

Decision 21-05-019 May 20, 2021

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking  
Regarding Policies, Procedures and  
Rules for Regulation of Physical  
Security for the Electric Supply  
Facilities of Electrical Corporations  
Consistent with Public Utilities Code  
Section 364 and to Establish Standards  
for Disaster and Emergency  
Preparedness Plans for Electrical  
Corporations and Regulated Water  
Companies Pursuant to Public Utilities  
Code Section 768.6.

Rulemaking 15-06-009

**DECISION ADDRESSING PHASE II ISSUES RELATING TO EMERGENCY  
AND DISASTER PREPAREDNESS PLANS**

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## **DECISION ADDRESSING PHASE II ISSUES RELATING TO EMERGENCY AND DISASTER PREPAREDNESS PLANS**

### **Summary**

Assembly Bill (AB) 1650 (2011, Portantino) added Public Utilities (Pub. Util.) Code § 768.6 to require, among other things, that the Commission establish standards for water and regulated electric utility disaster and emergency preparedness plans and convene public meetings with representatives of local governments and tribal governments within the utilities' service territory to consult and provide input on said plans.<sup>1</sup>

Based on parties' comments, public workshops, and relevant emergency preparedness and response protocols adopted in other Commission proceedings, the Commission's Safety Policy Division (SPD) and Water Division prepared a Staff Proposal with revisions to the Commission's General Orders (GOs) 166 and 103-A to implement Pub. Util. Code § 768.6.

This decision incorporates the requirements of Pub. Util. Code § 768.6 into GOs 166 and 103-A; addresses the access and functional challenges of individuals with access and functional needs; and adds the term Public Safety Partners to GO 166 that includes water, wastewater, and communication providers.

Additionally, this decision requires electrical utilities and Class A and B water utilities to use California Standardized Emergency Management System (SEMS). Multi-jurisdictional electric utilities, such as PacifiCorp, that operate across state lines, may use the Federal Emergency Management Agency's National Incident Management System (NIMS) which includes the Incident Command System (ICS) in their emergency disaster and preparedness plans as long as they demonstrate in their GO 166 Annual Reports that they have discussed how they

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<sup>1</sup> Every reference in this decision to "government" includes tribal governments.

will coordinate planning and response with Essential Customers, and appropriate governmental entities.

## **1. Background**

On June 11, 2015, the Commission approved an Order Instituting Rulemaking (OIR) to establish policies, procedures, and rules for the regulation of physical security risks to the electric supply facilities of electrical corporations consistent with Public Utilities (Pub. Util.) Code § 364 (Phase I of the instant proceeding) and to establish standards for disaster and emergency preparedness plans for electrical corporations and regulated water companies consistent with Pub. Util. Code § 768.6 (Phase II of the instant proceeding).

On January 10, 2019, the Commission issued a decision in Phase I of the instant proceeding, Decision (D.) 19-01-018, which established standards to address the physical security risks to the electrical supply facilities of electrical corporations. On January 10, 2020, a petition for modification (PFM) was filed pertaining to D.19-01-018.<sup>2</sup> The Commission is currently evaluating the PFM.

Ensuring that utilities are adequately prepared for emergencies and other disasters is of great importance to maintain high quality, safe, and reliable service. Phase II of this rulemaking examined the regulatory framework set out in Commission General Orders for emergency and disaster preparedness plans that regulated utilities must follow to prepare for natural disasters and other emergencies.

On January 19, 2018, the Administrative Law Judge (ALJ) issued a ruling requesting prehearing conference (PHC) statements from the parties for Phase II

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<sup>2</sup> The parties who filed the PFM resubmitted the PFM on January 16, 2020 to correct an error discovered in the original PFM.

of this proceeding. PHC statements were received on March 1, 2018.<sup>3</sup> A PHC for Phase II of this proceeding was held in San Francisco, California on March 15, 2018. The Scoping Ruling for Phase II was issued on May 31, 2018. On August 31, 2018, the assigned ALJ issued a ruling with various questions inviting the parties to submit responses to the questions no later than September 14, 2018.<sup>4</sup> A Workshop was held on September 28, 2018 in San Diego, California. On February 21, 2019, a ruling was issued which contained the Staff Report on the September Workshop. Comments were received on March 15, 2019.<sup>5</sup> On April 3, 2019, the ALJ issued an e-mail ruling seeking comments from the parties on two issues. Parties filed comments on May 1, 2019.<sup>6</sup> On February 14, 2020, the ALJ issued the final staff report seeking comments from the parties regarding proposed changes to General Orders (GO) 103A and 166. Initial comments were received on March 6, 2020 and reply comments were received on March 13, 2020.<sup>7</sup>

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<sup>3</sup> PHC statements were received from San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), PacifiCorp doing business as Pacific Power (PacifiCorp), California Water Association (CWA), Center for Accessible Technology (CforAT), Great Oaks Water Company (Great Oaks), the Commission's Safety Enforcement Division Electric Safety and Reliability Branch (SED), the Public Advocates of the Public Utilities Commission (Public Advocates), and jointly by Los Angeles Department of Water and Power (LADWP), California Municipal Utilities Association (CMUA), and Sacramento Municipal Utilities District (SMUD).

<sup>4</sup> Responses were received by CWA, PG&E, SCE, PacifiCorp, SDG&E, Public Advocates, SED, CforAT, the City and County of San Francisco, Local Government Sustainable Energy Coalition (LGSEC), and jointly by LADWP, CMUA, and SMUD.

<sup>5</sup> Comments were received by SCE and SDG&E.

<sup>6</sup> Responses were received by SED, SCE, SDG&E, CWA, PG&E, CforAt, Public Advocates, and jointly by PacifiCorp, Liberty Utilities (CalPeco Electric LLC) (Liberty CalPeco), and Bear Valley Electric Service (BVES) a division of Golden State Water Company (Golden State), collectively referred to as the California Association of Small and Multi-Jurisdictional Utilities (CASMU).

<sup>7</sup> Initial comments were received by SDG&E, SED, CWA, CforAT, PacifiCorp, SCE, and the Public Advocates. Reply comments were received by SCE, SED, PacifiCorp, PG&E, and CWA.

## **2. Issues Before the Commission**

The issues of this proceeding were set forth in the Scoping Ruling issued on May 31, 2018. The parties in this proceeding actively participated and assisted the Commission in the development of the record for the issues set forth in the Scoping Ruling in this proceeding by participating in workshops, providing answers to questions that were proposed by the ALJ in rulings, and providing opening and reply comments on the Staff Proposal. To implement Pub. Util. Code § 768.6, the Staff proposed revisions to GO 166 “Standards for Operation, Reliability, and Safety During Emergencies and Disasters,” which applies to all electric utilities subject to CPUC jurisdiction, and to GO 103-A “Rules Governing Water Service, Including Minimum Standards for Operation, Maintenance, Design and Construction,” which applies to all water and wastewater utilities subject to CPUC jurisdiction.

### **2.1 Pub. Util. Code § 768.6(a)**

Among other things, Pub. Util. Code § 768.6(a) requires that the Commission establish standards for the electrical corporations and regulated water utilities’ disaster and emergency preparedness plans, including the following elements: use of weather reports to pre-position personnel and equipment before severe weather events; improve communications; and methods to control and mitigate an emergency or disaster and its aftereffects. These issues were thoroughly discussed during this proceeding. We heard consistently that the best way to address these issues would be for the Commission to update GOs 166 and 103-A to incorporate the requirements set

out in Pub. Util. Code § 768.6(a).<sup>8</sup> We address each of the three components of Pub. Util. Code § 768.6(a) below.

### **2.1.1 Discussion**

As it relates to the issue of using weather reports to pre-position manpower and equipment before anticipated weather events, the electric investor-owned utilities (IOUs) already incorporate the use of weather reports. However, they previously have not been part of their emergency response plans.

