

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

PRESIDENT MICHAEL PICKER,
COMMISSIONER CLIFFORD RECHTSCHAFFEN,
ADMINISTRATIVE LAW JUDGES PETER V. ALLEN and
SARAH R. THOMAS, co-presiding

)	PREHEARING
)	CONFERENCE
)	
)	
Order Instituting Rulemaking to)	
Implement Electric Utility Wildfire)	Rulemaking
Mitigation Plans Pursuant to Senate)	18-10-007
Bill 901 (2018).)	
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2 NOVEMBER 14, 2018 - 10:30 A.M.

3 * * * * *

4 ADMINISTRATIVE LAW JUDGE ALLEN: On the
5 record. Good morning.

6 This is the time and place for the
7 Prehearing Conference and the Order
8 Instituting Rulemaking to Implement Electric
9 Utility Wildfire Mitigation Plans, Pursuant
10 to Senate Bill 901, Rulemaking 18-10-007.

11 Before we get started with this, I
12 would like to take one minute of silence for
13 the victims in the current wildfires.

14 (Moment of silence held for
15 current wildfire victims.)

16 ALJ ALLEN: Thank you.

17 With me today is Administrative Law
18 Judge Sarah Thomas, Commissioner
19 Rechtschaffen, and President Picker.

20 So this is going to be, essentially,
21 time for housekeeping. This is being
22 webcast; so when you speak, please try to
23 speak towards one of the microphones. Make
24 sure the green light is on and that way,
25 people on webcast can hear what you're
26 saying.

27 With that, what I would like to do
28 is turn it over to President Picker and

1 Commissioner Rechtschaffen if they have any
2 words to say.

3 PRESIDENT PICKER: Thank you.

4 The horribly tragic events of last
5 week are still unfolding and the details are
6 just beginning to be investigated, but it's
7 very evident that the loss of life and
8 property due to the wildfires in northern
9 California and in southern California, and at
10 the end of this year, exceed historical marks
11 by any measure. I extend my condolences to
12 those families and to those communities who
13 have been affected.

14 We are one of several government
15 agencies, including our colleagues at
16 Cal Fire and the Office of Emergency Services
17 who are tasked with ensuring that the
18 utilities, both investor-owned and
19 publicly-owned, operate a safe and reliable
20 grid.

21 In this proceeding, we'll look at
22 the wildfire mitigation plans of the
23 utilities. We have previously established
24 some of the requirements as part of our
25 overall work with Cal Fire on vegetation and
26 setting new standards for vegetation
27 management.

28 I encourage local communities who

1 are active participants in this, even if
2 they've never thought of themselves as that,
3 first responders and others to participate in
4 the proceedings and to contact us if you have
5 questions about the best way to do that.

6 Now, we're operating on a fairly
7 tight timeline. The legislature created a
8 whole series of new requirements. This is
9 going to focus on those preexisting wildfire
10 management plans, but there are a range of
11 other issues that we'll have to address on a
12 fairly expedited basis. Because of that, I
13 will be working closely with Commissioner
14 Rechtschaffen to make sure that all these
15 different proceedings are coordinated and
16 that they're coherent together as a universe
17 of actions at the end.

18 I'll turn it over to Commissioner
19 Rechtschaffen at this point.

20 COMMISSIONER RECHTSCHAFFEN: I'll say a
21 couple of things. The events of the last
22 week underscore - not that we needed any
23 underscoring - that the threat of wildfires
24 is one of the most pressing threats facing
25 the state right now. The scope of the loss
26 of life and the tragedy is almost
27 unimaginable.

28 And this is a central priority for

1 us going forward. We will have many
2 proceedings, as President Picker mentioned,
3 many staff working on this. There is nothing
4 of more importance to us.

5 And in your comments here and
6 otherwise, please be thinking about how best
7 we coordinate these proceedings, what makes
8 sense to have part of this proceeding, part
9 of other proceedings, the timing in which
10 things should be done, the way to get the
11 maximum public participation and stakeholder
12 participation, how things relate to each
13 other. That will be very helpful as we try
14 to plot out what's going to be a very
15 punishing schedule for all of us, advocates
16 included, as well as our staff, to get these
17 plans approved, turned around, and the other
18 mandates by SB-901 and other legislation
19 implemented. Thanks.

20 ALJ ALLEN: Thank you.

21 The next thing I want to do is take
22 appearances, and get party status. For those
23 who may not be familiar, we have party
24 status, which is for the people who will be
25 actively participating in the proceedings.
26 It's also possible to be information only.
27 If you are information only, you would get
28 served with everything that's served in the

1 proceeding, but would not be a party.

2 So if you are in a monitoring kind
3 of role, information only would probably be
4 the most suitable role. If you're actually
5 planning to do something, you should probably
6 become a party.

7 What I generally try to do is make
8 it relatively easy to switch back and forth.
9 So if you are only monitoring at the time,
10 sign up for information only. If you are on
11 the service list as information only and
12 later decide that you want to be a party,
13 please just send an email, and then emails in
14 this case for procedural things should go to
15 both Judge Thomas and I. Please copy both of
16 us on all emails on process issues.

17 If you request party status when you
18 are information only, we would make you a
19 party. By the same token, if you become a
20 party and you don't do anything in the
21 proceedings, as it comes time to do a
22 decision, we may bump you down to information
23 only, and certainly we would not do that in
24 secret.

25 I have some forms requesting party
26 status: Lisa Cottle for NextEra Transmission
27 requesting party status, which is granted.
28 Ronald Liebert for California Manufacturers

1 and Technology Association, CMTA, requesting
2 party status; that is granted. Karen Norene
3 Mills for the California Farm Bureau
4 Federation, requesting party status; that is
5 granted. William Rostov for City and County
6 of San Francisco, party status. And Irene
7 Moosen for Local Government Sustainable
8 Energy Coalition, that's granted. I also
9 received motions for party status from the
10 City of Malibu and County of Inyo; those
11 motions for party status are also granted.

12 In addition, I have requests for
13 information only: Alyssa Koo for PG&E; Brett
14 Kawakami for East Bay MUD, and Benjamin
15 Bodell with Best, Best & Krieger.

16 Are there additional people who
17 request?

18 MS. MAURATH SOMMER: April Maurath
19 Sommer for Protect our Communities
20 Foundation.

21 ALJ ALLEN: Okay. That's granted.

22 MS. MAURATH SOMMER: Great. Thank you.

23 ALJ ALLEN: Any other people requesting
24 party status?

25 MS. STROTTMAN: Good morning. Britt
26 Strottman, Baron & Budd, representing the
27 County of Sonoma, County of Napa, County of
28 Mendocino, County of Lake, County of Yuba,

1 County of Nevada, and the City of Napa, the
2 City of Santa Rosa, and the City of Clear
3 Lake, and at this time, we're requesting just
4 information status only. Due to the
5 expedited timeline, we are checking in with
6 our boards of supervisors and our council
7 members to determine our level of
8 participation so that is why we're just
9 making a motion right now for information
10 status.

11 ALJ ALLEN: That's granted.

12 Everyone, please try to use the
13 microphones, and make sure your cell phones
14 are off.

15 Ms. Haug.

16 MS. HAUG: Yes. Lynn Haug,
17 representing East Bay Utility District. We
18 are a party, but we were also asked to submit
19 an appearance form on behalf of the Zone 7
20 Water Agency, and it should be somewhere. I
21 just wanted to make sure we were identified
22 as a party.

23 ALJ ALLEN: Okay. Thank you.

24 MS. KOO: Your Honor, I apologize.
25 PG&E is, obviously, a party. My form was
26 meant to request a transcript.

27 ALJ ALLEN: Okay. Yes.

28 MS. KOSS: Your Honor, one more.

1 I believe we're on the party status
2 list, but just to be sure, Rachel Koss for
3 the Coalition of California Utility
4 Employees. We did submit comments on OIR.

5 ALJ ALLEN: And if you submitted
6 comments on the OIR, you would have party
7 status.

8 Sir?

9 AUDIENCE MEMBER: Is it possible to
10 bring up the general PA, public address
11 system volume, because everybody is a little
12 hard to hear.

13 ALJ ALLEN: I don't have control of
14 that here. I don't know if anyone in the
15 back does. What I can do is, let's pretend
16 there are no microphones and we'll all just
17 speak up.

18 Okay. Any other appearances?

19 (No response.)

