

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

Order Instituting Rulemaking to Examine  
Electric Utility De-Energization of Power  
Lines in Dangerous Conditions.

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Rulemaking 18-12-005  
(Issued December 13, 2018)

**REPLY COMMENTS OF CALIFORNIA WATER ASSOCIATION  
ON PHASE 1 ISSUES**

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**I. INTRODUCTION**

In accordance with Rule 1.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), California Water Association (“CWA”) respectfully submits these reply comments on the *Assigned Commissioner’s Scoping Memo and Ruling (Phase 1)* (“Scoping Memo”) and the appended *Rulemaking 18-12-005 Phase 1 Staff Proposal* (“Staff Proposal”). CWA is a statewide association representing the interests of investor-owned water utilities subject to the Commission’s jurisdiction that serve reliable, high-quality drinking water to approximately 6 million Californians. Pursuant to Rule 1.4(a)(2)(ii), CWA obtained party status by filing comments on the *Order Instituting Rulemaking* on February 8, 2019.

As indicated in its opening comments on the Scoping Memo,<sup>1</sup> CWA generally supports the Staff Proposal. However, certain modifications must be made to address the impact of de-energization events on water utilities and to better ensure the availability of water service during periods of emergency. In these reply comments, CWA reiterates the need for these changes in the context of issues raised by other parties in opening comments.

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<sup>1</sup> *Opening Comments of California Water Association on Phase 1 Issues* (March 25, 2018) (“CWA Opening Comments”).

## II. NOTIFICATION AND COMMUNICATION

### A. Prioritization

Opening comments show that diverse stakeholders represented in this proceeding are acutely aware of the critical impacts that de-energization events have on water distribution operations and infrastructure, and of the importance of avoiding water service outages, particularly during disasters.<sup>2</sup> There is no controversy on this point: Dependable electric utility service is necessary for safe and reliable operation of water systems.<sup>3</sup> Like CWA, California Municipal Utilities Association (“CMUA”) emphasizes that “[a] lack of supply can reduce firefighting capabilities and a lack of adequate water pressure increases the risk of drinking water contamination.”<sup>4</sup>

Appropriately then, several parties echo CWA’s call for priority notification to water service providers in advanced of de-energization events.<sup>5</sup> East Bay Municipal Utility District (“EBMUD”) recommends that “[w]ith the understanding that weather conditions can change within this period, and that an expected de-energization event may even be postponed or called off, the advance notice window for water agencies needs to provide enough time to enable action.”<sup>6</sup> According to EBMUD, “[e]arly notification and subsequent updates can help water and wastewater agencies minimize impacts to water supplies, wastewater services, and reduce recovery time after the de-energization event is over.”<sup>7</sup> Municipal Water District of Orange County (“MWDOC”) also argues for priority notification and explains that “[i]mproved lead

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<sup>2</sup> See, e.g., *Opening Comments of The Utility Reform Network on the Assigned Commissioner’s Scoping Memo and Ruling (Phase 1)* (March 25, 2019) (“TURN Opening Comments”), p. 3 (“Similarly, water companies provide a critical and essential service, and the IOU should be communicating with them in real-time in order to minimize the disruption of service.”).

<sup>3</sup> CWA Opening Comments, p. 2.

<sup>4</sup> *Comments of the California Municipal Utilities Association on Assigned Commissioner’s Scoping Memo and Ruling (Phase 1)* (March 25, 2019) (“CMUA Opening Comments”), p. 4.

<sup>5</sup> CWA Opening Comments, pp. 4-6.

<sup>6</sup> *Opening Comments of East Bay Municipal Utility District on Phase 1 Issues* (March 25, 2019) (“EBMUD Opening Comments”), p. 5.

<sup>7</sup> *Id.*

times in advance of de-energization events would permit public agency water utilities to alter operations in the same manner that those agencies do for fire weather.”<sup>8</sup>

In agreement with these and several other parties,<sup>9</sup> CWA renews its recommendation that water service providers receive priority for notification identical to notice given local governments, public agencies and first responders.