The Phase I decision in the Public Safety Power Shut-off (PSPS) Rulemaking R.18-12-005, D.19-05-042, Decision Adopting De Energization (Public Safety Power Shut-Off) Guidelines (Phase I Guidelines) notes:

The strategy to de-energize builds on new weather tracking and modeling technology that provides localized forecasts during increasingly powerful windstorms, along with statewide fire hazard maps identifying those areas of very flammable dry woody and brush fuels due to years of drought. These new tools have been developed, tested, and improved over the course of several years in the San Diego area by the local electric utility, San Diego Gas & Electric Company (SDG&E). Over this period, weather monitoring and wind modeling have become more precise, and the areas that are proactively shut off from service have grown smaller and smaller due to more reliable information and changes to electric infrastructure that allow SDG&E to isolate smaller portions of their system for de-energization.<sup>9</sup>

Finally, the utilities must provide all situational awareness information possible to public safety partners, including GIS situational awareness information. The goal is for the utilities to provide GIS REST [Representational State Transfer Service] services; however, the Commission understands this may not be possible in advance of the 2019

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<sup>8</sup> See, SDG&E's, PacifiCorp's, SCE's, and CWA's PHC statements dated March 1, 2018 for examples where the parties recommended that the Commission make changes to GO 166 and 103-A as it relates to incorporating the requirements of Pub. Util. Code § 768.6. See also, SED's and SCE's May 1, 2019 comments, which contained detailed suggested edits to GO 166 and 103-A.

<sup>9</sup> D.19-05-042 at 3-4.

wildfire season. Nevertheless, accurate and timely geospatial information that can be rapidly integrated into public safety partners' existing geospatial awareness tools is critical in facilitating decision-making at the state and local level.<sup>10</sup>

As noted in D.19-05-042, new weather tracking and modeling technologies have been developed, tested, and approved; and the utilities must provide all situational awareness information to public safety partners. The electric IOUs have the tracking tools and technology to comply with SPD's proposed modifications to GO 166 standards to demonstrate the review of weather reports prior to any major predicted weather event.

We agree that there should be certain modifications to GO 166 and 103-A. We agree with SPD's recommendations to include requirements for utilities to review weather reports prior to any major predicted weather event to proactively consider prepositioning manpower and equipment consistent with Pub. Util. Code § 768.6(a).

As it relates to GO 103-A, the emergency preparedness plans of Class A and B water utilities address measures they intend to implement to mitigate the threat of severe weather; including, but not limited to, high fire danger and windstorms. This may include the prepositioning of personnel and equipment to assure timely restoration of service or public safety in the event of severe anticipated weather. Class C and D water utility emergency response plans should address equipment and/or equipment suppliers that can be made available in anticipation of severe weather. This may include leasing or purchase of portable generators or other equipment necessary to maintain water system operations, or to minimize the damage to the water utility's infrastructure.

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<sup>10</sup> *Id.* at 94.

As it relates to the issue of improving communications among governmental agencies, tribal governments, the public, and the IOUs, we revise GO 166 and 103-A to require that both the electric and Class A and B water utilities adopt and participate in California's Standardized Emergency Management System (SEMS).<sup>11</sup> However, multi-jurisdictional electrical utilities, such as PacifiCorp that operate across state lines, may use the Federal Emergency Management Agency's (FEMA) National Incident Management System (NIMS) which includes the Incident Command System (ICS), in their emergency disaster and preparedness plans as long as they demonstrate in their GO 166 Annual Reports that they have discussed how they will coordinate planning and response with Essential Customers, and appropriate governmental entities.

The IOUs shall do this within one year from the date of this decision.

Incorporating these existing communication systems into the electric and water utilities' disaster and emergency preparedness plans promotes compatibility, as recommended by parties, and ensures effective communication among utilities, government, and the public. This is compatible with communication requirements recently imposed in D.19-05-042 concerning PSPS events:<sup>12</sup>

The Commission's goal must be to ensure the public receives timely notice of proactive de-energization or de-energization resulting from another event. Achieving this goal necessitates shared responsibility among the electric investor-owned utilities, local, and state entities. Lessons learned

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<sup>11</sup> SEMS is set forth in the 2019 State of California Alert & Warning Guidelines prepared by California Governor's Office of Emergency Services (Cal OES). Cal OES is a California cabinet-level agency responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities within the state. Cal OES is the clearinghouse for establishing and promoting consistent communication protocols for local government agencies, tribal governments, and the public.

<sup>12</sup> D.19-05-042 at 5-6. For additional PSPS requirements see also, Appendix A De-Energization (Public Safety Power Shutoff) Guidelines in D.19-05-042.

from prior disasters throughout the State show that these entities should utilize the Standardized Emergency Management System (SEMS). This will allow the utilities, emergency responders, and local governments and tribal governments to be seamlessly integrated when communicating de-energization notifications.

It is the Commission's vision that notification and communication will come primarily from the utilities with supplemental or secondary notification by local first responders. To make this possible, the Commission will need to ensure that the utilities integrate as much as possible with local emergency systems and frameworks and treat de-energization in a similar manner as any other emergency that results in loss of power, such as earthquakes, floods or non-utility caused fire events. The need for shared responsibility between the utilities, public safety partners, and local governments and tribal governments is critical. Therefore, the utilities should immediately begin working with Cal OES to integrate their warning programs with the agencies and jurisdictions within California that are responsible for ensuring the public is notified effectively before, during, and after emergencies. To this end, the utilities should align messaging and outreach with the California Statewide Alert and Warning Guidelines recently issued by Cal OES.<sup>13</sup>

The use of SEMS will promote interoperability, help establish and maintain multi-agency coordination mechanisms, and enable and encourage consistent applications of alert and warning best practices, procedures, and protocols.

For water utilities, the State Water Resources Control Board Division of Drinking Water (Board) Emergency Response Plan Guidance (Section 4 SEMS/ICS Integration or Organization) summarizes The Governor's Office of Emergency Services (OES) document "Emergency Planning Guidance for Public and Private Water Utilities."<sup>14</sup> We will add public notice procedures to GO 103-A

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<sup>13</sup> PacifiCorp, as a utility that operates across state lines, requests that it operate consistent with NIMS.

<sup>14</sup> [http://www.caloes.ca.gov/PlanningandPreparedness/Documents/H2o\\_.pdf](http://www.caloes.ca.gov/PlanningandPreparedness/Documents/H2o_.pdf).

consistent with the State Water Resources Control Board Division of Drinking Water Emergency Response Plan Guidance (Section 6.4 Public Notice Procedures). Specifically, Emergency Response Plans shall address public notice, pursuant to the Board's requirements, in languages other than English, that are predominantly spoken in each utility's service territory.

These changes to GO 166 and 103-A will help to promote the regulated electrical and water utilities communications with governmental entities, tribal governments, and the public.<sup>15</sup>

As it relates to the methods of working to control and mitigate an emergency or disaster and its aftereffects, no changes were proposed. Therefore, we do not propose any changes to the current practices.

## **2.2 What other elements should be included in the electrical corporations' and regulated water companies' disaster and emergency preparedness plans**

The parties responded to this issue in their PHC statements dated March 1, 2018. SDG&E recommended that the disaster and emergency preparedness plans should include the current practices, staffing, deployment of staff, best practices in other areas and the development of improvements.<sup>16</sup> PacifiCorp indicates that the plans should leverage existing GO 166 requirements, be consistent with current practices, and include improvements to

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<sup>15</sup> As appropriate, communications on the electric IOUs' and regulated water companies' website regarding an emergency or disaster should be provided in a format that meets current web accessibility standards. Targeted written communications should be provided in the same format in which the customer receives their bill and available in languages other than English, that are predominantly spoken in each utility's service territory. Notices should also be available in accessible formats for customers with access or functional needs limitations, for example, emergency videos must be captioned, American Sign Language interpreters must be provided at informational events regarding an emergency, and customer service representatives should be trained on how to interact with customers who have access and functional needs.

<sup>16</sup> See, SDGE's PHC statement dated March 1, 2018 at 2.

the plans.<sup>17</sup> SCE asserts that the plans should include preparedness measures such as pre-event planning, mitigation, response, communication, and recovery.<sup>18</sup> PG&E believes that they should include current practices, efficient allocation of limited resources and personnel, and any development improvements.<sup>19</sup> Great Oaks states that they should be tailored to each utility's needs and resources.<sup>20</sup> CWA notes that the utilities already have plans, and how comprehensive they are should depend upon the size and resources of the individual utility.<sup>21</sup> CWA also recommended that there should be a better reference to the Commission-regulated water utilities, particularly with respect to the Commission's requirements for communications and collaboration with other critical service providers and first responders before, during and after emergency events.<sup>22</sup>

Safety Enforcement Division (SED) noted that the plans should include periodic review, training and testing of the plans to determine any potential gaps, and the utilities should prepare for both known disasters and generic situations.<sup>23</sup> They believe that the plans should be adaptable so that the utility can respond appropriately depending on the size of the impact and that they should also contain information about recovery and reconstruction. CforAT believes that the plans should address the needs of vulnerable customers.<sup>24</sup>

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<sup>17</sup> See, PacifiCorp's PHC statement dated March 1, 2018 at 4.

