveness by partnering with local jurisdictions, the Commission, the Office of Emergency Management, the Oregon Department of Forestry the Oregon State Fire Marshal to

develop a comprehensive, coordinated and cohesive notification framework including, but not limited to, the electric investor-owned utilities providing notification to public safety partners, to the extent they are willing and able, providing secondary or supplemental notification to the general public. Electric investor-owned utilities retain responsibility to ensure notification of affected customers.

860-XXX-XXXX

Coordination with Emergency Response Centers and Incident Command Systems

(1) If requested by the local jurisdiction, the electric investor-owned utilities should endeavor to embed a liaison officer at the local emergency operation center. When requested, the utility must embed a liaison officer at the State Emergency Coordination Center for the purpose of assessing and integrating wildfire threat data for decision-making. The electric investor-owned utilities should have a designated lead with decision-making authority located at the utility's emergency operations center with whom embedded liaisons can communicate in real-time to obtain the most up-to-date information. This requirement does not preclude the utilities from developing a centralized communication structure that is amenable to both the utility, the state ESF-12 liaison and local jurisdictions to provide real-time coordination and situation awareness.

860-XXX-XXXX

Request to Delay De-Energization

(1) The electric investor-owned utilities should address requests for a de-energization delay on a case-by-case basis when requests are made from public safety partners. The electric investor-owned utilities retain ultimate authority to grant a delay and responsibility to determine how a delay in de-energization impacts public safety.

(2) If the utility receives a request to delay de-energization, it must notify the Commission ESF-12 liaison of the request, the reason for the request, the utility's decision and justification for the decision.

860-XXX-XXXX

De-Energization of Transmission Lines

(1) The electric investor-owned utilities must design interim protocols for the de-energization of transmission lines based upon the impacts to populations across affected jurisdictions including, but not limited to, publicly-owned utilities/electric cooperatives, adjacent jurisdictions and small/multi-jurisdictional utilities and critical facilities interconnected at the transmission level. The utility must solicit input from stakeholders in developing these protocols.

(2) In the event of transmission line de-energization, additional coordination may be required with the Oregon Office of Emergency Management via the Commission's ESF-12 liaison, the Oregon Department of Forestry, the Oregon State Fire Marshall, local jurisdictional public safety partners and other impacted partners. The electric investor-owned utilities must comply with Federal Energy Regulatory Commission and North American Electric Reliability Corporation reliability standards.

860-XXX-XXXX

Reporting Requirements

(1) No more than 10 days following a deenergization event, the electric investor-owned utilities must file a report with Commission with the following information:

- (a) Decision criteria leading to de-energization, including an evaluation of alternatives to de-energization that were considered, and mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area;
- (b) A copy of all notifications, the timing of notifications, the methods of notifications, and who made the notifications (the utility or local public safety partners);
- (c) An accounting of any requests to delay de-energization, reason for the request, ultimate decision, and justification for that decision.
- (d) If the utility fails to provide advanced notification, or notification according to the minimum timelines set forth in these Guidelines, an explanation of the circumstances that resulted in such failure;
- (e) A description and evaluation of engagement with local and state public safety partners in providing advanced education and outreach and notification during the de-energization event;
- (f) For those customers where positive or affirmative notification was attempted, an accounting of the customers, the number of notification attempts made, the timing of attempts, who made the notification attempt (utility or public safety partner), and the number of customers for whom positive notification was achieved;
- (g) For those customers identified as vulnerable, a narrative of how those individuals or communities were notified, how notification was verified, who provided the notifications (utility or public safety partner), and any special accommodations provided.
- (h) A description of how sectionalization, i.e. separating loads within a circuit, was considered and implemented and the extent to which it impacted the size and scope of the de-energization event;
- (i) An explanation of how the utility determined that the benefit of de-energization outweighed potential public safety risks;
- (j) The timeline for power restoration (re-energization,) in addition to the steps taken to restore power;
- (k) Lessons learned from the de-energization event.

(2) In addition to de-energization reports, the electric investor-owned utilities are required to file reports on de-energization lessons learned concurrent with each subsequent Wildfire Mitigation Plan, including an evaluation of utility/public safety partnerships. The reports must include a copy of all educational campaigns and outreach made in advance of the wildfire season and an evaluation of their effectiveness. The Commission may consider these reports in other proceedings; however, existing or successor Wildfire Mitigation Plan proceedings are the appropriate place to file these reports at this time.



ELECTRIC AND COMMUNICATION INCIDENT REPORT

TO SAFETY DIVISION STAFF -- CONFIDENTIAL per ORS 654.720
Requirements and Definitions – see page 5 – OAR 860-024-0050

(Complete all fields – if unknown or not applicable, insert “n/a”)

Section 1 (Immediate Notice – Phone/Fax)

For PUC Staff Only
Time Received _____:_____:_____ a.m./p.m. Date ____/____/____ Received By _____

Today's Date: _____

Utility or Operator: _____

Reported By: _____

Phone Number: _____ Incident Date: _____ Time: _____ a.m./p.m.