## **B. Specificity**

Several parties argue that de-energization notices need to be more specific and comprehensive to be useful to recipients, in particular with respect to the geographic impact of a de-energization event. The Staff Proposal recommends that the electric investor-owned utilities (“IOUs”) be responsible for “publishing a GIS REST service articulating the geographic boundaries of the areas subject to de-energization to public safety partners concurrent with their notifications of de-energization event.”<sup>10</sup> Many parties agree with this general requirement for electric IOUs, but urge for even greater specificity. For example, EBMUD supports the requirement for electric IOUs to establish a GIS REST service and further argues that the “[t]he Commission should specify that GIS REST services should include circuit level data as well as a representation of the geographic boundaries of the de-energization events.”<sup>11</sup> The Joint Communications Parties likewise recommend “to the extent possible, for a de-energization, each IOU should be required to provide GIS maps (in shape files) of the areas served by the IOU circuits that may be subject to shut-off.”<sup>12</sup> The Joint Communication Parties explain that,

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<sup>8</sup> *Comments of Municipal Water District of Orange County* (March 25, 2019) (“MWDOC Opening Comments”), p. 3.

<sup>9</sup> See also *Joint Comments of Valley Center Municipal Water District and Padre Dam Municipal Water District* (March 25, 2019) (“Joint Municipal Water District Opening Comments”), p. 2 (recommending that the Commission require notification of de-energization events as far in advance as possible and explaining that “[t]his information would provide water districts with information to be used to sustain emergency protocols and keep running portable or standby emergency generators, emergency pump operations, and emergency pump station and lift station and treatment plant operations.”); *Comments of City and County of San Francisco on Assigned Commissioner’s Scoping Memo and Ruling (Phase 1)* (March 25, 2019), p. 9 (“[water utilities and communication companies] should receive priority notice, because they provide important services and need time to prepare for de-energization.”).

<sup>10</sup> Staff Proposal, p. 1.

<sup>11</sup> EBMUD Opening Comments, p. 3.

<sup>12</sup> *Joint Communications Parties Opening Comments on Phase I Issues* (March 25, 2019), p. 4.

“[w]ith these maps, the communication provider can overlay its facilities on the GIS maps and identify the specific location of its field equipment served by the identified circuits so that, as appropriate, the carrier can implement the deployment of its resources based on its contingency plan or procedure.”<sup>13</sup> Other parties make similar recommendations for greater specificity of notifications before and during a de-energization event.<sup>14</sup>

The arguments made by these parties are right on point. De-energization notification information provided to date to CWA’s member water utilities has been insufficient for planning and timely preparation purposes, as it fails to provide sufficient data in a manner necessary to allow the water utility to feasibly geo-locate the components and functions of its water system that will be affected. In order to adequately prepare for a de-energization event, water service providers need to have sufficient information regarding the electrical transmission and distribution system to make at least an initial designation of where to send personnel and procure back-up electricity generation to guard against the interruption of water service.

CWA therefore concurs in the Staff Proposal, as modified by the further recommendations of parties regarding the provision of GIS shape files at the circuit level, including data identifying the circuits affected by a planned de-energization event. Additionally, CWA reiterates the general recommendation for greater consultation between the IOUs and affected public safety partners and critical service providers (including water service providers) to facilitate the implementation of any GIS REST requirement.<sup>15</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> See also *Comments of the Counties of Mendocino, Napa, and Sonoma, and the City of Santa Rosa on the Phase I Scoping Ruling and Staff Proposal* (March 25, 2019), p. 5 (“PG&E should provide local governments and first responders with weather data, fire threat assessments, **maps of the circuits and transmission lines potentially affected**, information about segmentation of those circuits for targeted de-energization, and the status of its notifications to vulnerable populations and the organizations that serve them.”) (emphasis added).

<sup>15</sup> EBMUD Opening Comments, p. 3 (“In order to ensure that the IOUs’ implementation of this GIS REST requirement provides accessible and actionable information, the IOUs should consult with and obtain input from affected public safety partners and critical service providers.”).

### III. FIRST RESPONDER DESIGNATION

One of the issues identified in the Scoping Memo for this proceeding was whether water utilities and communication companies should be defined as first responders.<sup>16</sup> The Staff Proposal recommends that “[f]or purposes of notification, water and communication companies should be prioritized; however, this should not include designation as first responders.”<sup>17</sup> Most commenters support the Staff Proposal’s position. However, Municipal Water District of Orange County (“MWDOC”) argues instead that in addition to the need for prioritized notification of de-energization event, water service providers should be recognized as first responders by the Commission.<sup>18</sup> MWDOC points to the emergency response and fire suppression roles that water service providers and their personnel play during emergencies and disasters.<sup>19</sup> Valley Center Municipal Water District and Padre Dam Municipal Water District concur in the position set forth by MWDOC on this issue for similar reasons.<sup>20</sup>