<sup>18</sup> See, SCE's PHC statement dated March 1, 2018 at 4.

<sup>19</sup> See, PG&E's PHC statement dated March 1, 2018 at 3.

<sup>20</sup> See, Great Oak's PHC statement dated March 1, 2018 at 3.

<sup>21</sup> See, CWA's PHC statement dated March 1, 2018 at 6.

<sup>22</sup> See, CWA's response dated May 1, 2019 at 2.

<sup>23</sup> See, SED's ESRB PHC statement dated March 1, 2018 at 1-6.

<sup>24</sup> See, CforAT's PHC statement dated March 1, 2018 at 3.

### **2.2.1 Discussion**

Based on parties' PHC statements, discussion at workshops and subsequent record development, Staff proposed several GO revisions to update existing disaster and emergency preparedness plans. The purpose of the updates is to incorporate specific requirements adopted for PSPS that are relevant to these GOs, and to improve consistency across utility plans while providing some flexibility for tailoring plans to individual utilities. We add the term Public Safety Partners as defined in D.19-05-042 and subsequent decisions in Rulemaking (R.) 18-12-005.<sup>25</sup> This will ensure that water utilities, who fall within the Public Safety Partners definition, receive communication during disaster and emergency events.<sup>26</sup>

GO 166 is revised to include the term Public Safety Partners in the following sections: Standard 1.D External and Government Coordination; Standard 1.H Restoration Priority Guidelines; Standard 4.B Government; Standard 6 Initial Notification Standard; Standard 8 Major Outage and Restoration Estimate Communication Standard; and Standard 10 Annual Pre-Event Coordination Standard.

### **2.3 What new rules, standards, or General Orders or modifications to existing policies should the Commission consider to ensure that electrical corporations and regulated water companies are in compliance with Pub. Util. Code § 768.6**

This question was presented to the parties prior to the PHC, and they were given an opportunity to respond in their PHC statements. PacifiCorp notes that after gaps are identified between GO 166 and Pub. Util. Code § 768.6, the

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<sup>25</sup> In D.19-05-042 we note that "The Commission finds value in the use of the term and views Public Safety Partners as the entities whom advanced notice is critical to preserve the public safety during a de-energization event, including during re-energization." See, D.19-05-042 at 73.

<sup>26</sup> *Id.* at 85.

Commission should consider the suggestions of stakeholders.<sup>27</sup> SCE contends that there should not be any new rules, standards, or GO modifications, and any changes should be based upon clear evidence of need, accepted good practices, and statutory language of Pub. Util. Code § 768.6.<sup>28</sup> SCE also suggests that the Commission update GO 166 to make it consistent with Pub. Util. Code § 768.6.<sup>29</sup> SCE also proposed that the Commission remove GO Standard 1.E Fire Prevention Plan requirement because utilities include the same information in their Wildfire Mitigation Plans (WMP).<sup>30</sup> SDG&E also asserts this in its response.<sup>31</sup> PG&E notes that “Utility emergency response plans should be consistent with and include reference to utility Wildfire Mitigation Plans consistent with Assembly Bill (AB) 1054 enacted in 2019 and R.18-10-007, and these plans, which are to be filed annually with and approved by the Commission, should be the cited utility wildfire plan of record.”<sup>32</sup> CWA suggests that the Commission update GO 103-A to include the requirements of Pub. Util. Code § 768.6.<sup>33</sup>

### **2.3.1 Discussion**

We agree with the parties that the GOs should be updated to include the requirements of Pub. Util. Code § 768.6 and to promote consistency in

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<sup>27</sup> See, PacifiCorp’s PHC statement dated March 1, 2018 at 4-5.

<sup>28</sup> See, SCE’s PHC statement dated March 1, 2018 at 4-5.

<sup>29</sup> SED also asserts that the Commission should update GO 166 to include the requirements of Pub. Util. Code § 768.6, which will allow consistent utility compliance and enforcement. (See, SED’s PHC statement.) SED proposed various changes to GO 166, which can be found at [Http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M288/K387/288387576.PDF](http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M288/K387/288387576.PDF).

<sup>30</sup> See, SCE’s response dated May 1, 2019 at 3.

<sup>31</sup> See, SDG&E’s response dated May 1, 2019 at 2.

<sup>32</sup> See, PG&E’s response dated May 1, 2019 at 2.

<sup>33</sup> See, CWA’s PHC statement dated March 1, 2018 at 9.

compliance and Commission enforcement. We agree with PG&E that GO 166 should reflect recent and ongoing improvements to utility wildfire preparedness through their Wildfire Mitigation Plans. To accomplish this, GO 166 Standard 1.E should be retitled “Wildfire Mitigation Plan” and utilities should include by reference their approved Wildfire Mitigation Plan with each Emergency Preparedness Plan submitted pursuant to GO 166.

Additionally, based upon the suggestions of the parties and the record in this proceeding we make the following changes to GO 166:

- 1) Adding “Public Safety Partners” as defined in D.19-05-042 and subsequent decisions in Rulemaking R.18-12-005.
- 2) Modifying the definition of “essential customers” for clarity, and in order to reinforce water utilities’ role as a Public Safety Partner with critical facilities and infrastructure.
- 3) Modifying the “Purpose” paragraph to specify that the GO requirements apply to emergencies and disasters related to all electrical facilities, rather than only distribution facilities. The requirements in § 768.6(b) are not limited to distribution facilities, and the standards in GO 166 likewise should include emergency and disaster planning related to all electric facilities, not only distribution facilities.
- 4) Modifying Standard 1 (Emergency Response Plan) in GO 166 to include disaster preparedness (in addition to an emergency response plan) consistent with § 768.6(b).
- 5) Modifying the language in GO 166, Standard 1, Part D (External and Government Coordination), to follow communication protocols, SEMS, or the FEMA NIMS, as appropriate<sup>34</sup>.
- 6) Modifying Standard 1.J (Plan Update) to be consistent with § 768.6(b).

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<sup>34</sup> As noted above, multi-jurisdictional electrical IOUs who operate across state lines may use NIMS.

- 7) Modifying Standard 4.A<sup>35</sup> (Customer Communications - Establish Media & Call Center) to improve communications with the public, appropriate government agencies, and system operators/transmission owners; Modifying Standard 4.A to consider and address alternative communication strategies if initial attempts at customer communication are unsuccessful. The plan also should include methods for identifying and contacting customers with access and functional needs.
- 8) Modifying Standard 4-B (Government Communications Strategy) to involve local governments in plan development by designating points of contact for local governments, consistent with § 768.6(b)(1)(C), and to require timely notification to local governments when utility contacts change.
- 9) Modifying Standard 6 (Initial Notification Standard) to add that notification to the Commission shall be through the Commission's website, consistent with Resolution E-4184 or subsequent Commission guidance and that Essential Customers also be notified.
- 10) Modifying Standard 8 (Major Outage and Restoration Estimate Communication Standard) to require utilities to periodically provide estimated restoration time updates for the duration of an emergency or disaster, to document how they estimate restoration times, and to track actual restoration times.
- 11) Modifying Standard 9 (Personnel Redeployment Planning Standard) to include requirements for utilities to review weather reports prior to any major predicted weather event to consider prepositioning personnel and equipment consistent with § 768.6(a).
- 12) Modifying Standard 13 (Call Center Benchmark for a Measured Event) to require the utility to develop and track metrics that measure customer access to information from customer service calls, and website availability during an

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<sup>35</sup> Customer communications for PSPS events are not necessarily relevant to other natural or man-made disasters.

emergency. Essentially, these metrics support evaluation of the effectiveness of utility customer call center and web-based information in satisfying customer needs for information in an emergency.

- 13) Adding a new Standard 14 (Plan Development Coordination and Public Meeting) that would require plan development coordination and public meetings as described in §§ 768.6(b)(1), 768.6(b)(3), 768.6(c), 768.6(d), 768.6(e), and 768.6(g).

