



AR 638 Scope and Schedule Announcement



This letter serves as an announcement of Public Utility Commission of Oregon Staff's (Staff) plans for proceeding with [Docket No. AR 638](#) Risk-based Wildfire Protection Plans and Planned Activities rulemaking.

Background

The Public Utility Commission of Oregon (OPUC or Commission) opened Docket No. AR 638 on August 25, 2020 to adopt rules related to ignition source reporting, Public Safety Power Shutoffs (PSPS), and other aspects of wildfire risk.¹ Staff facilitated a kick-off workshop on December 9, 2020. At the workshop, Staff reviewed the Commission's rulemaking process and led participants in an initial scoping exercise to begin identifying the issues to be examined.^{2, 3}

The workshop was followed by a written survey that asked participants to elaborate on the issues that should be addressed by the rulemaking as well as identify priority issues and opportunities to make the meaningful progress on wildfire mitigation prior to the next fire season. Survey responses were provided by the following organizations:⁴

- Corvallis RFPD
- IBEW Local 125
- Idaho Power Company (IPC)
- Klamath County Fire District No. 1
- League of Oregon Cities (LOC)
- NW Energy Coalition (NVEC)
- PacifiCorp (PAC)
- Portland General Electric (PGE)
- Oregon Citizens' Utility Board (CUB)
- Oregon Department of Forestry (ODF)
- Oregon Rural Electric Cooperative Association
- Oregon Solar Energy Industries Association (OSEIA)
- University of Oregon

Staff is grateful for the valuable input provided by the wide range of organizations participating in the workshop and survey. Staff considered this input in developing, and the scope and schedule presented in this document are based on these insights.

¹ Commission Order No. 20-272. <https://apps.puc.state.or.us/orders/2020ords/20-272.pdf>.

² See Attachment A for notes from the interactive discussion at the Kick-off Workshop.

³ See the December 9, 2020 workshop slides 14-22 for additional information about the rulemaking process. <https://edocs.puc.state.or.us/efdocs/HAH/ar638hah14518.pdf>.

⁴ Survey responses are posted to the Docket No. AR 638 Docket Summary, accessible here: <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=22341>.

Rulemaking Strategy

The objective of the AR 638 rulemaking is to develop permanent administrative rules that address wildfire risk in Oregon as they relate to utility operations. Staff's rulemaking strategy balances 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. Staff's strategy also considers the need for continued refinement of the initial rules after adoption.

Temporary rulemaking scope

First, Staff plans to develop temporary rules related to PSPS Protocols and Ignition Reporting Requirements. Staff plans to release draft temporary rules no later than April 5, 2021.

Temporary rules are valid for 180 days. Staff plans to bring the temporary rules to the Commission at a public meeting May 18, 2021 so that, if adopted, the rules will remain in place until November 14, 2021. This should maximize coverage of the 2021 fire season. Prior to recommending adoption of the temporary rules, Staff anticipates convening one workshop on April 14, 2021 to seek stakeholder input regarding the following:

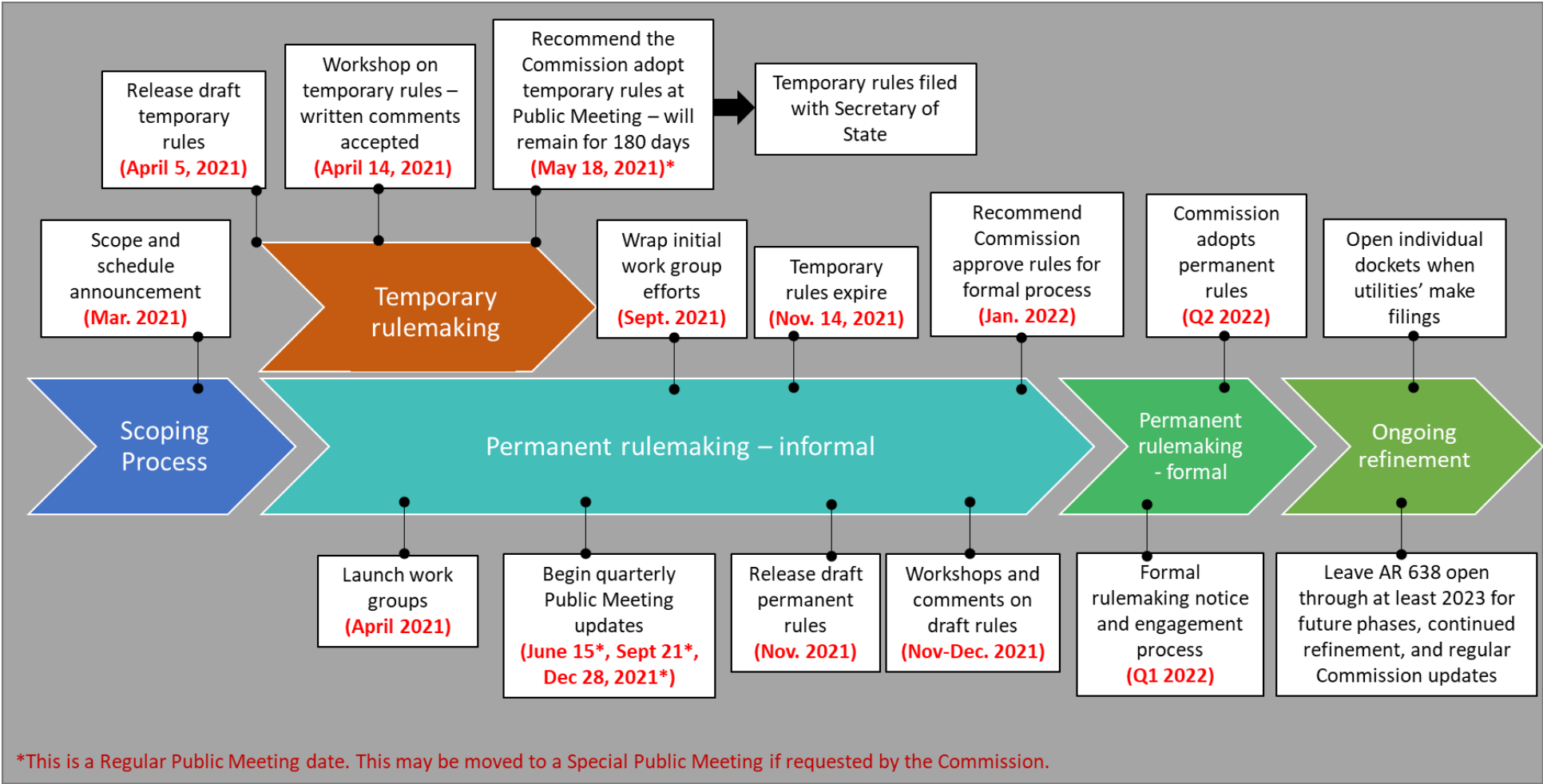
- **PSPS Protocols:** Establish baseline protocols for communication, community education, and coordination with key partners prior to, during, and after wildfire de-energization events for Investor Owned Utilities (IOUs). Request Consumer Owned Utilities (COUs) submit a copy of any de-energization plans to facilitate Commission functions regarding statewide wildfire preparedness. Providing minimum guidance for how these events are planned for and executed allows immediate steps to better protect customers and communities and coordinate with partners during 2021 fire weather.
- **Ignition Reporting Requirements:** Update the Commission's existing safety incident reporting rules ([OAR 860-024-0050](#)) so that investor-owned utilities are required to report fire ignition incidents that meet certain criteria to the Commission within a minimum timeframe. This will allow Staff to identify emerging issues in a timely way in order to evaluate system safety and ratepayer protection.

Permanent rulemaking scope

Staff plans to launch substantive discussion of the issues under consideration for permanent rules in April 2021, which is during the temporary rulemaking process described above. Staff proposes to structure this discussion around topical work groups shown in Table 1 below. Work groups will meet regularly to discuss wildfire planning and mitigation practices for inclusion in the initial rules. Discussion will include whether the Temporary Rules should be adopted as permanent rules. Proposed dates and major milestones are provided in Figure 1 below.

Table. 1: Work group topics			
Launch	Category	Proposed Topics <i>To be refined with work group members</i>	Fast-track activities
April	Public Safety Power Shut-off (PSPS)	Protocols, criteria, and communication/ coordination practices for deenergizing or sectionalizing circuits. Investments required to enable PSPS strategy.	Temporary rulemaking for de-energization communication and coordination protocols. Permanent rulemaking to follow.
April	Wildfire Risk Analysis	Practices and methodology for identifying of high fire consequence areas	Temporary rulemaking to add baseline wildfire ignition data to existing incident reporting rules (OAR 860-024-0050). Permanent rulemaking to follow.
April	Communication and Engagement	Emergency communications protocols between electric utilities, local jurisdictions, state agencies, and Office of Emergency Management.	Document key contact information and communication protocols.
May	Vegetation Management	Schedules, standards, and enforcement	None proposed
May	Utility Investments and Operations	System hardening, operational practices, inspection practices.	None proposed
June	Cost Analysis	Approach to evaluating investment options e.g., cost-benefit analysis methodology	None proposed
Issues tackled outside of work groups <i>Additional issues may be identified over time</i>			
<ul style="list-style-type: none"> • Commission review process: Staff plans to hold a workshop in Q3 2021 to discuss the details of the planning process, e.g., timelines, input opportunities, Commission decision. • Applicability of the rules: Staff plans to hold workshops related to the applicability of the rules to various utility types. • Ongoing refinement and maturity: After the initial permanent rulemaking, Staff proposes to keep AR 638 open so that the rules can be monitored and built upon. This process will include ongoing discussion with participants and regular Commission updates. Staff plans to launch discussion of ongoing phasing and refinement of the permanent rules in Q3 2021. 			