MWDOC and the two other joint parties make valid points and highlight the importance of providing timely notification of de-energization events to water service providers. However, The Utility Reform Network (“TURN”) raises a reasonable counter-concern that “the designation of first responder by a State agency may have implications beyond the current de-energization proceeding.”<sup>21</sup> In light of the potential for unintended consequences, CWA agrees with TURN that water service providers should not be formally designated “first responders” or referred to as such in a final Commission decision in this proceeding. Consistent with CWA’s position stated in opening comments, the label is not the critical point. To ensure that water providers receive the same advance notice of de-energization events as first responders, the Commission need only – and should – modify Resolution ESRB-8 explicitly to require it.

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<sup>16</sup> Scoping Memo, p. 5.

<sup>17</sup> Staff Proposal, p. 5.

<sup>18</sup> MWDOC Opening Comments, p. 6.

<sup>19</sup> *Id.*

<sup>20</sup> Joint Municipal Water Districts Opening Comment, p. 3.

<sup>21</sup> TURN Opening Comments, p. 10.

As CWA outlined in its opening comments and TURN apparently agrees,<sup>22</sup> top priority notification for water service providers alongside first responders is appropriate given the health and safety risks associated with the interruption of water service and the vital need for water during fire conditions.

#### IV. CRITICAL FACILITIES

Many commenters argue that the list of “critical facilities” defined in the Staff Proposal should be expanded to include additional examples of facilities that provide a vital role in maintaining public safety. In particular, several parties (including CWA) contend that the item “Drinking water and wastewater treatment plants” in the Staff Proposal was unduly limited and recommend a more expansive definition that better captures the totality of what infrastructure it takes to keep a public water distribution system functioning properly.<sup>23</sup> Each major component of a water infrastructure system plays an integral part in maintaining safe and reliable drinking water service and water quality during critical periods, not only treatment facilities.

For example, CMUA accurately explains that the definition included in the Staff Proposal “does not adequately capture the water facilities that are necessary for public safety.”<sup>24</sup> CMUA therefore recommends a broader description: “Drinking water and wastewater facilities critical to maintaining public health and safety standards, such as, treatment plants, pumping stations, and storage facilities.” The City of Malibu similarly recommends that the item be amended to

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<sup>22</sup> See CWA Opening Comments, pp. 5-6. While TURN indicates that it does not believe first responder designation for water service providers is necessary, TURN nonetheless states that it “supports early notification for the water utilities and communications companies” and notes that “the Commission could direct the IOUS to notify the water utilities and communications companies at the same time as first responders.” TURN Opening Comments, p. 10.

<sup>23</sup> See, e.g., *Opening Comments of the California State Association of Counties on Assigned Commission’s Scoping Memo and Ruling (Phase 1)* (March 25, 2019), p. 9 (recommending the inclusion of “pump stations” to the definition of drinking water and wastewater treatment plants); MWDOC Opening Comments (March 25, 2019), p. 5 (recommending definition be modified to “drinking water and wastewater facilities, including treatment facilities and other operations facilities.”); EBMUD Opening Comments, p. 7 (recommending the addition of “drinking water distribution pumping plants” to the list of examples of critical facilities); Joint Municipal Water Districts Opening Comments, p. 3 (identifying critical facilities to include “water pumping stations, sewer lift stations, water and wastewater treatment plants, corporate headquarters and operations control facilities.”).

<sup>24</sup> CMUA Opening Comments, p. 6.

include “Drinking water wells, distribution facilities and treatment plants and wastewater collection facilities and treatment plants.”<sup>25</sup>

CWA generally agrees with these recommendations for a more inclusive definition of “critical facilities” that captures the multi-faceted nature of public water distribution systems that play a vital role in public safety. Therefore, CWA reiterates its recommendation that the Commission define “critical facilities” to include all infrastructure used to pump, divert, transport, store, treat, and deliver water.

## V. CONCLUSION

CWA respectfully requests that the Commission update Resolution ESRB-8 to reflect the Staff Proposal, with the modifications suggested by CWA here and in its opening comments, which would recognize the significant impact of de-energization on water utilities, ensure timely and consistent notification to all water service providers, and help them maintain water service during periods of emergency.

Respectfully submitted,

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<sup>25</sup> *Opening Comments on the Assigned Commissioner’s Scoping Memo and Ruling (Phase 1) by the City of Malibu* (March 25, 2019), p. 6 (underline in original showing recommended changes to Staff Proposal).