We also agree that there should be changes to GO 103-A. We note that the Board has emergency/disaster response standards that water companies must follow. We are hesitant to introduce new standards that may conflict with those of the Board. Therefore, we find that the emergency response plans of Class A and B water utilities pursuant to GO 103-A, should address the guidelines set by the Board for public water systems with 1,000 or more service connections.<sup>36</sup> The emergency response plans of Class C and D water utilities should address the Board guidelines for public water systems with less than 1,000 service connections.<sup>37</sup> Following the guidelines set by the Board will help to ensure that there are not conflicting standards as it relates to emergency plans. Therefore, the emergency response plans for regulated water utilities shall adhere to the requirements set by the Board and any deviations from the Board's guidance must be explained in their general rate cases or Tier 2 advice letter filings.

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<sup>36</sup> "State Water Resources Control Board Division of Drinking Water Emergency Response Plan Guidance for Public Drinking Water Systems Serving a population of 3,300 or more (approximately 1,000 service connections or more), February 2015"  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/security/ddw\\_emergency\\_guidelines\\_0215.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/security/ddw_emergency_guidelines_0215.pdf)

<sup>37</sup> "Emergency/Disaster Response Plan. This template is recommended for California public water systems that serve less than 1,000 service connections (or population less than 3,300)."  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/tmfcapacitydevelopment/EmergencyResponsePlan\\_revised-SWS.doc](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/tmfcapacitydevelopment/EmergencyResponsePlan_revised-SWS.doc)

## **2.4 Should the requirements for small water corporations be similar to those imposed on Class A water companies**

There are four types of regulated water companies in California. Class A companies have more than 10,000 service connections. Class B companies have between 2,000 and 10,000 service connections. Class C companies serve between 500 and 2,000 customers and Class D companies have fewer than 500 service connections.

CWA noted in its PHC statement that regulated companies have different circumstances and different resources.<sup>38</sup> Great Oaks noted in its PHC statement that plans should be tailored to the needs and resources of each utility.<sup>39</sup> No party stated in their comments that the requirements for the smaller regulated water companies should be the same as the Class A companies.

### **2.4.1 Discussion**

Notwithstanding the benefit of having consistent emergency response plans across CPUC jurisdictional water utilities, it is reasonable to consider different requirements depending on the size and resources of the regulated water companies. Requiring a Class D regulated company with fewer than 500 service connections to have the same plan as a regulated Class A company who has over 10,000 connections may not be feasible. We agree with CWA and Great Oaks that the plans for the smaller regulated water companies should be tailored to the needs and resources for the specific regulated water company. We will not require the smaller regulated water company requirements to be the same as the Class A companies. However, because of various small, regulated utilities being impacted by recent wildfires, we will require Class B, C, and D

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<sup>38</sup> See, CWA's PHC statement dated March 1, 2018 at 6.

<sup>39</sup> See, Great Oaks' PHC statement dated March 1, 2018 at 3.

water utilities to submit a Tier 2 Advice Letter detailing their emergency preparedness plan during emergencies, such as a wildfire or PSPS events for approval by the Water Division to ensure these utilities are prepared to deal with these types of occurrences and for public safety. These plans should be tailored to each utility's specific needs, available resources, and in accordance with the directives specified by this order.

**2.5 What new rules, standards, or General Orders, or modifications to existing policies should the Commission consider to ensure that counties and cities have an opportunity to participate in the preparation of disaster and emergency preparedness plans**

The parties were given the opportunity to respond to this issue during this proceeding. Responses were received on this question in many PHC statements. PacifiCorp, SCE, and Great Oaks all assert that Pub. Util. Code § 768.6 already addresses this issue.<sup>40</sup> PG&E and SDG&E support local participation but caution that it should be with reasonable limits.<sup>41</sup> SED recommends that the requirements of Pub. Util. Code § 768.6 be incorporated in GO 166.<sup>42</sup> CforAT supports effective engagement between the utilities and local governments.<sup>43</sup> CWA argues that the Commission should not shift the burden to the regulated utilities to engage local jurisdictions and notes that Pub. Util. Code § 768.6 already requires the regulated water companies to hold meetings with local

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<sup>40</sup> See, PacifiCorp's PHC statement dated March 1, 2018 at 5, SCE's PHC statement dated March 1, 2018 at 6, and Great Oak's PHC statement dated March 1, 2018 at 3.

<sup>41</sup> See, PG&E's PHC statement dated March 1, 2018 and See, SDG&E's PHC statement dated March 1, 2018.

<sup>42</sup> See, SED's PHC statement dated March 1, 2018 at 8. PacifiCorp also recommended that the requirements be incorporated into GO 166. See, PacifiCorp's PHC Statement dated March 1, 2018 at 5.

<sup>43</sup> See, CforAT's PHC statement dated March 1, 2018 at 13.

representatives in the process of developing, adopting, or updating emergency disaster plans.<sup>44</sup>

### **2.5.1 Discussion**

Modifications to GO 166 and GO 103-A by incorporating the requirements of Pub. Util. Code § 768.6 will ensure that counties and cities have an opportunity to participate in the preparation of disaster and emergency preparedness plans. Recent experience with PSPS events underscores the importance of coordination with local and tribal governments.<sup>45</sup>

Specifically, we make the following modifications to GO 166:

- We adopt SED's proposal to modify Standard 1.J to address periodic review of plans consistent with § 768.6(b)(3).
- We modify Standard 4.B (Communications Strategy – Government) to involve local governments in plan development by designating points of contact for local government consistent with § 768.6(b)(1)(C).
- We adopt SED's proposal to add Standard 14 (Plan Development Coordination and Public Meeting) which includes language that the utility shall invite local government representatives to a meeting at least every two years to provide consultation on emergency preparedness plans.

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<sup>44</sup> See, CWA's PHC statement dated March 1, 2018 at. 13.

<sup>45</sup> On November 19, 2019 in R,18-12-005, the Assigned Commissioner and ALJ issued a ruling directing PG&E to show cause as to why it should not be sanctioned by the Commission for violating Pub. Util. Code § 451, D.19-05-042, and Resolution ESRB-8 for failing to communicate with customers, governments, critical facilities, and Public Safety Partners during a PSPS event.

We make the following changes to GO 103-A:

- Class A water utilities shall hold meetings when developing, adopting, or updating their Emergency Response Plan, or every five years, whichever comes first, with representatives from each city and county in the water company's service area regarding emergency plans.
- Class B, C, and D water utilities shall confer when developing, adopting, or updating their Emergency Response Plan, or every five years, whichever comes first, with representatives from each city and county in the water company's service area regarding emergency plans.

**2.6 What are the gaps and limitations of electrical corporations' and regulated water companies' existing disaster and emergency preparedness plans**

The parties were provided an opportunity to present information on the issues before the Commission in this proceeding.

**2.6.1 Discussion**

Since there were no substantive responses provided by the parties in their numerous comments filed in this proceeding and the presentations at the workshops on this question, we find that there are no recommendations needed at this time concerning gaps or limitations in the electrical corporations' and regulated water companies' existing disaster and emergency preparedness plans.

**2.7 To what extent should disaster and emergency preparedness plans be standardized across electrical corporations and regulated water companies**

On April 3, 2019, the ALJ issued a ruling requesting information from the parties on this issue. The parties submitted responses on May 1, 2019. SDG&E noted in its response that the Commission should standardize emergency plans across utilities by requiring that the utilities submit plans that align with existing

emergency planning standards found in NIMS and SEMS.<sup>46</sup> CWA notes that electrical corporations and water utilities are separate industries and standardized rules may not apply to both types of entities.<sup>47</sup> PG&E notes that they support standardization, but there should be flexibility.<sup>48</sup> CforAT noted that it would be appropriate for the Commission to work towards standardizing the structure of disaster and emergency plans.<sup>49</sup> CASMU believes that requiring standardized use of SEMS and NIMS will result in a more integrated and successful response to emergency events where multiple entities are involved.<sup>50</sup> SCE additionally believes that utilities should be required to submit plans that align with existing emergency planning standards found in NIMS and SEMS.<sup>51</sup>

### **2.7.1 Discussion**

Although the structure and format of disaster and emergency preparedness plans may differ between the utilities, the plans must include the required elements. As discussed above, a standardization we adopt here is requiring the utilities to submit plans that align with existing emergency planning standards found in NIMS or SEMS. The electric and Class A and B utilities are required to adopt and participate in SEMS. However, multi-jurisdictional electric utilities may participate in NIMS as described above. All utilities should comply with this requirement within one year from the date of this decision.