Location of Incident – City _____ County _____ Address or Directions _____

Description of Incident: _____

If Fire-related incident, Complete Section 3

<u>If Personal Injury or Contact</u> (Also complete Section 2)
Name _____ Age ____ Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Injury Severity: Fatal <input type="checkbox"/> *Hospital <input type="checkbox"/> *Minor Injury <input type="checkbox"/> No Injury <input type="checkbox"/>
Name _____ Age ____ Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Injury Severity: Fatal <input type="checkbox"/> *Hospital <input type="checkbox"/> *Minor Injury <input type="checkbox"/> No Injury <input type="checkbox"/>
Name _____ Age ____ Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Injury Severity: Fatal <input type="checkbox"/> *Hospital <input type="checkbox"/> *Minor Injury <input type="checkbox"/> No Injury <input type="checkbox"/>
Name _____ Age ____ Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Injury Severity: Fatal <input type="checkbox"/> *Hospital <input type="checkbox"/> *Minor Injury <input type="checkbox"/> No Injury <input type="checkbox"/>
Facility Type: *OH <input type="checkbox"/> *UG <input type="checkbox"/> Substation <input type="checkbox"/>
Other _____ Voltage: _____
Work Related: Yes <input type="checkbox"/> No <input type="checkbox"/> Worker's Trade: _____
Employed By: _____
Utility notified of activity prior to incident: Yes <input type="checkbox"/> No <input type="checkbox"/>

<u>If Property Damage</u>
(over \$100,000) Estimated amount \$ _____

<u>If Service Outage</u>
Date ____/____/____
Time Out _____ a.m./p.m.
Time In _____ a.m./p.m.
Customers Out _____
Number of Circuits _____
<u>Reportable:</u>
<ul style="list-style-type: none"> ▪ Utility serving over 15,000 customers with 500 customers or more out over two hours. ▪ Utility serving less than 15,000 customers with 500 customers or more out over five hours.
<u>Exception:</u>
<ul style="list-style-type: none"> ▪ Not reportable if outage is restricted to a single feeder and outage is less than four hours.

Weather Conditions (check one in each group):

Hot Warm Cool Cold Light Dim Dark
 Dry Fog Light Rain Rain Wind: Heavy Light Calm
 Visibility: Clear Impeded by _____

Area Type (check one or more):

Rural Suburban Urban Industrial Construction Site Other _____

General Activity (check one or more):

Construction Maintenance Utility Work Logging Agriculture
 Recreation Residential Work Travel Other _____

Contact Type (check one or more):

*Lift *Crane Antenna Tree Sign Roof Boat Mast Air Collision Pole
 Climbing Structure Kite Dig In Pipe Body Wire Down Other _____

COMMENTS: _____

*Definitions and commonly used abbreviations

- OH = Overhead power lines
- UG = Underground power lines
- Lift = Includes forklifts, man lifts, etc.
(A fork, platform, or basket supports the load)
- Crane = Equipment designed to lift and move loads by means of a rope or cable
(Also includes hydraulic booms like that used for pumping cement)
- Hospitalized = Emergency room treatment is not considered "hospitalization"
- Minor Injury = Includes emergency treatment and release, first aid treatment, minor injury requiring no treatment, and other similar situations

Email reports to: PUC.FilingCenter@state.or.us

Fax reports to: (503) 378-6163

Phone: (503) 378-6964

Mail reports to: Administrator, SRSD (Filing Center)
 Oregon PUC
 P.O. Box 1088
 Salem, OR 97308-1088

For accidents involving fatalities and critical injuries only, we urge you to contact PUC safety staff as soon as it's reasonable to do so at (503) 378-6964. The call will be routed automatically to the on-duty emergency contact.

If the report does not contain confidential information, you may e-mail it to puc.esafety@state.or.us.

Section 3

If Incident is Fire-Related, Provide the Following Information

All fields must be completed. If there is no data or or information, enter N/A

Fire Start	Date	
	Time	
Location Information	Latitude	
	Longitude	
	Material at Origin	
	Land use at Origin	
	Prevailing Weather at time of fire	
Fire Details	Size	
	Fire Name?	
	Suppressed by	
	Suppressing Agency	
Utility Facility	Facility Identification	
	Other Companies Attached to the Pole (if overhead)	
	Voltage (Volts)	
	Equipment Involved With Ignition	
	Type	
Outage Information	Was There an Outage	
	Date	
	Time	
Field Observations	Suspected Initiating Event	
	Equipment/Facility Failure	
	Contact From Object	
	Facility Contacted	
	Contributing Factor	
Additional Comments		

Definitions:	
Location	Latitude and longitude coordinates of the point of ignition;
Material at Origin	Material involved in the initial fueling of the fire;
Land Use at Origin	Nature of land use in the vicinity of the point of the fire's origin (i.e., Urban, Rural);
Prevailing Weather	Weather conditions at time of fire
Size	An approximation of the fire size;
Suppressed by	Who suppresses the fire
Suppressing Agency	If the fire was suppressed by a fire agency or agencies, insert the lead agency when one or more agency was involved;
Facility Identification	Utility's description of the pole and/or equipment involved
Other Companies	Other Companies that were attached to pole in question and known to the utility. If the facilities involved were not overhead leave this field blank;
Voltage	Nominal voltage rating of all the utility equipment and/or circuits involved in the fire
Equipment involved with Ignition	The equipment that supplied the heat that ignited the reported fire
Type	The equipment involved in the event (overhead, Padmounted or subsurface)
Outage	Was there an outage involved in the event
Outage Date	Outage Start Date, if one is associated with the event
Outage Time	Outage Start Time, if one is associated with the event;
Suspecting Initiating Event	The suspected initiating event based on initial field observations
Equipment/Facility Failure	The specific equipment associated with the reported fire. (Only to be used if "Equipment/Facility Failure" is selected as Suspected Initiating Event)
Contact From Object	The first object that contacted the Communication or Electric Facilities (Only to be used if "Contact from Object" is selected as Suspected Initiating Event)
Facility Contacted	The first facility that was contacted by an outside object (Only to be used if "Contact from Object" is selected as Suspected Initiating Event)
Contributing Factor	Factors that contributed to the ignition

OAR 860-024-0050 – *updated rules here*

Incident Reports