20 ALJ ALLEN: What I want to do is get
21 into some of the questions of how this
22 proceeding might run and how it coordinates
23 with other proceedings, and I would like to
24 hear from parties for their suggestions.

25 One of the things that struck me
26 about the comments we received on the OIR was
27 that a lot of parties raised the
28 de-energization issue, and I understand

1 that's a very important issue for especially
2 a lot of communities.

3 De-energization is a somewhat
4 complicated topic, and it's not clear to me
5 how much detail we could resolve on
6 de-energization in this proceeding based on
7 the timing of when we need to get the
8 wildfire mitigation plans done.

9 So my question that I'm going to
10 want parties to address is: Would it be
11 better for that to be addressed in a separate
12 proceeding, like a separate OIR focusing on
13 de-energization?

14 Would it be best to address it in a
15 separate track in this proceeding?

16 And then the question: How much
17 could we actually do on that issue given the
18 timing of looking at having a wildfire
19 mitigation plan decision out in May?

20 Just off the top of my head, the
21 advantage of a separate OIR is that,
22 essentially, work could be done on that
23 concurrently with this proceeding. If we are
24 doing a separate track of this proceeding,
25 realistically a lot of that work is going to
26 have to trail the work of getting the
27 wildfire mitigation plans done and processed,
28 and then the question is: How much

1 de-energization could we do in the timeframe
2 we have of the approval of the initial
3 wildfire mitigation plans.

4 So what I would like to hear is
5 parties' perspective on that question: What
6 do we do with de-energization?

7 Ma'am?

8 MS. BERLIN: Good morning. Susie
9 Berlin for the Northern California Power
10 Agency. We are information only in this
11 proceeding as customers of PG&E in that we
12 have publicly-owned utilities that are
13 transmission dependent; so the
14 de-energization issue is a significant one.
15 So as a threshold matter, you had mentioned
16 whether we should do it in a separate phase
17 or a separate proceeding because you want to
18 have a PD on approving the wildfire
19 mitigation plan and that includes, though,
20 the entirety of the wildfire mitigation plan.
21 Would that include de-energization component?

22 ALJ ALLEN: Well, one of my questions
23 is how much and how perfect a de-energization
24 component can we have in that time frame
25 because de-energization to me seems like kind
26 of a tricky, complicated issue that requires
27 some care. And, certainly, I think they
28 could do with some sort of an initial thing

1 in the wildfire mitigation plan. It's not
2 something we cannot do, but the question is,
3 how much can we do and what's the most
4 efficient way of doing the rest of the work?

5 Mr. Long?

6 MR. LONG: Yes, your Honor.

7 ALJ ALLEN: Just yell.

8 MR. LONG: Okay. Will do.

9 I think that it's a good idea to be
10 thinking about what can be accomplished in
11 the very short time frame that's allowed for
12 the decision on these plans. And so I think
13 it's also a good idea to be thinking about
14 particularly complex and important issues
15 that deserve the Commission's focused
16 attention, doing those in a separate,
17 concurrent proceeding.

18 So TURN would endorse that
19 suggestion because not to say that it's of
20 paramount importance to get to that as
21 quickly as possible. Not that it should be
22 derailed in any respect, but it is
23 complicated enough that it does warrant
24 focused attention, and I hope we can get as
25 much participation from as many sectors of
26 the affected communities and first responders
27 and all organizations that have a stake in
28 that and the disability community as well.

1 So I think that's a very good idea, your
2 Honor.

3 ALJ ALLEN: Thank you.

4 Other parties?

5 Mr. Archer.

6 MR. ARCHER: Yes. Good morning, your
7 Honor, Commissioners. We agree with
8 Mr. Long's comments that it is a very
9 important issue that deserves our full
10 consideration and full attention. It
11 shouldn't be slowed down, but a separate
12 proceeding probably make sense given all that
13 we have to do in this proceeding.

14 ALJ ALLEN: Ms. Haug.

15 MS. HAUG: Yes. Lynn Haug, on behalf
16 of East Bay MUD. We agree that the issues
17 are complex and additional proceedings may be
18 necessary; however, some issues related to
19 de-energization are of immediate concern,
20 particularly communication and notification
21 issues and inter-utility communication and
22 the scope of those seems to be narrower, and,
23 perhaps, could be handled in this phase and
24 then also discussed in subsequent,
25 longer-term hearings or proceedings.

26 ALJ ALLEN: Thank you, Ms. Haug.

27 Mr. Bodell.

28 MR. BODELL: Thank you, judges, and

1 Commissioners. The City of Malibu is
2 concerned about the effects of
3 de-energization that's on first responders,
4 law enforcement agencies, and city residents,
5 particularly with regard to the tension
6 between de-energization and evacuation
7 protocols.

8 Malibu had many evacuation
9 communications that went out in the middle of
10 the night that went out with very little
11 notice and is concerned that anticipatory
12 de-energization, if not thought out
13 correctly, could affect those types of
14 evacuation protocols.

15 We do agree that it's complex, but
16 we do think that under SB-901 collaboration
17 between local agencies is kind of a paramount
18 aspect of it. So we want the Commission to
19 consider that local component as well.

20 COMMISSIONER RECHTSCHAFFEN: Where do
21 you come out on -- do you think it should be
22 part of this proceeding or separate?

23 MR. BODELL: I think it should be part
24 of this proceeding as much as we can,
25 particularly related to first responders and
26 law enforcement agencies and communications
27 for its public agents.

28 PRESIDENT PICKER: Help me understand

1 why this proceeding, given that the program
2 has existed for years and that the current
3 rules that we reestablished for it were
4 established through resolution, not in
5 preexisting wildfire management plans
6 attached to the vegetation management
7 program. So I'm trying to understand why
8 here since the issues are so different,
9 involve different parties than participated
10 originally, and probably have a different
11 impact in overall wildfire management
12 planning. I'm struggling to understand why
13 here.]

14 MR. BODELL: I suppose we're concerned
15 from an exigent circumstances point of view.
16 If this other track doesn't move along as
17 fast as this one does, will those issues be
18 addressed? If the other track does, then I
19 think that would abate our concerns.

20 PRESIDENT PICKER: So the whole train
21 is leaving the station, so you're jumping on
22 not knowing where it goes?

23 MR. BODELL: Yes.

24 ALJ ALLEN: Okay. Ma'am?

25 MS. KOSS: Rachel Koss for CUE.

26 I don't think this is working.

27 We would agree with the City of
28 Malibu that if this is going to take a

1 separate path it has to be on the same
2 timeline as this proceeding.

3 And, you know, clearly SB-901
4 requires in the plans to be protocols for
5 disabling and de-energization. So it has to
6 be included here. If we want to flesh it out
7 in another proceeding, okay, fine, but it has
8 to be on the same timeline, you know. It's
9 just -- it's so urgent, we can't push this
10 out until the end of the year.

11 PRESIDENT PICKER: I understand the
12 urgency. I'm still trying to understand why
13 this proceeding. This has got a statutory
14 deadline. There really is no deadline in the
15 urgency you're describing, so.

16 MS. KOSS: Well, the statute requires
17 the Commission to approve plans that have
18 protocols for de-energization. So, it has to
19 be included in the plan. I mean I think we
20 all understand that and the reason is because
21 it's urgent, right?

22 ALJ ALLEN: I guess the question would
23 be how much --

24 PRESIDENT PICKER: I'm sorry. I don't
25 understand that, so maybe you can educate me.

26 ALJ ALLEN: I guess one of the
27 questions I would have is, "Okay, given that,
28 how much can we do in these plans on the time

1 frame and what's the most expeditious way to
2 do whatever we can't do here?" Because I
3 don't think we can do it all here by May of
4 everything that needs to be looked at in
5 de-energization. So the question is: What
6 can we do here and what is the most
7 expeditious way to do the other pieces of it?

8 So if you have perspective on that,
9 I would like to hear that.

10 MS. KOSS: Yeah, I think we agree. I
11 think we have to hunker down and do as much
12 as possible in this proceeding. I think if
13 we need to take pieces and flesh them out in
14 another proceeding that is okay. But I don't
15 think it is okay to extend the timeline much
16 longer than this proceeding. So we have
17 other people, other resources working on the
18 details in another proceeding, along the same
19 timeline, so that we can come to the same
20 place at the same time with all of the
21 information that we need.

22 ALJ ALLEN: I think realistically, I
23 think we're also certainly looking at an
24 iterative process that will have -- we're
25 only going to get so much done on the
26 timeline we have and hopefully what we do in
27 the future is going to be improving that. So
28 what we come up with in May is not going to

1 be -- I certainly do not expect that that is
2 going to be the ending -- the end of the
3 process.