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<sup>46</sup> See, SDG&E's response dated May 1, 2019 at 4.

<sup>47</sup> See, CWA's response dated May 1, 2019 at 2-4.

<sup>48</sup> See, PGE's response dated May 1, 2019 at 2.

<sup>49</sup> See, CforAT's response dated May 1, 2019 at 9-11.

<sup>50</sup> See, CASMU's response dated May 1, 2019 at 5-7.

<sup>51</sup> See, SCE's response dated May 1, 2019 at 4.

## **2.8 How will these plans be evaluated and what metrics should be used as part of such evaluation**

Parties provided a range of recommendations for evaluating the disaster and emergency preparedness plans. Public Advocates suggested that the utilities should hold regular and planned exercises to test and evaluate their preparedness.<sup>52</sup> CMUA notes the importance of regular coordination and communications with the relevant safety agencies.<sup>53</sup> SDG&E, PG&E, and PacifiCorp, all recommend that it is appropriate to consider what the current best practices are.<sup>54</sup> Finally, SED believes that there should be periodic review, training, and testing.<sup>55</sup>

### **2.8.1 Discussion**

We agree that the utilities should engage in table-top simulations to evaluate the aspects of their plans, which is known as a best practice in the Emergency Management field. Authoritative references are the Homeland Security Exercise and Evaluation Program (HSEEP)<sup>56</sup> and the CalOES Continuity Exercise Handbook.<sup>57</sup> The exercises will result in lessons learned or after-action review with improvement objectives that are used to refine the plans.

As it relates to the regulated water utilities, the Water Rate Case Plan requires that Class A water utilities must provide confirmation of compliance with Environmental Protection Agency Vulnerability Assessment and Office of

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<sup>52</sup> See, Public Advocates PHC statement dated March 1, 2018 at 1-5.

<sup>53</sup> See, CMUA's PHC statement dated March 1, 2018 at 1-4.

<sup>54</sup> See, SDG&E's PHC statement dated March 1, 2018 at 2, PG&E's PHC statement dated March 1, 2018 at 3, and PacifiCorp's PHC statement dated March 1, 2018 at 4.

<sup>55</sup> See, SED's PHC statement dated March 1, 2018 at 1-4.

<sup>56</sup> <https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep>

<sup>57</sup> [https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/Continuity\\_AllHaz\\_Discussion\\_Based\\_Exercise%20Doc\\_v2.docx](https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/Continuity_AllHaz_Discussion_Based_Exercise%20Doc_v2.docx).

Emergency Services Response Plan in every general rate case.<sup>58</sup> Commission Water Division staff regularly monitor the regulated water utilities' emergency preparedness plans for compliance with GO 103-A, in accordance with this decision. Staff will also ensure that the regulated water utilities emergency response plans are submitted to the CPUC, complete, and that any deviations are sufficiently justified.

**2.9 What communication protocols shall be considered to ensure that the utilities are adequately communicating with the Commission, other local, state, or federal agencies and other utilities during an emergency**

CWA recommends that the type, scale, and location of the threat should be considered along with what agencies or entities are responsible for responding to and addressing the incident along with the individual utilities' resources. CWA also recommends that the utility should identify the specific employees in its internal chain-of-command who are responsible for communicating with appropriate agencies and stakeholders in an emergency and that they should update this information annually.

PG&E explained that it uses an Incident Command System (ICS) where PG&E's Liaison Officer and Director of Emergency Preparedness and Response (EP&R), who each hold positions in PG&E's Emergency Operations Center (EOC), communicate with the local, state, and federal government as needed.<sup>59</sup> PG&E also notes that it is a member of the California Utilities Emergency Association (CUEA), which provides general support and assistance in contacting various organizations during emergency situations.<sup>60</sup> PG&E states

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<sup>58</sup> See, D.07-05-062 at 29.

<sup>59</sup> See, PG&E's response dated September 14, 2018.

<sup>60</sup> SCE, SDG&E, and many other utilities are also members of CUEA.

that specific communication efforts should depend on the type and size of the emergency.

SCE noted in its response that it uses NIMS as a framework for preparing for, responding to, and recovering from an incident, which is recognized as best practice among government entities and electric utilities.<sup>61</sup> SCE indicates that it believes that all California state and local governments employ ICS, a component of NIMS, when responding to a significant emergency. Finally, SCE notes that GO 166 identifies when a utility must communicate with the Commission.

The joint response from CASMU states that its members have established relationships with key personnel of governmental agencies and other utilities.<sup>62</sup> They also note that they have regular meetings with these entities and recommend that there be a standardized situation report form that could be used when communicating with the Commission.

SDG&E stated that they coordinate with public safety agencies and elected officials from impacted communities and with the San Diego County OES during any activation of SDG&E's Emergency Operations Center.<sup>63</sup> They also use the ICS and regularly meet with local government representatives.

The Public Advocates recommends that the Commission establish a standardized set of best practices.<sup>64</sup> SED emphasized the importance of retaining updated contact information to ensure utilities communicate with the right

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<sup>61</sup> See, SCE's response dated September 14, 2018.

<sup>62</sup> See, CASMU's response dated September 14, 2018.

<sup>63</sup> See, SDG&E's response dated September 14, 2018.

<sup>64</sup> See, Public Advocates' response dated September 14, 2018.

people.<sup>65</sup> LGSEC recommends that the utilities engage in networking, hold regular meetings with local fire departments and engage in planned exercises.<sup>66</sup>

LADWP, CMUA, and SMUD noted in their joint response that they regularly communicate with the relevant safety agencies, and they keep customers updated via a variety of communication channels.<sup>67</sup> The City and County of San Francisco notes that they use their EOC as the central coordination point for multi-agency emergencies.<sup>68</sup> CforAT notes that communications should be in languages other than English and should also use an accessible form of communication for customers whose ability to use standard forms of communication is limited due to a disability.<sup>69</sup>

### **2.9.1 Discussion**

We find that the communication and notification protocols set forth in D.19-05-042 and subsequent decisions in Rulemaking R.18-12-005 are relevant to disaster and preparedness plans. We will add language to GO 166 Standard 4-A, which states that “The plan should be compatible with the current Public Safety Power Shut-off Guidelines.”

### **2.10 How will utilities’ disaster and emergency preparedness plans address the needs and risks of persons who may require special assistance during a disaster or emergency**

CWA notes that privacy issues may limit the utilities’ ability to know if a customer is disabled or has special needs.<sup>70</sup> However, CWA notes that

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<sup>65</sup> See, SED’s response dated September 14, 2018.

<sup>66</sup> See, LGSEC’s response dated September 14, 2018.

<sup>67</sup> See, joint response of LADWP, CMUA, and SMUD dated September 14, 2018.

<sup>68</sup> See, the City and County of San Francisco’s response dated September 14, 2018.

<sup>69</sup> See, CforAT’s response dated September 14, 2018.

<sup>70</sup> See, CWA’s response dated September 14, 2018 at 7.

depending on the type of the emergency, utilities may send personnel out to the customer's home, make phone calls, provide written communications in more than one language or via social media.<sup>71</sup> CASMU notes that they use multiple channels of communication to connect with customers via social media, print media, email, text, and radio for example.<sup>72</sup> The City and County of San Francisco notes that they use phone, fax, email, text messages, social media, and public service radio systems.<sup>73</sup> CMUA contends that federal, state and local regulations set applicable standards for communicating with customers with disabilities.<sup>74</sup> CforAT notes that PG&E, SCE, and SDG&E all have a memorandum of understanding with CforAT that includes provisions addressing effective communications with people with disabilities.<sup>75</sup> CforAT also recommends that the Commission should work with the Office of Access and Functional Needs (OAFN) at Cal OES to ensure that stakeholders can benefit from work that has already been conducted in this field and can utilize language and terminology that is recognized by emergency personnel.<sup>76</sup>

PG&E notes that, upon request, it provides materials for emergency planning and preparedness in alternate formats such as large print, braille, audio, and in various languages.<sup>77</sup> PG&E also notes that it distributes its materials for emergency planning and preparedness to various agencies that target the special needs population, such as California Foundation for

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<sup>71</sup> *Id.*

<sup>72</sup> *See*, CASMU's response dated September 14, 2018 at 8.