Figure 1. Summary of AR 638 Rulemaking Strategy and Dates



Work Group Strategy

Staff's plan for the formation of work groups is described in Table 1. Staff does not anticipate forming additional work groups, but looks forward to further developing the content to be covered by the work groups with participants. Staff also anticipates that a limited number of issues may be more effectively addressed in a single workshop or rounds of comments, such as the logistics for filing and regulatory review of the plans. The list of issues to discuss outside of work groups may evolve through ongoing discussion with rulemaking participants.

The work groups will be managed and organized by Staff, but they will rely heavily on the expertise and input of participants. The purpose of the work groups is to:

1. Develop a detailed issues list within each topic, including any near-term activities identified;
2. For each issue, the work group will discuss:
 - Best practices for wildfire mitigation planning, activities, and investments;
 - Expectations for inclusion in utility plans – including near-term expectations and long-term vision; and
 - Metrics to track performance, ongoing improvement, and progress toward the long-term vision.
3. Document the outcome of discussion for all issues:
 - Areas of consensus
 - Parties' positions where this is not consensus
 - Areas where additional research or analysis are needed.

Convening work groups

Staff proposes to stagger the launch of work groups to focus on topic areas with near-term activities first. Announcements for the first meeting of each work group will be posted to the AR 638 docket and noticed to the AR 638 service list.

Participation in work groups is open to any interested person. There is no deadline to join a work group; however, Staff will begin posting participation information in April 2021. Each work group will be assigned a Staff Contact. The Staff Contact will manage a participant list and communicate directly with work group members. Work group meeting schedules, notes, and other resources will be posted to the [AR 638 Docket](#) and OPUC [Wildfire Mitigation Webpage](#).

Next steps

The next steps following the release of this scoping include releasing draft temporary rules for PSPS and ignition reporting and releasing more detailed work group information, including Staff contacts, instructions to join, and first meeting details.

If you have questions on the process or content of this rulemaking, contact:

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To receive meeting notices and agendas for this docket, send an email to puc.hearings@state.or.us, and ask to be added to the service list for Docket No. AR 638. You will then receive emails with workshop details, when new documents have been added to the docket, or there is a change to the schedule.



Scoping Issues and Priorities
Wednesday, December 9, 2020

Important issues

- PSPS x3
 - Communication
 - Education
 - Coordination - community based orgs, roles, availability to respond (emergency preparedness)
- Metrics
- Dynamic plans - planning for the future, mature
- Developing a maturity index
- How do you know your risk analysis is working?
- Customer outreach and communication x3
- Customer preparedness for different risks
- Defined roles/coordination practices x2
- Centralized access to plans/plan info
- Clear roles, expectations, means to do so
- What do adequate resources look like
- OEM protocol
- Vegetation management x2
- Risk
- Cost - over seasons
- Safety v. aesthetic
- Changing tools
- Consistent approach to risk x3
- identifying risk, review of risk areas over time
- Clear understanding of what kinds of risks we're planning for ("credible event")
- Expectations and timelines
- Cost-effectiveness x4
 - Mechanisms to ensure there aren't barriers to do what needs to be done
 - Clear mechanism to evaluate, especially for the bigger investments/balance between big and small
- Near term actions v long term vision (resilience)
- Not overly prescriptive - preserving local decision making
- DERs - need them for restoring communications and otherwise responding to

Urgency

- PPS - well defined
 - Could we separate? Will they remain coordinated?
- Risk analysis and identification of areas x2



- Communication channels and protocols for emergency response
- Community outreach definitions

Chat comments:

I think there is a tension between preventative action (mitigation efforts) and reactive (emergency) actions. Someone noted the possibility of having PSPS and emergency response on a parallel track. I support this idea.