4 MS. KOSS: Yes.

5 ALJ ALLEN: Other parties who wish to
6 be heard on this particular issue? In the
7 back, sir?

8 Mr. Candelaria and then Ms. Moosen.

9 MR. CANDELARIA: Jerome Candelaria,
10 CCTA, California Cable and Telecommunication
11 Association.

12 With regards to the need to work
13 with critical infrastructure providers such
14 as communications providers, fortunately
15 there has been another train that has left
16 the station in the form of ESRB-8, a
17 resolution the Commission set forth in July
18 that established communications and workshops
19 between the utilities and communications
20 infrastructure providers. I would expect
21 those opportunities to be ongoing and by
22 continuing this education and information
23 exchange between IOUs and critical
24 infrastructure providers, it would strike me
25 as though at least that element of SB-901 is
26 being addressed. While the Commission may
27 find that SB-901 and its own ESRB-8 needs to
28 have elements reconciled, for now it appears

1 as though the Commission has a way of
2 addressing at least one component of
3 de-energization.

4 ALJ ALLEN: Thank you.

5 Ms. Moosen.

6 MS. MOOSEN: Thank you, your Honor. I
7 would like to echo some of the sentiments the
8 local government and TURN expressed --

9 ALJ ALLEN: Ms. Moosen, you're
10 appearing for?

11 MS. MOOSEN: The Local Government
12 Sustainable Energy Coalition. We are the
13 only, as far as I know, statewide voice and
14 regulatory forum for local governments. We
15 represent about 40 different jurisdictions,
16 cities and counties, special districts, a few
17 water agencies and some affiliated government
18 entities, both on the consumer side and on
19 the customers -- on the consumer side and on
20 the provider side.

21 Our interests are broad in this
22 proceeding. And I offer two things on how to
23 split the issues. We would support the
24 Commission including de-energization and PSPs
25 policy in this proceeding as 911 contemplated
26 for a couple of deliverables that seem to be
27 lacking.

28 One is an umbrella, even an

1 inventory of what we have addressed in the
2 various proceedings, what we're targeting now
3 and where the gaps are. If we did that, that
4 would move the ball tremendously in the short
5 realm.

6 I think for local governments, the
7 implementation of ESRB-8 has been wildly
8 divergent in different parts of the state.
9 In some places where local governments
10 themselves have a lot of resources, it has
11 gone well and interactions with the utilities
12 have continued in very functional ways, even
13 as everybody is stressed beyond usual
14 circumstances and resources.

15 In smaller jurisdictions or others
16 that are just coming around, this has not
17 been the case. Communication has been
18 difficult and recovery is difficult; often
19 knowing what the resources are available and
20 where to go on the short run, it's difficult.
21 That is long-winded way of saying that local
22 governments are trying to rally, just as you
23 are, on all the fronts at the same time.

24 And the other piece that I think
25 will have to be fleshed out through the other
26 proceedings but should be touched upon here
27 is what resources are going to be made
28 available or should be made available on the

1 front end, on the planning side. We seem to
2 have a lot of infrastructure in place on the
3 during and after of an emergency, but on the
4 front-end planning, also there is a wide
5 diversity of resources and approaches even
6 between the utilities. And one of the things
7 that seems to be missing from the
8 Commission's resolution on de-energization is
9 the planning criteria for when those will be
10 invoked and that filters down to local
11 governments.

12 Right now, for example, in the Santa
13 Barbara County, their Office of Management
14 Services is in the process of offering a
15 manual on preparation and protocols for
16 outages of different durations, hours,
17 24 hours, 4 days and beyond. And obviously
18 that is a much bigger topic than can be
19 addressed in this forum, but the fact that,
20 at least at the distribution level, there is
21 much more sophistication at the high-voltage
22 transmission level with all of the various
23 reliability infrastructure, but at the
24 distribution level -- but liability protocols
25 standards for engineering, standards for
26 response have really not been looked at in an
27 outage context. And different kinds of
28 outages imply different kinds of resources at

1 every level, financial, engineering, in the
2 ground and human and protocols. And I think
3 if we started to rename those and identify
4 them as gaps, we'll have an easier time
5 deciding what can be done in the short run
6 and what should have a home in another
7 parallel proceeding.

8 ALJ ALLEN: Thank you. Other parties?

9 Mr. Melville and then Ms. Hook.

10 MR. MELVILLE: Thank you, Judge Allen.
11 Keith Melville for San Diego Gas & Electric
12 Company.

13 We would support having a parallel
14 rulemaking for this topic. It's true that
15 SB-901 does indicate that protocols for
16 de-energizing portions should be in the
17 wildfire mitigation plan. However, it also
18 says that protocols for compliance with
19 disaster relief should be in the wildfire
20 mitigation plan and the Commission currently
21 has a parallel rulemaking ongoing for that.
22 That is Rulemaking 18-03-011 under Judge
23 Rizzo.

24 And the fact is that having that
25 particular topic in its own rulemaking allows
26 the right expertise to come in, the billing,
27 the collection, the expertise in that part of
28 the organization and the customers who deal

1 with them and the customer advocates that
2 deal with them. They get to be in their own
3 rulemaking and all that gets rolled up into
4 the wildfire mitigation plan.

5 De-energization could be treated the
6 same way in its own parallel rulemaking and
7 with all expediency.

8 ALJ ALLEN: Thank you.

9 Ms. Hook.

10 MS. HOOK: Charlyn Hook for Public
11 Advocates Office.

12 As your Honors and parties have
13 pointed out, there is some tension between
14 the goal of finalizing these wildfire
15 mitigation plans by next summer and the need
16 to carefully review these plans and allow
17 opportunity for staff and parties to provide
18 meaningful comments and feedback on those
19 plans.

20 So, I note that the legislation
21 requires about 20 different things and
22 fortunately our utilities are already doing
23 many of these things. But it may be a good
24 idea, in the context of this proceeding, to
25 prioritize some of those things as we go
26 through the review of these plans.

27 We're not opposed to having a
28 separate OIR but I know that that would take

1 30 to 60 days I think to get that written up
2 and on calendar.

3 ALJ ALLEN: Not necessarily.

4 MS. HOOK: Okay.

5 ALJ ALLEN: I am getting a general
6 consensus. Is there anyone who has a
7 somewhat different opinion or wishes to add
8 anything to this?

9 Ms. Koo.

10 MS. KOO: Your Honor, Alyssa Koo from
11 PG&E.

12 I appreciate the concern and the
13 urgency felt about de-energization, but I'm
14 still concerned because there's the
15 overarching need to get wildfire mitigation
16 plans approved in time for the next summer.
17 And I'm just concerned that de-energization
18 is going to overwhelm and take the focus off
19 the plans as a whole. There are many
20 important aspects that need to be discussed
21 and approved in the plans, such as system
22 hardening and vegetation management and
23 deployment of weather stations.

24 I'm concerned that however we handle
25 it, whether it's in a separate proceeding or
26 as part of this proceeding that we appreciate
27 that it's going to take a lot of time and
28 resources to address these issues. And it's

1 frequently the same people who are trying to
2 develop the overall plan as we are working on
3 de-energization. And I just want to make
4 sure we have realistic deadlines to flesh out
5 this one aspect of our plan that it doesn't
6 take over and prevent kind of a thorough
7 complete development of the overall plan,
8 especially because as you mentioned the
9 wildfire mitigation plan is going to be an
10 annual filing. So while it may not be
11 perfect, I'm not sure perfection is
12 realistic, we will have additional
13 opportunities to continue to improve it over
14 time.

15 So I guess what I'm saying is
16 whether the Commission has it in a separate
17 proceeding or the same proceeding, I just
18 want to make sure that we are cognizant of
19 the demands on the same people's time to
20 actually get to a solid wildfire mitigation
21 plan at not just perfect protocols for
22 de-energization.

23 ALJ ALLEN: I'm very cognizant of what
24 I can realistically do, even with Judge
25 Thomas and the Commission's involvement there
26 is only so much we can do. And I think at
27 this moment we can't strive for perfection,
28 but for minimizing imperfection as we go

1 forward and hopefully we can get more
2 perfection.