<sup>73</sup> *See*, City and County of San Francisco's response dated September 14, 2018 at 3.

<sup>74</sup> *See*, CMUA's response dated September 14, 2018 at 5.

<sup>75</sup> *See*, CforAT's response dated September 14, 2018 at 8.

<sup>76</sup> *See* CforAT's response dated May 1, 2019 at 2.

<sup>77</sup> *See*, PG&E's response dated September 14, 2018 at 7.

Independent Living Centers, the California State Council on Development Disabilities, and Meals on Wheels. It also notes that the Medical Baseline application allows customers to select their notification preferences. PG&E recommended in its response that the Commission should encourage special needs populations to self-identify and inform their respective utilities to allow for proper documentation of the special needs.

SCE notes that it relies on customers to self-certify what their specific communication needs are and that they share this information with Community Based Organizations (CBO).<sup>78</sup> SCE also notes that it does additional outreach to Medical Baseline customers.

### **2.10.1 Discussion**

Currently, GOs 166 and 103-A do not specifically address how disaster and emergency plans should account for individuals with access and functional needs. We agree with CforAT that utilities should work with OAFN at Cal OES, among others such as community-based organizations, to continually improve preparedness and response for people with access and functional needs. Additionally, the electric utilities shall update contact information for Medical Baseline customers and provide an opportunity for such customers to select alternative means of contact beyond their preferred means of contact from the utility for billing and other information.

Specifically, we modify GO 166 Standard 4.A to add “The plan shall include methods for identifying and contacting individuals with access and functional needs” and “The plans should be compatible with current Public Safety Power Shut-Off Guidelines.”

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<sup>78</sup> See, SCE’s response dated September 14, 2018 at 7.

As it relates to regulated water companies, we will require that the emergency plans address contingencies for temporary water supplies, such as water trucks and bottled water during an emergency. Additionally, the regulated water companies' plans must also address how they will ensure that persons with access and functional needs who may require special assistance during an emergency will have access to water.<sup>79</sup>

**2.11 How should the Commission ensure compliance with the requirements in Pub Util. Code § 768.6 that electrical corporations and regulated water companies meet with representatives from the cities and counties within their service territories when developing or updating disaster and emergency preparedness plans**

CWA notes in its response that the Commission already can ensure through data requests that the electric IOUs and regulated water companies meet with representatives from cities and counties in their service territories in developing or updating their disaster and emergency preparedness plans.<sup>80</sup> However, they note that the Commission may want to consider adding an attestation of compliance on the Annual Report form which the utilities complete. CASMU notes in its response that it is included in the GO 166 Annual Reports that the utilities submit to the Commission.<sup>81</sup> SDG&E asserts that the Commission should continue with the current oversight.<sup>82</sup> SCE states that GO 166 is the

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<sup>79</sup> CWA noted in its comments on the proposed decision that utilities have limited ability to provide temporary emergency water supplies to people with access and functional needs, and that keeping a list of said customers is inappropriate and unduly duplicative of local government efforts. The decision indicates that the utilities must indicate how they will ensure that persons with access and functional needs will have access to water during emergencies. Nothing prevents the utilities from coordinating with local governments during an emergency or disaster to determine which customers may need special assistance.

<sup>80</sup> See, CWA's response dated September 14, 2018.

<sup>81</sup> See, CASMU's response dated September 14, 2018.

<sup>82</sup> See, SDG&E's response dated September 14, 2018.

appropriate regulatory vehicle to do this and suggests that GO 166 be updated to include any missing details that are currently listed in Pub. Util Code § 768.6.<sup>83</sup> PG&E stated that in demonstrating compliance with Standard 10 of GO 166 (Annual Pre-Event Coordination Standard), PG&E's Annual GO 166 Report includes information regarding its biennial meetings with cities and counties as mandated by Pub. Util. Code § 768.6.<sup>84</sup> PG&E recommends that the Commission may wish to consider requiring all electric utilities to include such information in their GO 166 filings. The City and County of San Francisco noted in its response that utilities should be required to serve their annual reports on local governments.<sup>85</sup> The Public Advocates believes the Commission should reach out to communities and Cal OES to maximize cooperation and response effectiveness.<sup>86</sup>

### **2.11.1 Discussion**

We agree with the parties who suggested that GO 166 should be updated. GO 166 will be updated to address a utility's periodic review of its plans, plan development coordination and public meetings, and submit proof of compliance to address this issue. Specifically, GO 166 will be updated as follows: Standard 1.J will be modified to address a utility's periodic review of its plan, consistent with Pub. Util Code § 768.6(b)(3); addition of Standard 14 concerning Plan Development Coordination and Public Meetings; modifying Standard 1-D to require adoption and participation in California's SEMS (or NIMS, in the case of multi-jurisdictional utilities), and addition of requirement to submit proof of

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<sup>83</sup> See, SCE's response dated September 14, 2018.

<sup>84</sup> See, PG&E's response dated September 14, 2018.

<sup>85</sup> See, City and County of San Francisco's response dated September 14, 2018.

<sup>86</sup> See, Public Advocates' response dated September 14, 2018.

compliance with Pub. Util. Code § 768.6(3) that every two years the IOUs have invited appropriate representatives of every city, county, or city and county within the IOU's service territory to meet with, and provide consultation to, the IOU as part of the Annual GO 166 submittal.<sup>87</sup>

As it relates to regulated water utilities, we find that pursuant to Pub. Util. Code § 768.6(f)(2), Class A water utilities shall hold meetings when developing, adopting, or updating an Emergency Response Plan **pursuant to the America's Water Infrastructure Act of 2018, or every five years, whichever comes first**, with such representatives and, where possible, first responders from each city, county, or city and county in the water company's service area regarding the emergency response plans. The Class A regulated water utilities shall include information in their annual reports to the Commission, including a list of counties and cities within their territory that they met with.. To comply with Pub. Util. Code § 768.6, Class B, C, and D regulated water utilities shall confer when developing, adopting, or updating their Emergency Response Plan, or every five years, whichever comes first, with the representatives from each city, county or city and county in the water company's service area regarding the emergency response plans. The utilities shall include information in their Annual Reports to the Commission, which should include a list of all counties and cities within their territory the utilities have conferred with regarding planning and discussions on the implementation of their emergency preparedness response plans and coordination.

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<sup>87</sup> In addition to having utilities submit proof of compliance, under Pub. Util. Code § 314.6(a), the Commission may conduct financial and performance audits of any entity or program created by any order, decision, motion, settlement, or other action of the Commission.

## **2.12 What process should the Commission employ to evaluate electrical corporations' updated disaster and emergency plans every two years as required by Pub. Util. Code § 768(b)(3)**

SED noted in its comments dated March 6, 2020 that SED reviews and evaluates the disaster and emergency plans; and when warranted will send a notice of violation letter identifying deficiencies and directing that the utility update its emergency plan to correct the deficiencies.<sup>88</sup> Additionally, SED posts public versions of the utilities' emergency plans and GO 166 reports on the Commission's website once they are submitted to the Commission.

### **2.12.1 Discussion**

We do not believe that there should be any changes to the current process used to evaluate the electrical corporations' disaster and emergency plans. SED shall continue with its current practices as elaborated in its comments dated March 6, 2020.

## **3. Safety Considerations**

Pub. Util. Code § 451 requires that every public utility must maintain adequate, efficient, just, and reasonable service to promote the "safety, health, comfort, and convenience of its patrons, employees, and the public." Updates to GO 166 and GO 103-A, pursuant to Pub. Util Code § 768.6, improve and further promote public safety.

## **4. Categorization, Need for Hearing, and Statutory Deadline**

Pursuant to Rule 7.1(d) of the Commission's Rules of Practice and Procedure, this proceeding was preliminarily determined to be quasi-legislative as defined in Rule 1.3(e) and that hearings would not be necessary.<sup>89</sup> No party objected to these preliminary determinations nor has any party raised any factual

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<sup>88</sup> See, SED Comments dated March 6, 2020 at 10.

<sup>89</sup> Any future reference to Rules refers to the Commission's Rules of Practice and Procedure.

issues or filed a response that would require a hearing. The Scoping Ruling affirmed that the category of this proceeding is quasi-legislative and that hearings would not be necessary. We affirm the determinations in the Scoping Ruling herein.

On November 23, 2020, the Commission issued D.20-11-048, which extended the statutory deadline of this proceeding to May 30, 2021 to provide additional time to issue this Phase II decision. Typically, we would subsequently close the proceeding. However, on January 10, 2020, a PFM was filed on the Phase I decision (D.19-01-018); therefore, this proceeding is being left open solely for the purpose of addressing the PFM on D.19-01-018.

## **5. Conclusion**

This decision makes several updates to GOs 166 and 103-A by incorporating the requirements of Pub. Util. Code § 768.6 and other improvements developed during the proceeding.

## **6. Comments on Proposed Decision**

The proposed decision of Commissioner Clifford Rechtschaffen in this matter was mailed to the parties in accordance with § 311 of the Pub. Util. Code and comments were allowed under Rule 14.3. Comments<sup>90</sup> were filed by PG&E, SED, SDG&E, SCE, CASMU, CforAT, and CWA on April 26, 2021. Reply comments were filed by SCE, SED, SDG&E, and CWA on April 30, 2021. As appropriate, we have addressed these comments in this decision or here in this section of the decision. In comments on the proposed decision, CforAT and SED assert that there is a need to revisit the definition of Major Outage in GO 166. Because this proceeding focused on the disaster and emergency preparedness

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<sup>90</sup> If a specific comment is not addressed in this decision, then it has been rejected by the Commission.

plans filed pursuant to the GO 166, not the criteria for triggering the Order, and because no alternative definition has been developed in the proceeding, no changes are made to the decision. Commission staff may initiate a process to analyze the effectiveness of the current definition and develop modifications.

## **7. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Gerald F. Kelly is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. This proceeding was conducted in two phases.
2. Phase I of this proceeding used various workshops to help develop standards to address the physical security risks to the electrical supply facilities of electrical corporations.
3. On January 10, 2019, the Commission issued D.19-01-018, which addressed the issues for Phase I of this proceeding.
4. Among other things, Pub. Util. Code § 768.6(a) requires the electrical corporations and regulated water companies to use weather reports to pre-position manpower and equipment before anticipated severe weather events; requires methods to improve communications between governmental agencies and the public; and requires an evaluation of what methods should be used to control and mitigate an emergency or disaster and its aftereffects.
5. D.19-05-042 is the Decision Adopting De-Energization (Public Safety Power Shut-off) Guidelines (Phase I Guidelines).
6. Some of the issues presented in this proceeding have subsequently been addressed by D.19-05-042.
7. D.19-05-042 notes that new weather tracking and modeling technologies have been developed since this proceeding was initiated and requires the utilities to provide situational awareness information to public safety partners.

8. Phase II of this proceeding establishes standards for disaster and emergency preparedness plans for regulated electrical corporations and regulated water companies.

9. Part of the rulemaking included soliciting input from the utilities and other interested parties on what rules and procedures should be adopted by the Commission.

10. The parties provided valuable input on the issues presented in this proceeding.

11. The parties consistently recommended that the Commission make changes to GOs 166 and 103-A related to emergency disaster and preparedness plans.

12. Simulations can help a regulated utility test and evaluate its emergency and disaster preparedness plans.

13. No party recommended any changes to the current methods of working to control and mitigate an emergency or disaster and its aftereffects.

14. There are four types of regulated water companies in California. Class A companies have more than 10,000 service connections. Class B companies have between 2,000 and 10,000 service connections. Class C companies serve between 500 and 2,000. Class D companies have fewer than 500 customers.

15. For water utilities, the Board's Emergency Response Plan Guidelines summarizes Cal OES' document entitled Emergency Planning Guidance for Public and Private Water Utilities.

16. The Board has standards which water companies must follow.

17. Regulated water companies each have different circumstances and different resources available to them.

18. No party recommended that the requirements for Class D regulated water companies be the same as Class A regulated water companies.

19. Disaster and emergency plans may differ among the regulated utilities. However, the plans should discuss how they pertain to each individual utility.

20. Currently, GOs 166 and 103-A do not address the needs of individuals with access and functional needs.

21. SED, or its successor division in the Commission, reviews and evaluates emergency plans and when warranted, and will send a notice of violation letter identifying deficiencies and directing that the utility update its emergency plan to correct the noted deficiencies.

22. SED, or its successor division in the Commission, posts public versions of the utilities' emergency plans and GO 166 reports on the Commission's website once they are submitted to the Commission.

23. Simulations are known as best practices in the Emergency Management Field.

24. SEMS is a structure for coordination between government and local emergency response organizations. It provides and facilitates the flow of emergency information and resources within and between the organizational levels of on-the-ground responders, local government, operational areas, regions, and state management.

25. On November 23, 2020, the Commission issued D.20-11-048, which extended the statutory deadline of this proceeding to May 30, 2021 to provide additional time to issue this Phase II decision.

26. PacifiCorp is a multi-jurisdictional utility providing electric retail service to approximately 1.8 million customers in six western states (including California, Idaho, Oregon, Utah, Washington, and Wyoming).

## **Conclusions of Law**

1. The parties in this proceeding have had a reasonable opportunity to comment on the Assigned Commissioner's Scoping Memo, Staff Proposal, and assigned ALJ's rulings, which form the basis for this decision.
2. The rules adopted in this decision recognize the intent and directives set forth in Pub. Util Code § 768.6, as described in the Order Instituting Rulemaking for this proceeding.
3. The use of SEMS will promote interoperability, help establish and maintain multi-agency coordination mechanisms, and enable and encourage consistent applications of alert and warning best practices, procedures, and protocols.
4. Requiring the electric and Class A and B water utilities to adopt SEMS (or NIMS, as an option for multi-jurisdictional entities), as a standard will, by default, contribute to the overall strength of multi-agency coordination and communications with the public.
5. Requiring the regulated water utilities to follow the guidelines set by the State Water Control Board Division of Drinking Water (Board) will help ensure that there are not conflicting standards related to regulated water utilities' disaster and emergency preparedness plans.
6. For disaster and emergency preparedness plans of regulated water utilities to be effective, we must consider the size and available resources of each of the regulated water utilities.
7. Requiring a Class D regulated company with fewer than 500 service connections to have the same plan as a regulated Class A company that has over 10,000 connections is not feasible.

8. Plans for smaller regulated water utilities should be tailored to the needs and resources of the specific regulated water utility.

9. Pub. Util. Code § 768.6 already requires the regulated water companies to hold meetings with local representatives in the process of developing, adopting, or updating emergency disaster plans.

10. To promote the goals of this proceeding, it is appropriate to make various changes to GOs 166 and 103-A.

11. These changes to GOs 166 and 103-A will help ensure that regulated electrical corporations and water utilities communicate with governmental entities and the public.

12. Making changes to GOs 166 and 103-A will help ensure that the requirements of Pub. Util Code § 768.6 are properly incorporated into GOs 166 and 103-A. Incorporating these changes does not alter or expand the scope of GOs 166 and 103-A, but will help to ensure consistency in compliance and enforcement of emergency disaster and preparedness plans.

13. Modifications required by this decision to General Orders 166 and 103-A, which includes updated standards for disaster and emergency preparedness plans for Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric), and all regulated Class A, B, C, and D water companies pursuant to Public Utilities Code § 768.6, will help to promote safety considerations by providing standards for their emergency preparedness and disaster plans. Safety is also promoted by requiring these regulated utilities to convene public meetings with representatives of local governments within their service territories to consult on such plans.

14. Water utilities are Public Safety Partners as set forth in D.19-05-042.

15. Adding the term Public Safety Partners to GO 166 helps to address the concerns that a water utility may encounter during planned power shut-offs and it will help to ensure that emergency disaster and preparedness plans are more effective.

## **O R D E R**

**IT IS ORDERED** that:

1. General Order (GO) 166 is modified as set forth in Attachment A. The Commission's Safety Policy Division shall cause the modifications to GO 166 to be updated and published.

2. General Order (GO) 103-A is modified as set forth in Attachment B. The Commission's Water Division shall cause the modifications to GO 103-A to be updated and published.

3. Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric), shall comply with all General Order (GO) 166 modifications as set forth in Attachment A and all regulated Class A, B, C, and D water companies shall comply with all GO 103-A modifications as set forth in Attachment B.