3 Mr. Clay.

4 MR. CLAY: Your Honor, Chris Clay on
5 behalf of the Office of the Safety Advocate.

6 We'll echo the views of the many of
7 the parties that de-energization probably
8 does warrant a separate track in a separate
9 proceeding, but we'll just briefly add that
10 perhaps one way that it could be looked at in
11 this proceeding in some preliminary way would
12 be in a workshop which we did propose
13 workshops in our comments and perhaps that is
14 -- would be a good place to get the ball
15 rolling and the discussion on that subject.

16 ALJ ALLEN: That was actually my next
17 topic which was I wanted to raise the
18 possibility of workshops. It seems to me
19 that this proceeding that would limit itself
20 to value of workshops. I'm thinking the
21 question I would have is: How many and the
22 timing? Certainly I think at some point one
23 of the things that would be useful is a
24 workshop soon after the utilities put out
25 their plans just so that parties have an
26 opportunity to discuss those with the
27 utilities, make sure everyone understands
28 them. I think that would also probably

1 reduce the need and amount of discovery that
2 has to his go on.

3 One thought that I have and I want
4 to hear if this is feasible, is whether it's
5 something the parties would be interested in
6 if the utilities could provide a draft plan
7 earlier than February, have a workshop, get
8 feedback that would then feed into their
9 February plan. I don't know if that's
10 possible or not. I don't know if that is
11 desirable. That is one thing.

12 Then the other question would be:
13 Should there be additional workshops and if
14 so what should those be on and when should
15 they fall in the timing?

16 So, feeding off that, let's start.
17 I see Mr. Archer then Ms. Hook then Ms. Koo.

18 MR. ARCHER: Thank you, your Honor.

19 As far as post-filing workshops,
20 that makes sense to us.

21 The three large electric utilities
22 have also developed a draft common template
23 that would address what the plan would look
24 like. And we would like to share that with
25 other parties to obtain feedback on that
26 template and we've conferred amongst
27 ourselves and it looks like feasible dates
28 for maybe an on-line webinar in the very near

1 future would be the 27th or 28th of this
2 month in November.

3 I'd let the other utilities talk
4 about it, sort of a pre-filing draft plan is
5 feasible but as far as the template, we have
6 decided upon a draft.

7 ALJ ALLEN: Thank you.

8 Ms. Hook.

9 MS. HOOK: Charlyn Hook for Public
10 Advocates Office.

11 Public Advocates Office would
12 support the concept of holding two workshops
13 as TURN proposed in its comments. And we
14 also would like to see there be an initial
15 filing of the wildfire mitigation plan with
16 feedback and then a subsequent final wildfire
17 mitigation plan.

18 And before the prehearing conference
19 this morning, I took a shot at coming up with
20 a schedule, which I handed out to parties.
21 And I'm not sure that the proposed timeline
22 that I came up with would be acceptable to
23 everybody, but perhaps the event -- so this
24 attempts to marry the proposal of the scoping
25 memo, TURN's, ORA's and the Joint Utilities'
26 feedback from their comments, but I haven't
27 had -- nobody has had time to really review
28 this until this morning.

1 ALJ ALLEN: Thank you. I understand.
2 That I found a copy of up here. So this is
3 the proposal of Public Advocates?

4 MS. HOOK: Yes.

5 ALJ ALLEN: Thank you.

6 Ms. Koo.

7 MS. KOO: Thank you, your Honor.

8 I agree to echo what Mr. Archer
9 said. We are happy to circulate the template
10 that we have prepared on how we would
11 approach the wildfire mitigation plan and
12 then have an initial workshop to discuss it
13 and go over questions.

14 The idea of having -- of submitting
15 an initial plan and taking feedback raises a
16 lot of concerns for me if it were to be any
17 earlier than the date proposed by Ms. Hook
18 because it is taking time and it will take
19 additional time after we get the scoping memo
20 for the utilities to come up with, you know,
21 an adequate plan to be reviewed. But then in
22 order to get feedback that we could then
23 incorporate by a February date, I just don't
24 think we can balance those needs. We would
25 have to submit a plan to the group very soon
26 in order to get feedback in order to submit
27 it by February but I don't think we can
28 actually have a plan that is sufficiently

1 thought out by that time.

2 So I'm just suggesting that we not
3 have anything submitted before the February
4 date.

5 ALJ ALLEN: Other comments on workshop
6 timing and number of workshops?

7 Ms. Haug.

8 MS. HAUG: Yes. Thank you.

9 East Bay MUD would support
10 workshops. We think it's a good idea.

11 The process this summer of
12 communication with PG&E in trying to
13 implement Resolution ESRB-8 brought to light
14 the need for discussion at a finer level and
15 education on both sides of the interaction
16 between electric de-energization and the
17 impacts on water supply and water quality and
18 water storage timing and pumping, et cetera.

19 And so the one other recommendation
20 that I would make, since there are a lot of
21 topics and many interested parties and
22 subjects, is that to the extent possible it
23 would be useful if the workshops -- if you
24 could break out some immediate topics of
25 higher concern or somehow, you know, isolate
26 issues a bit to make it easier for
27 participation by parties only interested in,
28 you know, in certain issues.

1 ALJ ALLEN: That's an interesting idea.
2 Because certainly back in implementing RPS
3 the Commission did that which was a series of
4 workshops and each workshop was focused on
5 kind of a different key area.

6 So I think -- I mean there is one
7 question of we definitely want to have
8 something after the utilities present the
9 plan so the parties can ask questions, but
10 I'm wondering: Do other parties have a
11 feeling about subworkshops kind of in
12 specialized areas?

13 Mr. Long.

14 MR. LONG: Yes, your Honor. We did
15 propose and I'm glad to hear others seem to
16 agree there should be a workshop right after
17 the utilities present their plans -- submit
18 their plans. And I think it -- that one and
19 I don't think you were suggesting this, I
20 think that one should not be focused. That
21 should be the utilities presenting
22 item-by-item what's in their plan, as you
23 say, so that we can understand it, maybe
24 obviate the need for some discovery and get
25 rolling as quickly as possible in analyzing
26 the plans.

27 I see that the value of trying to --
28 the next step would then be the follow-up

1 workshops which TURN also suggests 30 days
2 after the initial presentation of the plan.
3 And as I was starting to say, there is value
4 to trying to focus that by topic but there
5 are so many topics here and really it's hard
6 to say until we see the plans at least from
7 our perspective of what are going to be the
8 key issues. And I think that is also going
9 to depend on the parties. The local
10 governments are going to have certain issues
11 that are going to be front and center for
12 them. Other community members are going to
13 have other interests.

14 So I would -- I think I lean toward
15 cautioning against at this point trying to
16 determine now what the topics should be.
17 Maybe that could be something we talk about
18 at the initial workshop and try to get some
19 input on that in the initial workshop to help
20 the Commission perhaps think about subject
21 matter topics for the follow-up workshop.]

22 ALJ ALLEN: To follow on that, I mean,
23 I think your point is a good one that
24 different parties have very different
25 focuses. So some workshops might be useful
26 because then there will be a workshop that
27 will cover the issues that are most important
28 to local cities and other workshops that

1 might be most important to, you know, first
2 responders, generators, things like that.
3 But, yeah, I think it would take a little bit
4 of thought and refinement.

5 What I'm gathering is, there's
6 general consensus that having a workshop
7 immediately after the plans are presented is
8 worthwhile, and it seems likely that
9 subsequent workshops organized one way or
10 another would probably be useful, and then
11 it's a question of kind of the scope and
12 timing of those.

13 Ma'am?

14 MS. MIFSUD: Yes, Judge. This is
15 Cynthia Mifsud with PacifiCorp.

16 So PacifiCorp is a smaller utility
17 in Northern California. I just wanted to
18 make a pitch for sort of a peer-to-peer
19 workshop and maybe around the time that PG&E
20 puts together its template, so that, you know
21 -- and it sounds like there's going to be
22 some instructions for the plan that comes out
23 of the scoping memo. I think it would be
24 very useful for the utilities to get together
25 and have a common understanding of what those
26 instructions mean and what each of the
27 elements mean.

28 And, also, I would urge you to

1 consider, as you put the instructions
2 together in a scoping memo, to consider
3 whether there ought to be separate
4 instructions for the smaller utilities versus
5 the larger utilities.

6 ALJ ALLEN: Thank you.

7 Sir?

8 MR. GIBSON: Good morning, your Honor.
9 Jed Gibson on behalf of Bear Valley Electric
10 Service and Liberty Utilities.

11 We would just like to echo the
12 comments and concerns raised by PacifiCorp.
13 While we're very concerned and eager to
14 implement the wildfire mitigation plans, we
15 don't have the staff or the experience that
16 the large IOUs have. We think it would be
17 beneficial to have workshops to gain some
18 clarity about planning requirements and
19 eventually develop a consensus as what will
20 be included in those plans and how best to
21 address that, given the more limited
22 resources of the smaller utilities.

23 ALJ ALLEN: Thank you.

24 MS. FERNANDEZ: Laura Fernandez on
25 behalf of the California Municipal Utilities
26 Association.

27 I would echo both the comments of
28 PacifiCorp and Bear Valley. CMUA supports

1 workshops both after the plans are filed and
2 perhaps before, but we also agree that
3 workshops earlier as East Bay MUD mentioned
4 on, perhaps, specific topics would be very
5 informative and very helpful to parties.

6 Our only question is with comments
7 on instructions for initial plans due so soon
8 where these workshops would fit in. We think
9 workshops earlier would be a good idea, but
10 that deadline is, obviously, rapidly
11 approaching.

12 ALJ ALLEN: With the scoping memo, we
13 will clarify and refine this. In terms of
14 some workshops of smaller groups of parties
15 of utilities, I'm not sure that's necessarily
16 something we're going to set out in the
17 scoping memo, but, certainly, if any parties
18 or subgroups of parties wish to get together
19 to try and coordinate and share information
20 to streamline the process, that is certainly
21 okay.

22 I think what we're going to be
23 focusing on with the scoping memo is setting
24 the schedule for larger proceedings and
25 events that are going to be open to all
26 parties.

27 Ma'am.

28 MS. MAURATH SOMMER: April Maurath

1 Sommer for the Protect Our Communities
2 Foundation.

3 One of the concerns that we had
4 understands that this needs to be a very, you
5 know, fast-track proceeding, but that there's
6 little opportunity for development of the
7 record. And if there's going to be use of
8 workshops, what we would like to see is that
9 it is not done informally, and that there's,
10 you know, information that's generated from
11 the workshops that is put on the record.

12 ALJ ALLEN: This moves to the next
13 thing, which I actually had on my list.
14 Thank you. It's a question about what we're
15 doing in terms of the record.

16 One of the possibilities is that
17 essentially the plans would be treated as
18 testimony, and that we would have evidentiary
19 hearings and parties could cross-examine on
20 those plans, and then subsequently there
21 would be briefing.

22 The advantage of this is that there
23 would be on the record conversation of the
24 plans. Anyone's questions and answers would
25 be on the record. If the Commissioners or
26 the ALJs have questions on the plans, those
27 could be asked on the record.

28 The thing I'm thinking is

1 realistically only the utilities are going to
2 have plans; so no other party would be
3 submitting testimony. Parties would have a
4 chance to do cross-examination and briefing
5 under that scenario.

6 The more conventional approach of
7 how this Commission would typically do it in
8 rulemaking is that the plans would be filed
9 and served, and then the parties would have a
10 chance to do written comments on those plans
11 and there would be a chance for parties to
12 respond to each other. So, essentially, the
13 plans would be filed. There would probably
14 be comments and reply comments so that
15 everything would be on paper.

16 So those are kind of what I see as
17 the two choices. The conventional one is
18 everything's on paper. The workshops would
19 not be part of the record.

20 The other option is to have,
21 essentially, the plans treated as testimony
22 so you would have cross-examination and then
23 you'd have briefings. So you would have both
24 an in-person, cross-exam component and a
25 written component.

26 Those are the two kind of
27 alternatives I see in how we can do this in
28 the time that we have. And given Judge

1 Thomas and my background, we can make either
2 one of those work for the schedule. It's
3 just a question of which one is going to give
4 us the better record for going forward with
5 what we need to write a decision.

6 Do parties have a perspective on
7 this?

8 Mr. Melville.

9 MR. MELVILLE: Thank you, your Honor.
10 Keith Melville, San Diego Gas &
11 Electric.

12 I think I would strongly urge the
13 Commission not to go the route of evidentiary
14 hearings. If you're trying to get this done
15 by midyear, it does not lend itself to rapid
16 decision.

17 Another option that was recently
18 used by the Commission was to have a
19 transcribed workshop. That happened at
20 Cal OES up in Mather. That seems to be an
21 interesting development and a way to create a
22 record.

23 I would also urge you to consider
24 two-day workshops. The number of subject
25 matter and topics in here - 20 different
26 topics in SB-901 - would lend itself to
27 multiple day workshops. It's more efficient
28 for people who have to travel.

1 So I think I would encourage you to
2 look at workshops, possibly with a transcript
3 and written comments as necessary.

4 ALJ ALLEN: Thank you.

5 Mr. Clay.

6 MR. CLAY: Chris Clay for the Office of
7 the Safety Advocate. I will quickly say that
8 we're inclined to agree with San Diego on
9 that point.

10 ALJ ALLEN: On which part of it; all of
11 it?

12 MR. CLAY: Yes.

13 ALJ ALLEN: I have serious concerns
14 about a transcribed workshop for a number of
15 reasons; so unless you can persuade me
16 otherwise, I'd rather not have a transcribed
17 workshop. If we want to have actual
18 interchange with questions and answers, I
19 think we get a much cleaner record from a
20 structured hearing.

21 So I don't have a strong preference
22 either way, but I'm not inclined to do that.
23 I also think that you end up with parties
24 tending to posture a little bit more in a
25 workshop. So I'd really like the workshops
26 to be constructive and not kind of posturing.
27 And so I'm concerned that if the workshops
28 become the record, that the workshops end up

1 being less useful.

2 So I do not want to do a transcribed
3 workshop. I certainly have no problem with
4 two-day workshop or multiple-day workshops or
5 sequential-day workshops, like we do multiple
6 topics, but the question is, do we want
7 hearings or do we want it just on paper?

8 Mr. Long.

9 MR. LONG: TURN also leans toward the
10 workshop approach and not the evidentiary
11 hearing approach. These topics in the time
12 frame, I think, would be better addressed in
13 a setting where we can, you know, literally
14 or figuratively sit around the table and talk
15 about them, as opposed to interrogate each
16 other.

17 ALJ ALLEN: So what I'm proposing is
18 not in lieu of workshops. So there would be
19 workshops and there would be hearings.
20 Looking as an example, if you look at the
21 initial RPS that I ran - I'm dating myself -
22 back in 2003, maybe 2004. There were
23 workshops and evidentiary hearings. And the
24 workshops were very valuable in making sure
25 that everyone got up to speed on all the
26 technical things, but didn't preclude the
27 evidentiary hearings. So I think there's a
28 consensus that workshops will be useful.

1 So, I think, regardless of which
2 approach we use, there would be workshops.
3 It's just a question of is the record just
4 paper-based or --

5 MR. LONG: I appreciate that
6 qualification. Still, I think, thinking
7 about the best way to use our time in an
8 extremely truncated proceeding, I'm not sure
9 the evidentiary hearing, which is a rather
10 deliberative way to go, is the best use of
11 our time.

12 I understand what you're saying
13 about the difficulties of transcribing a
14 workshop, and I tend to agree with you that
15 there are problems with that.

16 What still gives some comfort about
17 the workshop process, and only the workshop
18 process, is after the workshop, the parties
19 get an opportunity to submit comments based
20 on what they've learned. Ideas and issues
21 that have, you know -- they've developed
22 based on the workshops, and then having an
23 opportunity to reply. I think that would be
24 a better way to use our time rather than go
25 through the evidentiary hearing process.

26 ALJ ALLEN: Okay. Thank you.

27 MS. MIFSUD: Thank you, your Honor.

28 This is Cynthia Mifsud with

1 PacifiCorp.

2 I just want to lend some support to
3 Mr. Melville's suggestions regarding
4 workshops and in lieu of the evidentiary
5 hearing. I understand you're not interested
6 in transcribing workshops. One way that
7 we've submitted workshops into the record in
8 any number of proceedings recently is to have
9 a workshop report team put together a
10 workshop report at the close of the workshop,
11 or a series of workshops, and then that
12 workshop report is submitted, and comments
13 get filed and served, and comments can be
14 submitted on that workshop report.

15 ALJ ALLEN: One concern I have with the
16 workshop report is, one, who is going to do
17 it? Just because if it's a staff product,
18 that tends to be a lot of work for commission
19 staff, and we have to wait for the workshop
20 report before the comments.

21 Given the time frame, I'm thinking
22 if parties attend the workshop, as Mr. Long
23 said, then when they file comments, they can
24 be informed by what they've learned from the
25 workshop rather than having an additional
26 step of the comments.

27 Ms. Hook, and then you in the back.

28 MS. HOOK: Charlyn Hook for the Public

1 Advocates Office.

2 One hybrid-type model I've seen done
3 before is to have a workshop, but then a
4 court reporter is available at the workshop
5 and then transcribes a little bit either at
6 the end of each session or at the end of the
7 day, and then you don't have the need to wait
8 around to get a reporter later. It's just
9 all done in the moment, but the parties still
10 get the opportunity to have a free-flowing
11 discussion without being inhibited by having
12 the court reporter there. No offense to the
13 court reporter.

14 And the Public Advocates Office was
15 not 100 percent certain at the time when we
16 submitted our comments, but we proposed
17 possibly building in a final day to request
18 evidentiary hearings into the schedule.
19 Obviously, these dates are all subject to
20 your discretion, but maybe we can see how the
21 workshops go and reserve a limited time for
22 the EH's as well.

23 ALJ ALLEN: I guess one question I have
24 is, is there any party who at this time
25 thinks that evidentiary hearings are
26 necessary just from a process standpoint in
27 that there may be material issues of fact
28 contested?

1 Ma'am?

2 MS. MAURATH SOMMER: April Maurath
3 Sommer, Protect Our Communities Foundation.

4 We would certainly strongly support
5 evidentiary hearings. These are plans with
6 which future actions are going to be measured
7 against, and it's very important, and the
8 evidentiary hearing process is going to be
9 developed to promote the most fulsome and
10 useful record, and certainly it will be
11 helpful in making these plans better.

12 The one thing I would have a concern
13 about is the way you've proposed does not
14 allow there to be any expert testimony from
15 any of the parties. Again, I do understand
16 this is very speedy timeframe, but maybe some
17 consideration that there could be some of
18 that that is done in writing, and, you know,
19 there could be some rebuttal testimony that
20 could be done with, you know, experts being
21 able to participate on behalf of the party.

22 ALJ ALLEN: Thank you.

23 Other comments?

24 MS. FERNANDEZ: Laura Fernandez.

25 We would share her concerns about
26 there not being an opportunity for other
27 parties to submit into the record their
28 position. So rather than evidentiary

1 hearings, we would prefer having written
2 comments on the plans.

3 ALJ ALLEN: Okay. So I'm hearing a
4 slightly different perspective. What I'm
5 hearing from Protect Our --

6 MS. FERNANDEZ: Well, on the -- on the
7 evidentiary hearings, we do not agree that
8 evidence hearings are necessary, but we do
9 agree with the concern that if you went the
10 route of evidentiary hearings, you would only
11 have the utility plans as evidence.

12 ALJ ALLEN: Thank you.

13 Anything else on -- Mr. Long.

14 MR. LONG: Yes, your Honor. I just
15 wanted to stick with my previous comment, but
16 just also note that there is considerable
17 uncertainty about what actually will be in
18 the plan. So it's very hard to say at this
19 point that there will not be any disputed
20 issues of fact that would lend themselves to
21 be addressed in the evidentiary hearing.

22 If the plans come in the way I
23 expect, I don't see that -- because I don't
24 see that happening. These are not going to
25 be big, new programs where they're
26 forecasting costs and the like. That's for a
27 different day, a different proceeding. But
28 if the utilities do something like that, then

1 I think you'll be hearing from us, either, A,
2 that's not appropriate for this proceeding;
3 or, B, if it's deemed to be appropriate, then
4 we should be -- we have to go with a
5 different process.]

6 ALJ ALLEN: Ms. Haug and then
7 Ms. Moosen.

8 MS. HAUG: On behalf of East Bay MUD,
9 we agree that with parties advocating not
10 having evidentiary hearings, it seems like
11 that that wouldn't be the best process for
12 this particular proceeding; however, we
13 support the idea of through, you know, some
14 method allowing parties to provide expert
15 information on the issue of particular
16 interest to them and that could be through
17 written submissions, comments or testimony.
18 And it also could be provided by experts
19 participating in the workshops.

20 And I just wanted to add there's one
21 other way that workshops can be used by
22 parties in terms of supporting a record. And
23 that is in the electric vehicle proceedings
24 what has happened is that there was a sound
25 recording of the workshops and parties were
26 permitted to cite to that statements made in
27 that sound recording if they needed to. And
28 it wasn't used extensively, but it did allow

1 parties to reflect points made in the
2 workshop if they wanted to cite that in their
3 subsequent filings.

4 ALJ ALLEN: Okay. That is interesting.

5 Ms. Moosen.

6 MS. MOOSEN: Thank you, your Honor. I
7 wanted to echo the sentiments of those who
8 are addressing the desire to put evidentiary
9 hearings aside or to have a very high bar for
10 having them in this proceeding.

11 Since our organization represents a
12 diversity of local governments, I can tell
13 you that their resources are also equally
14 diverse and that evidentiary hearings and the
15 demands of the record, while it is a cleaner
16 record for Commission decision-making would
17 effectively eliminate participation by the
18 vast majority of local jurisdictions. They
19 just simply don't have the resources to
20 engage at that level in a single proceeding
21 when so much else is going on on the same
22 subject matter, or at any time for a great
23 many of them.

24 And I would invite you to include in
25 the procedural approach a diversity of
26 approaches so that you could have the benefit
27 of subject matter experts that are on the
28 ground and performing in local jurisdictions

1 on all of the various 20 points in SB-901's
2 subject list for the plans and be able to
3 take those in in writings of various forms,
4 obviously in an organized matter, by subject
5 matter in workshops, in response to workshops
6 reports, plans only, I don't have a
7 preference for that. But the Commission has
8 been creative in the last few years in
9 creating web portals and allowing electeds an
10 other city managers to present things through
11 correspondence, but to have that included in
12 the record. I know that usually
13 correspondence is not -- is usually taken
14 into the administrative record and not
15 included in the deliberative final record.
16 We would ask that that be altered, at least
17 for local government parties and entities
18 that have subject matter responsibility
19 locally so that you can get the broadest
20 feedback.

21 ALJ ALLEN: Do you have specific
22 recommendations of how best to the do that
23 here?

24 MS. MOOSEN: I have a number of
25 suggestions. I believe workshop with report
26 after perhaps authored by the utilities to
27 the extent that parties feel excluded or
28 don't feel that they're well represented,

1 they have the opportunity to include written
2 materials or present at the workshops that
3 are then included. So I think that presents
4 the best opportunity. I don't have an
5 opinion and have a great experience with
6 transcribed workshops. I think that can be
7 both helpful and burdensome. It's a blessing
8 and a curse.

9 It will fall heavily on the
10 utilities' shoulders to produce a written
11 product in this proceeding. And perhaps it's
12 not a big step in addition to their lift to
13 provide a post-workshop report that parties
14 can either supplement or comment on
15 afterwards.

16 And I would also invite there to be
17 some kind of web-based. The more that you
18 can webcast and the more that you can take in
19 responses from remote areas without having to
20 be at the table physically, facilities
21 diversity of views being presented to the
22 Commission.

23 ALJ ALLEN: One of the things I'm
24 hearing that seems to make some sense is at
25 least after the initial workshop after the
26 utilities present their plans, that there
27 needs to be a thing. And that thing could
28 be, you know, Mr. Long was talking about

1 whether there is a need for asserting a
2 desire for evidentiary hearings because of
3 the nature of the plan whether, or input from
4 various stakeholders as Ms. Moosen talked
5 about or report that there needs to be some
6 mechanism for the parties to kind of weigh in
7 on probably both substance and process as we
8 go forward.

9 So we will confer about that, but it
10 seems like there needs to be some sort of a
11 post-workshop vehicle.

12 Mr. Archer.

13 MR. ARCHER: Thank you, your Honor. I
14 just wanted to follow up on something that
15 Mr. Long said. He said he didn't expect our
16 plans in this proceeding to include proposed
17 new utility programs or requests for cost
18 recovery or a need for evidentiary hearings.

19 There are proceedings, though, where
20 the utilities have and will make proposals
21 for new programs or they have asked for cost
22 recoveries and which will require evidentiary
23 hearings. I'm specifically referring to
24 Edison's Grid Safety and Resiliency Program.
25 The PHC for that is tomorrow and I just
26 encourage the Commission to carefully
27 consider not conflating the of work that
28 needs to be done in that proceeding with the

1 work that needs to be done in this proceeding
2 and to keep them separate.

3 The work in both proceedings is
4 urgent and we plan to do it all, but we do
5 think that it's appropriately considered
6 separately.

7 ALJ ALLEN: Thank you. Given that you
8 have raised that, I would ask for the input
9 if other parties have an opinion about the
10 relationship between that proceeding and this
11 proceeding whether they should be
12 consolidated, whether they should not be
13 consolidated, whether the Edison proceedings
14 should trail this one, whether they should
15 proceed concurrently. I just want to hear
16 what other parties think about the
17 relationship between the two proceedings.

18 Ma'am. Ms. Hook, go ahead.

19 MS. HOOK: Charlyn Hook, Public
20 Advocates Office.

21 We support Edison's Grid Safety and
22 Reliability Projects Program proceeding
23 separately and concurrently with this OIR.

24 ALJ ALLEN: Thank you. Any other
25 parties?

26 MS. KOSS: Rachel Koss for CUE.

27 And we agree that this proceeding is
28 separate and should remain separate from the

1 Grid Safety and Resiliency Program and that
2 the two proceedings should run concurrently
3 on the same timeline.

4 ALJ ALLEN: Ma'am.

5 MS. MORSONY: Katie Morsony for TURN.

6 I just wanted to note that a
7 prehearing conference statement was filed by
8 the Joint Parties in the GS and RP yesterday
9 that outlined both the Public Advocates, TURN
10 perspective, the SCE perspective and also the
11 CUE perspective. We also recommend moving
12 forward concurrently but perhaps being aware
13 of the different deliberative loads in each
14 of the cases and how that may impact the
15 schedule and the time needed.

16 ALJ ALLEN: One question I had is: How
17 much or how many of the issues in that
18 proceeding would be dependent upon what the
19 actual plan approved by the Commission in
20 this proceeding would be? In other words,
21 for that, you know, I have not been reviewing
22 the record in that proceeding so I don't have
23 an opinion. But my question is: Is that
24 other proceeding getting out ahead of this
25 proceeding? Do we need this proceeding? Do
26 we need a result here before we can go ahead
27 with the issues in that proceeding?

28 Mr. Archer.

1 MR. ARCHER: No. I don't think so,
2 your Honor. I think this proceeding is what
3 the utilities must do to comply with SB-901.
4 Our separate proceeding is what the utilities
5 can do if the Commission gives us permission
6 to do it. So I don't think, while there is
7 some overlap between the two, one is not
8 dependent on the other and we strongly feel
9 they should go forward concurrently and
10 expeditiously.

11 ALJ ALLEN: Thank you.

12 MS. HOOK: Charlyn Hook, Public
13 Advocates Office.

14 Yeah, we do see that there is some
15 overlap between what's being requested in
16 Edison's application proceeding and what is
17 required per the SB-901 legislation, but the
18 other proceeding gives us a forum and
19 opportunity to review testimony, put in our
20 own testimony, do discovery, review the costs
21 and have evidentiary hearings. And we don't
22 see time to do that in this rulemaking.

23 ALJ ALLEN: I would encourage that if
24 parties are thinking of doing discovery that
25 you are free to do discovery now. This is an
26 open proceeding. Certainly I understand that
27 the utilities' plans may still be under
28 development and so they may not have complete

1 answers for discovery that's served on them
2 asking about the contents of the plan, but
3 certainly if parties have some preliminary
4 questions and want to do discovery, the
5 proceeding is open.

6 The question would be, of course:
7 What is the scope of discovery if we are not
8 having hearings? So I certainly don't want
9 anything that is too horribly -- going to be
10 too horribly burdensome or overbroad in
11 discovery, but if you have some specific
12 questions, specific requests, you should feel
13 free to go ahead and start asking them. And
14 if there's question about the timing or the
15 burden, those can be referred to Judge Thomas
16 or I.

17 I think we have largely covered the
18 -- kind of the points that I wanted. So this
19 has been useful feedback and we'll consider
20 the various comments we have gotten and
21 incorporate this into the scoping memo to
22 give guidance for going forward. So that has
23 been helpful.

24 Are there other points that we wish
25 to raise?

26 First -- I'm sorry, Ma'am. I forgot
27 your name in the back. And if you could
28 stand up, please, that would be helpful. And

1 then Mr. Long.

2 MS. MAURATH SOMMER: April Maurath
3 Sommer, Protect Our Communities Foundation.

4 Just one thing I think might be
5 helpful would be if there is a web page that
6 put together, that pulls together all of
7 these different proceedings, I think that
8 would be really helpful for the public
9 parties.

10 PRESIDENT PICKER: We are actually
11 trying to prepare something like that because
12 there are a variety of tasks, some of which
13 are underway separately, some of which are --
14 and while there's overlaps to the
15 conversation we have had here, there are
16 things that are implicit in SB-901 but aren't
17 necessarily as closely aligned to the
18 wildfire mitigation programs.

19 So we understand the challenge of
20 trying to -- for you to understand it. I
21 would just be honest that it is also a
22 challenge for us to keep track of things and
23 how they relate to each other. It probably
24 won't be as detailed or as sophisticated
25 initially as our DER action plan, but I think
26 the general intent is to show that as we have
27 to deal with these larger challenges and
28 changes in society and roles of the

1 utilities, we have to kind of map out how
2 we're going to try to do that.

3 MS. SOMMER: Great. Thank you.

4 MR. LONG: Your Honor, Tom Long for
5 TURN.

6 I just wanted to address what I
7 perceive as a couple of loose ends that came
8 out of the conversation.

9 One was there was mention of the
10 utilities developing a template and of course
11 I just wanted to note that TURN prepared its
12 own template to get the ball rolling. And we
13 hope the utilities took that into
14 consideration in what they're developing.

15 We're interested in that. We think
16 that can be a way to streamline the
17 presentations and help us focus on exactly
18 what is needed to comply with SB-901. So we
19 encourage that effort and would like to hear
20 more from the utilities by e-mail or some way
21 about this notion of a webinar. We hope that
22 would be a conversation and not just "here's
23 our template and this is what we're going to
24 do" kind of thing. That is one thing.

25 The other is you just mentioned
26 discovery. I think a couple of us suggested
27 in our comments that given the very
28 fast-track nature of this proceeding that

1 there be a fast-track discovery process; that
2 instead of the normal 10-business-day
3 turnaround time or 14-calendar-day turnaround
4 time for data request responses, that
5 utilities endeavor to meet a 5-business-day
6 or 7-calendar-day turnaround time. Also that
7 there be a discovery portal set up by the
8 utilities, either each of them separately or
9 a single portal, however they want to do it,
10 that enables us to see all the requests that
11 have come in and all the responses so that we
12 can avoid redundancy in our discovery.

13 ALJ ALLEN: I like the idea of a
14 discovery portal, whether it's a unified one
15 or separate one because I think that way you
16 can avoid answering redundant or similar
17 questions. So I would highly recommend that
18 that be set up.

19 Judge Thomas.

20 ALJ THOMAS: I had a question for
21 Mr. Archer.

22 When are you planning on circulating
23 the template? You had suggested a couple of
24 days, November 27th and 28th, which is coming
25 up awfully soon, the week after Thanksgiving.
26 And therefore were you planning on
27 circulating those today, this week?

28 MR. ARCHER: I will just defer that to

1 one of my other colleagues. They're closer
2 to the issue than I am.

3 ALJ THOMAS: Okay. And then the other
4 question, the follow-up to that is: Did you
5 take into account the information that TURN
6 submitted in developing this template?

7 I like the idea of getting this
8 around quickly and having some sort of a
9 webinar so that we can allow remote
10 participation quickly. I just want to make
11 sure that I understand the process that
12 you're proposing.

13 MS. KOO: Your Honor, Alyssa Koo, PG&E.

14 I think we would be happy to
15 circulate the template today after the -- to
16 the distribution list for this hearing. And
17 then we were proposing to have the webinar on
18 the 27th or 28th, if we can agree on a date
19 to kind of go over it. I have to admit, I
20 was not that closely involved in developing
21 the template, so I can't speak to what extent
22 Mr. Long's proposal was incorporated.

23 MS. GENAO: This is Laura Genao with
24 Southern California Edison.

25 Our template was developed before we
26 saw TURN's template, but we are more than
27 happy to consider it and the workshop I think
28 is a good time to talk about where it might

1 fit, whether or not yours is better. We are
2 absolutely willing to accommodate that and
3 have that discussion.

4 ALJ THOMAS: If TURN -- if you're
5 prepared, Mr. Long, to circulate your
6 template as well, that would be appropriate
7 as well to the full service list.

8 MR. LONG: In fact it's attached to our
9 OIR comments. We have already done that.

10 ALJ THOMAS: Okay. Great.

11 There was one point and it is sort
12 of a minor point, but PacifiCorp mentioned
13 something about coordination with the large
14 IOUs. You can go ahead and do that on your
15 own. We don't need to order that. So please
16 go ahead and do that now without further
17 action by the Commission. Don't wait for us
18 to -- all of you are free to talk to each
19 other at any time and coordinate in any way
20 that is appropriate. So don't wait for us to
21 tell you to do discovery or coordinate or
22 meet and confer; just go ahead and start that
23 because we really do have a short timeline.

24 In terms of the website proposal, I
25 think that is a great one. We do have a
26 website out for this proceeding. We don't --
27 I don't know that we have one that links all
28 of the related proceedings like the Edison

1 application or the Rizzo Emergency
2 Preparedness, but we'll take that suggestion
3 as well. But there is -- if you search
4 wildfire mitigation plans on our website, you
5 will get our webpage on that. If anybody has
6 any suggestions for what should be on it that
7 isn't there, we have done a lot of outreach
8 to try to send local communities and a bunch
9 of, you know, public safety organizations
10 seeking informal input from them as well. So
11 that page is also kind of a landing spot for
12 that.

13 ALJ ALLEN: Ms. Moosen.

14 MS. MOOSEN: Just segueing off of one
15 of your comments.

16 One of the things that we would
17 request that has been quite useful in the
18 past where you have an umbrella rulemaking
19 that touches upon many active proceedings in
20 other particular applications, is to have at
21 the outset -- have the utilities prepare a
22 related case matrix that becomes part of the
23 record. It's a really useful tool and you
24 update it periodically. It should be posted
25 to the website of course but at least made
26 available here so that when the Commission
27 already has in place proceedings that are the
28 time and the place for dealing with deep

1 utilities are able to participate as they
2 would like to participate.

3 ALJ ALLEN: Yes. We would encourage
4 the broad inclusion of all the parties. I
5 mean, certainly, if parties want to have
6 separate conversations, we can do that, but
7 to the extent possible, I think it would be
8 best if communications are inclusive.

9 Are there any other housekeeping
10 matters to address?

11 MS. HOOK: Charlyn Hook, Public
12 Advocates Office.

13 Yes. Thank you for informing us we
14 can do discovery now. We note that parties
15 have asked for an expedited discovery
16 turnaround, and we would support that, and we
17 would also like to request a dedicated
18 administrative law judge for discovery
19 disputes, if they arise, because they can
20 take a long time.

21 ALJ ALLEN: Any discovery disputes
22 should be referred to Judge Thomas and I, and
23 we certainly support the idea of expedited
24 responses. The scoping memo may lay this out
25 more formally. To the extent expedited
26 responses are possible, we would encourage
27 those.

28 At this time I think I will turn it

1 over to President Picker.

2 PRESIDENT PICKER: Thank you.

3 I just wanted to say a few things
4 that I have been repeating a lot in different
5 settings to remind people of the overall
6 context and try to avoid the use of the word
7 "scope," which has a particular meaning here
8 at the PUC, but one in 10 wildfires is
9 related to utility infrastructure, and out of
10 that one in 10, half them are caused by
11 extrinsic actors. So, for example, classic
12 is mylar balloons, and that's going to be
13 very hard to account for in a wildfire
14 mitigation plan. As a matter of fact, I'm
15 aware of many efforts to try to get mylar
16 balloons banned, and it's an ongoing
17 challenge, and it's still not regulated, and
18 I'm definitely not asking for jurisdiction
19 over mylar balloons. We just got hot air
20 balloons. But I do think that those are the
21 kinds of things that when you think about --
22 you know, in case you missed it, earlier this
23 summer, there was a wildfire caused in Chico
24 by a bear that climbed a pole and sadly for
25 the bear, their behavior resulted in bear
26 death, but also some couple hundred acres in
27 wildfire and property damage. So we have to
28 be aware that not everything, not all

1 problems are going to be solved here.

2 I'll just go back to outages. There
3 was an 80,000 customer outage that happened
4 previous to the southern California fires
5 that was not related to public safety power
6 shutoff. So local governments need to not
7 count on solving all of their problems here
8 at the PUC. And, again, I'll make a plea for
9 being realistic about what we can accomplish
10 here in the proceeding, but also set the
11 expectation that not all problems will be
12 cured here in this proceeding, and people
13 need to think about how they are going to
14 address that.

15 Ms. Moosen had a ringing endorsement
16 of centralized planning that I would like to
17 read into the PCIA Phase 2, but, again, I
18 think we have to be realistic about how much
19 we can do.

20 Similarly many of the
21 characteristics you experience in southern
22 California due to the chaparral brushlands
23 are going to be different than you see in the
24 coastal mountains of northern California with
25 wild oak woodlands and high Sierran forests.

26 So it will be a challenge to really
27 come up with a singular perfect plan that
28 will stand for all time. So, A, there ought

1 to be some regional variation in how we
2 address this, or we ought to be permissive
3 enough that there's actual scope for
4 implementation at the local level based on
5 vastly differing conditions.

6 So I'm just aware that there's only
7 so much that can be done in a regulatory
8 setting. I will say that some of things I
9 heard hear strike me not so much as
10 necessarily being cured by rules, but simply
11 by improved implementation. So all these
12 things together suggest to me, as the judge
13 started, that we will probably not come up
14 with the perfect framework for plans at the
15 outset, particularly given the timeline, and
16 I want myself and other people to start with
17 the expectation that we may come up with
18 plans this year that we evaluate and learn
19 and that we iterate into, perhaps, a second
20 set of plans.

21 We have done this elsewhere in
22 vegetation management where we started with
23 the RAMP plan. It was based on information
24 Cal Fire's fire scientists were able to
25 provide to us on fuel situation, and then
26 over time, as the drought continued and we
27 saw the advancing impacts of climate change,
28 and we learned about the presence of

1 conditions that have never been experienced
2 before in northern California, much more
3 ferocious winds in specific canyons than had
4 ever been measured before, we learned, and
5 we're going to have to adapt.

6 So I'm saying this to myself over
7 and over and over again so that I temper my
8 expectations about the judge's statement that
9 what we need to do is avoid the worst
10 imperfections, and be humble, and also just
11 remind people elsewhere that not everything
12 can be cured here. There are clearly things
13 are outside of the PUC and the utility scope
14 that we all need to be aware of, and I think
15 for that we need to look at our colleagues
16 and partners in Cal OES, and Cal Fire in
17 terms of fire, and OES in terms of a variety
18 of other kinds of emergencies. These are
19 pressing for us, but I want to humble about
20 the scope of what we can actually achieve in
21 every case here.

22 ALJ ALLEN: Thank you.

23 Commissioner Rechtschaffen, do you
24 have anything?

25 COMMISSIONER RECHTSCHAFFEN: No.

26 ALJ ALLEN: Thank you.

27 I have two more appearance forms,
28 Zone 7 Water Agency requesting party status,

1 and April Sommer for Protect Our Communities
2 Foundation requesting party status; those
3 requests are granted.

4 Is there anything else that we need
5 to address today?

6 (No response.)

7 ALJ ALLEN: Seeing none, thank you very
8 much for your time. Greatly appreciated.
9 This prehearing conference is adjourned.

10 (Whereupon, at the hour of 12:00
11 p.m., at San Francisco, California,
the Commission then adjourned.)]

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING

I, Carol A. Mendez, Certified Shorthand Reporter No. 4330, in and for the State of California, do hereby certify that the pages of this transcript prepared by me comprise a full, true, and correct transcript of the testimony and proceedings held in this matter on November 14, 2018.

I further certify that I have no interest in the events of the matter or the outcome of the proceeding.

EXECUTED this 14th day of November, 2018.



Carol A. Mendez

CSR No. 4330

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING

I, Shannon Ross, Certified Shorthand Reporter No. 8916, in and for the State of California, do hereby certify that the pages of this transcript prepared by me comprise a full, true, and correct transcript of the testimony and proceedings held in this matter on November 14, 2018.

I further certify that I have no interest in the events of the matter or the outcome of the proceeding.

EXECUTED this 14th day of November, 2018.



SHANNON ROSS
CSR No. 8916