4. Pursuant to Public Utilities Code § 768.6(a), the emergency preparedness plans of Class A and B water utilities shall address what measures the Class A and B water utilities intend to implement to mitigate the threat of severe weather; including, but not limited to high fire danger and windstorms. This may include the repositioning of personnel and equipment to assure timely restoration of service or public safety in the event of severe anticipated weather.

5. Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric), and all regulated Class A, B, C, and D water companies shall adopt California's Standardized Emergency Management System.

6. Public notice procedures are added to General Order 103-A which shall be consistent with the State Water Resources Control Board Division of Drinking Water Emergency Plan Guidance (Section 6.4 Public Notice Procedures).

7. All regulated Class A, B, C, and D water companies shall make their Emergency Response Plans available in languages other than English, that are predominantly spoken in each regulated water utility's service territory as required by the State Water Resources Control Board Division of Drinking Water and accessible to individuals with access and functional needs.

8. General Order (GO) 166 shall be updated to provide clarity and consistency with the requirements set forth in Decision 19-05-042, subsequent decisions in Rulemaking 18-12-005 and subsequent Rulemakings that address utility Public Safety Power Shutoff programs. Specifically, GO 166 shall be updated to reflect the current definition of the term Public Safety Partners in the following sections of GO 166: Standard 1.D (External and Government Coordination); Standard 1.H (Restoration Priority Guidelines); Standard 4.B (Government); Standard 6 (Initial Notification Standard); Standard 8 (Major Outage and Restoration Estimate Communication Standard); and Standard 10 (Annual Pre-Event Coordination Standard).

9. General Order (GO) 166 Standard 1.E shall be retitled "Wildfire Mitigation Plan" and Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric

Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric shall include by reference their approved Wildfire Mitigation Plan with each Emergency Preparedness Plan submitted pursuant to GO 166 and .

10. General Order 166 shall be modified to include the definition of “Public Safety Partners” so that it is compatible with the requirements set forth in Decision 19-05-042, which adopted the term public safety partners, subsequent decisions in Rulemaking 18-12-005 and subsequent Rulemakings that address utility Public Safety Power Shutoff programs.

11. General Order 166 shall be modified so that the definition of “essential customer” is clearer and reinforces regulated water utilities’ role as public safety partners with critical facilities and infrastructure.

12. General Order 166 shall be modified so that the “Purpose” paragraph specifies that the requirements apply to emergencies and disasters related to all electrical facilities, rather than only distribution facilities.

13. General Order 166 Standard 1 shall be modified to address disaster preparedness plans in addition to emergency response plans.

14. General Order 166, Standard 1.D (External and Government Coordination) shall be modified to require that California’s Standardized Emergency Management System (SEMS) be used by Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company. This shall be accomplished within one year of the adoption of this decision. Class A and B water utilities are required to adopt and participate in SEMS within one year from the date of this decision.

15. PacifiCorp shall adopt the Federal Emergency Management Agency's National Incident Management System (NIMS) within one year of the adoption of this decision.

16. General Order 166 Standard 1.J shall be modified to require Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric).to periodically review their emergency disaster and preparedness plans.

17. General Order 166 Standard 4.A (Customer Communications - Establish Media & Call Center) shall be modified to reflect the requirement to improve communications with the public, appropriate government agencies, and system operators/transmission owners.

18. General Order 166 Standard 4.A (Customer Communications - Establish Media & Call Center) shall be modified to also address alternative communication strategies that will be used if initial attempts at customer communications are unsuccessful. This shall also include methods that will be identified for contacting customers with access and functional needs.

19. General Order 166 Standard 4.B (Government Communication Strategy) shall be modified to include the involvement of local governments in plan development by designating points of contact for local governments and to require timely notification to local governments when utility contact information changes.

20. General Order 166 Standard 6 (Initial Notification Standard) shall be modified to add that notification to the California Public Utilities Commission (Commission) shall be through the Commission's website, consistent with Resolution E-4184 or subsequent Commission guidance.

21. General Order 166 Standard 8 (Major Outage and Restoration Estimate Communication Standard) shall be modified to require Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric).

22. periodically provide estimated restoration time updates for the duration of an emergency or disaster, to document how they estimate restoration times, and to track actual restoration times.

23. General Order 166 Standard 9 (Personnel Redeployment Planning Standard) shall be modified to require Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric).to include requirements for the regulated utilities to review weather reports prior to any major predicted weather event and to consider prepositioning personnel and equipment.

24. General Order 166 Standard 13 (Call Center Benchmark for a Measured Event) shall be modified to require Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric) to develop and track metrics that measure customer service calls, and website availability during an emergency.

25. General Order 166 shall be modified to add a new Standard 14 (Plan Development Coordination and Public Meeting) that will require Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric) to coordinate

plan development and hold public meetings with local government and tribal entities within their service territory.

26. Emergency response plans of Class A, B, C and D water companies shall comply with the standards established by the Division of Drinking Water of the State Water Resources Control Board.

27. General Order 103-A shall be modified to require all Class A water companies to hold meetings when developing, adopting, or updating an Emergency Response Plan, or every five years, whichever comes first, with representatives from each tribal, city, county or city and county in the Class A water company's service area regarding their emergency plans.

28. General Order 103-A shall be modified to require all Class B, C, and D water companies to confer when developing, adopting, or updating an Emergency Response Plan, or every five years, whichever comes first, with representatives from each tribal, city, county, or city and county in the Class B, C, and D water company's service area regarding their emergency plans.

29. Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric) shall engage in field or table-top exercises.

30. All Class B, C, and D water companies shall comply with the standards established by the Division of Drinking Water of the State Water Resources Control Board related to conducting field and table-top exercises.

31. Class B, C, and D water companies shall submit a Tier 2 Advice Letter detailing their emergency preparedness plan during emergencies, such as a wildfire or Public Safety Power Shutoff event for approval by the Water Division to ensure utilities are prepared to deal with these types of occurrences and for

public safety. These plans should be tailored to each utility's specific needs, available resources, and in accordance with the directives specified by this order.

32. California Public Utilities Commission Water Division staff shall continue to regularly monitor emergency preparedness plans for compliance with General Orders 103-A for all Class A, B, C, and D water companies.

33. California Public Utilities Commission Water Division staff shall continue to ensure that all emergency response plans of Class A, B, C, and D water companies are filed, complete, and that any deviations from the standards established by the Division of Drinking Water of the State Water Resources Control Board are sufficiently justified.

34. Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric) shall ensure that communication and notification protocols are compatible with current Public Safety Power Shut-Off Guidelines as it relates to communicating with the California Public Utilities Commission, other local, state, tribal, or federal agencies and other utilities during an emergency.

35. General Order 166 Standard 4-A shall be modified to state that emergency disaster and preparedness plans shall be compatible with current Public Safety Power Shut-off Guidelines.

36. Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), Liberty Utilities (CalPeco Electric), and all regulated Class A, B, C, and D water companies shall work with the Office of Access and Functional Needs at the California Governor's Office of Emergency Services to ensure that stakeholders can benefit from work that has

already been conducted in this field and can utilize language and terminology that is recognized by emergency personnel.

37. All regulated Class A, B, C, and D water companies shall have emergency plans that address contingencies for temporary water supplies, such as water trucks and bottled water during an emergency.

38. All regulated Class A, B, C, and D water companies shall have emergency plans that address how they will ensure that individuals with access and functional needs during an emergency will have access to water trucks and bottled water.

39. The California Public Utilities Commission's Safety and Enforcement Division shall continue to review and evaluate the emergency plans of Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, PacifiCorp, Bear Valley Electric Service (a division of Golden State Water Company LLC), and Liberty Utilities (CalPeco Electric), and when warranted, send a notice of violation letter identifying deficiencies and directing any updates to correct any noted deficiencies.

40. The California Public Utilities Commission's (Commission) Safety and Enforcement Division shall continue, as appropriate, to post public versions of emergency plans and General Order 166 reports on the Commission's website once they are submitted and reviewed.

41. Rulemaking 15-06-009 is resolved for the purpose of Pub. Util. Code Section 1701.5, but is left open to address the petition for modification that was filed concerning Decision 19-01-018 (Phase I Decision) in this proceeding.

This order is effective today.

Dated May 20, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners