SENATE COMMITTEE ON ENERGY, UTILITIES AND COMMUNICATIONS
Senator Josh Becker, Chair
2025 - 2026 Regular

Bill No:	SB 559	**Hearing Date:**	3/24/2025
Author:	Stern		
Version:	2/20/2025 Introduced		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Nidia Bautista		

SUBJECT: Electricity: deenergization events: communications

DIGEST: This bill requires electrical corporations to provide specified real-time and other time interval notifications of deenergization events related to mitigating wildfire ignition risks, and requires specified reporting to, and oversight by, the California Public Utilities Commission (CPUC).

ANALYSIS:

Existing law:

1) Establishes the CPUC with regulatory authority over public utilities, including electrical corporations. (Article XII of the California Constitution)

2) Establishes the Office of Energy Infrastructure Safety (OEIS) is the successor to, and, effective July 1, 2021, is vested with, all of the duties, powers, and responsibilities of the Wildfire Safety Division within the CPUC established pursuant to Section 326 of the Public Utilities Code, including, but not limited to, the power to compel information and conduct investigations. (Government Code §15475)

3) Requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. (Public Utilities Code §451)

4) Establishes the policy of the state that each electrical corporation is required to continue operate its electric distribution grid in its service territory and to do so in a safe, reliable, efficient, and cost-effective manner. (Public Utilities Code §399.2(a))

5) Authorizes the CPUC to supervise and regulate every public utility in the state and to do all things necessary and convenient in the exercise of such power and jurisdiction. (Public Utilities Code §701)

6) Requires an electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. (Public Utilities Code §8386 (a))

7) Requires each electrical corporation to annually prepare a wildfire mitigation plan (WMP) and to submit the plan to the Wildfire Safety Division, and, as of July 1, 2021, to the OEIS, for review and approval. (Public Utilities Code §8386 (b))

8) Requires a WMP of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, and protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communications infrastructure. (Public Utilities Code §§8386 (c)(6))

9) Requires a WMP plan of an electrical corporation to also include appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires these procedures to consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of a potential deenergization event. (Public Utilities Code §8386 (c)(7))

This bill:

1) Defines “critical infrastructure,” “deenergization,” “deenergization event,” and “weather data.”

2) Requires, at the start of a deenergization event, an electrical corporation to immediately notify local emergency management organizations and local utility districts about the impacts of the deenergization, including the critical facilities impacted and an assessment of the potential risks posed to health and safety, and emergency response capabilities.

3) Requires detailed status information on restoration efforts to be made available to emergency management organizations, public safety officials, customers, and

the public in real-time, with regular progress updates issued at intervals of no more than 12 hours, for all impacted circuits. Requires the status information to include when the circuit is scheduled for inspection, anticipated restoration, and any adverse findings discovered. Requires this information to be published in real-time on the electrical corporation's website.

4) Requires, at the start of a deenergization event, an electrical corporation to publish and make available real-time weather conditions observed within the affected circuit being considered for deenergization, including sustained wind speeds, maximum wind gust speed, relative humidity, and recorded temperature. Requires this information to be updated on an hourly basis and published in real-time on the electrical corporation's website.

5) Requires, once hazardous weather conditions subside, an electrical corporation to prioritize the restoration of electricity and begin efforts to reenergize lines without unnecessary delays.

6) Makes electrical corporations responsible for the continual monitoring and eventual restoration of circuits affected by a deenergization event. Requires the inspection of deenergized circuits to begin when wind speeds fall below 25 miles per hour (mph) and wind gusts not exceeding 40 mph.

7) Requires each electrical corporation to submit an annual report to the CPUC that details its compliance with the transparency and restoration requirements of these provisions, including: the number of deenergization events, the timeliness and accuracy of publishing of weather data, restoration timelines, and communications with customers and public safety agencies.

8) Requires the CPUC to oversee each electrical corporation's compliance with these provisions to ensure that electrical corporations are meeting the transparency, communication, and restoration requirements.

9) Authorizes the CPUC to impose financial penalties if an electrical corporation fails to comply with any of these provisions, including by failing to publish required weather data, notify public safety agencies, or meet communication standards

Background

California wildfire and electric utility infrastructure. Electrical equipment, including downed power lines, arcing, and conductor contact with trees and grass, can act as an ignition source. Risks for wildfires also increased with the extended

drought and bark beetle infestation that has increased tree mortalities and, as a result, increased the fuel, and risk for wildfires. In recent years, California has experienced a number of catastrophic wildfires, including several ignited by electrical utility infrastructure.

Deenergizing electric lines. Generally, electric utilities attempt to maintain power and ensure continued reliability of the flow of electricity. However, catastrophic fires in recent years have demonstrated, the risk of ignition by electric utility infrastructure can pose great damage and loss of life, perhaps greater than the risks of turning off the power to certain electrical circuits. As a safety consideration, electric utilities have the ability and authority to deenergize electric lines in order to prevent harm or threats of harm. However, deenergizing electric lines can result in the loss of electricity to households, businesses, traffic signals, communication systems, water treatment facilities, emergency services and other critical which can also cause harm, as well as, economic impacts to residents and businesses. Therefore, efforts to deenergize electric lines must consider the potential harm of the energized lines causing a wildfire against the safety hazards associated with eliminating electricity to the areas served by the line(s).

History with power shutoffs. Utilities have increasingly utilized proactive power shutoffs as a tool to prevent sparking. The practice of proactively deenergizing electric circuits to prevent catastrophic wildfire began by San Diego Gas & Electric (SDG&E) after several electric utility infrastructure-ignited catastrophic fires in 2007. Proactive power shutoffs were one of the many measures SDG&E implemented to reduce the risk of fire ignited by its infrastructure (other measures included installing steel poles and expanding ground and aerial inspections). Although the use of proactive power shutoffs were met with opposition and concerns about its use by communities, ultimately the CPUC acknowledged SDG&E's authority to deenergize lines in order to protect public safety, noting this authority in Public Utilities Code §451 and §399.2. Since then, the practice has also been expanded and adopted by the state's two largest electric utilities – Pacific Gas & Electric (PG&E) and Southern California Edison (SCE), as well as, the smaller investor-owned electric utilities (IOUs) and exploration by publicly-owned utilities (POUs).

Oversight of proactive power shutoffs. The CPUC adopted protocols for deenergizing electric lines with a focus on who should receive notice and when; who should be responsible for notification; how different customer groups should be identified; the information that should be included in notifications in advance of and directly preceding a deenergizing event; the methods of communication; and how the IOUs should communicate and coordinate with public safety partners before, during, and after an event. The CPUC is working with the Office of

Emergency Services, Cal FIRE, and first-responders to address potential impacts of utility deenergization practices on emergency response activities, including evacuations. The CPUC is also monitoring the development and continuously assessing implementation of deenergization programs by utilities, including performing a review of deenergization events. In adopting the initial protocols, the CPUC commissioners expressed a desire that the power shutoffs would only be used as a "last resort" by the utilities. However, the use of proactive power shutoffs by electric utilities became widespread and increased concerns that the practice is relied upon more frequently than a last resort. In some instances, deenergization events overlap and result in customers experiencing extended days with loss of power.

Wildfire Mitigation Plan. As a result of SB 1028 (Hill, Chapter 598, Statutes of 2016), and further expanded by SB 901 (Dodd, Chapter 626, Statutes of 2018) and AB 1054 (Holden, Chapter 79, Statutes of 2019), electric IOUs are required to file WMPs with guidance by OEIS (as of 2021). OEIS reviews and determines whether to approve these plans and ensures compliance with guidance and statute. The electric IOUs' WMPs detail, describe and summarize electric IOU responsibilities, actions, and resources to mitigate wildfires. These actions include plans to harden their system to prevent wildfire ignitions caused by utility infrastructure, such as widespread electric line replacement with covered conductors designed to lower wildfire ignition, pole replacement, and other actions. The plans also include information regarding the electric IOUs' efforts to conduct extensive vegetation management to reduce the risk of tree branches, grasses, and other vegetation from coming into contact with utility infrastructure. The WMPs also require electric utilities to incorporate their protocols and procedures for proactive power shutoffs as required by CPUC rules.

Proactive power shutoff protocols. Over several years, the proactive power shutoff protocols have evolved via CPUC oversight and various CPUC decisions. The protocols include specified requirements related to advance planning with public safety partners and local governments, as well as, specified notifications to customers prior to, during, and after deenergization events. The protocols also require specified actions to address the public safety impacts for critical facilities and access and functional needs populations, among others. The CPUC and Legislature have exercised continued oversight of the utilities' practices with the goal of minimizing the use of power shutoffs and accelerating wildfire mitigation to reduce risks of the electrical infrastructure igniting fires. However, proactive power shutoffs continue to be a tool in the electric utility's toolbox to mitigate wildfire ignition risks. Currently, CPUC notifications require specified timing of notifications to customers and an extended (and continually evolving) list of public safety partners and critical facilities, including emergency services, government

facilities, medical facilities, energy facilities, drinking water and wastewater treatment facilities, communications facilities, and others. The protocols require electric IOUs to, whenever possible, adhere to the following minimum notification timeline:

1) 48-72 hours in advance of anticipated deenergization: notification of public safety partners/priority notification entities.
2) 24-48 hours in advance of anticipated deenergization: notification of all other affected customers/populations.
3) 1-4 hours in advance of anticipated deenergization, if possible: notification of all affected customers/populations.
4) When deenergization is initiated: notification of all affected customers/populations.
5) Immediately before reenergization begins: notification of all affected customers/populations.
6) When reenergization is complete: notification of all affected customers/populations.
7) When a Public Safety Power Shutoff (PSPS) [deenergization event] event is cancelled: Each electric IOU must make every attempt to provide notification of the cancellation of a PSPS event, or removal from scope, by notifying all affected entities, including public safety partners, within two hours of the decision to cancel.

January 2025 Santa Ana wind events. This January, with expected severe Santa Ana winds, low-humidity, high vegetation growth from previous wet winters, and dry conditions due to delayed precipitation, Southern California was at high risk for wildfires. Additionally, aerial fire suppression was limited by the extreme winds, which included gusts approaching 100 mph in some areas. Both SCE and SDG&E executed proactive power shutoffs in their service territory as a public safety measure. In the case of SCE, the proactive power shutoffs resulted in extended outages throughout their service territory impacting upwards of 500,000 plus customer accounts (affecting many times more individuals) between January 2 through January 27, including two separate (and, in some cases overlapping) events. These deenergization events coincided with several wildfires in the area, including two large catastrophic fires, the Palisades Fire and the Eaton Fire (fire investigations as to the cause of these fires are still in process, ignition cause has not been determined). Based on SCE's post-event reports, the proactive power shutoffs were the largest number of affected customers since the tool had been deployed and likely the largest in duration. These events resulted in many frustrations for customers and local governments as the utility's execution of the proactive power shutoffs seems to have been greatly challenged by the scale and duration of the events (official CPUC oversight and review of these events is

process) with reports that their website crashed, inadequate notifications to customers, inability of some local governments to reach a utility point person, and inaccurate maps displayed at times on their websites. SCE also adjusted their operational thresholds in the midst of the events due to the evolving conditions which resulted in many customers unexpectedly experiencing proactive power shutoff without any advance notification. SCE's post-event reports also indicated nearly 100 incidents of damage on deenergized facilities that, if they had been energized, could have been a significant risk to igniting wildfires.

Comments

Need for continued oversight of electric utilities' use of proactive power shutoffs. The author is accurate to note that proactive power shutoffs can have a serious impact on customers and critical services, as the loss of power can have serious and life-threatening consequences. While the electric utilities continue to implement upgrades and improvements on their systems to mitigate the potential of their equipment igniting fires, the use of proactive power shutoffs should wane. However, in the short-term proactive power shutoffs are likely to remain an important tool in the utility's toolbox to mitigate the risk of their infrastructure igniting a catastrophic wildfire, particularly in areas with a high wildfire risks. Given the scale of January's events in southern California, there are also questions about the long-term need for this tool and the need for ongoing oversight to ensure the events are executed as required by the current protocols. To this end, the CPUC has also adopted a compliance citation program that fines utilities for violations of the proactive power shutoff protocols, including for inadequate notifications before, during, and after an event or for incomplete or missed reporting and which the agency has exercised based on the severity of the violations. The CPUC also requires various annual and post-event reporting.

Too prescriptive? The electric IOUs contend that much of the reporting required in this bill is redundant of existing requirements or could undermine the existing requirements and safety. They note that the CPUC's existing protocols acknowledge the need to afford utilities the discretion to evaluate real-time and on-the-ground information in determining conditions that necessitate electric circuits from being turned off. As the CPUC states: "The utilities have the authority to shut off power under Public Utilities Code §§451 and 399.2(a)." However, the CPUC has broad regulatory authority to review the reasonableness of past decisions to shut off power, including reviewing the specific factors for each event, stating "this is distinct, however, from establishing rigid triggers or criteria by which the utilities must abide to determine whether to shut off power." In this regard, there are some of the provisions of this bill may be too restrictive and which could jeopardize safety during dynamic conditions, such as those requiring specified

wind speed thresholds by when a circuit must be reenergized. Other provisions, could be couched within the context of the existing protocols required under Public Utilities Code §§8386(c) (6) and (7). *In this regard, the author and committee may wish to amend this bill to:*

- *Conform the definitions in this bill to those in existing Public Utilities Code and within the existing CPUC protocols.*
- *Delete requirements for real-time and hourly notifications of weather-data.*
- *Frame any requirements in this bill as part of the existing protocols required under Public Utilities Code §§8386(c)(6)(7) so as not recreate a new wheel but enhance the existing requirements.*
- *Ensure the language in this bill accounts for the needed discretion and safety considerations that a utility would need to execute proactive shutoffs in a dynamic environment.*
- *Delete the requirement that the only factor to reenergize a circuit is the weather conditions and the inspection, as this may not account for other conditions (such as fuel load and potential safety risks of reenergizing the circuit).*
- *Delete requirements that wind speed is determinate factor in reenergizing an electric line.*
- *Reframe sections of this bill to account for advance notifications in preparation for a proactive power shutoff.*
- *Make additional conforming and related changes.*

Prior/Related Legislation

SB 332 (Wahab) of the current legislative session requires various actions and assessments regarding electric utility operations, including related to the use of deenergization events. The bill is pending in this committee.

SB 533 (Stern, Chapter 244, Statutes of 2021) required electrical corporations to identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken to reduce the need for future deenergization of those circuits, as specified.

SB 167 (Dodd, Chapter 403, Statutes of 2019) required electrical corporations to include impacts on customers enrolled in specified programs as part of the protocols for deenergizing portions of their distribution system within their WMP.

SB 901 (Dodd, Chapter 626, Statutes of 2018) addressed numerous issues concerning wildfire prevention, response and recovery, including funding for

mutual aid, fuel reduction and forestry policies, WMP by electric utilities, and cost recovery by electric corporations of wildfire-related damages.

SB 1028 (Hill, Chapter 598, Statutes of 2016) required electric CPUC-regulated utilities to file annual WMPs and requires the CPUC to review and comment on those plans.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT:

County of Ventura, (Sponsor)

OPPOSITION:

San Diego Gas and Electric
Southern California Edison

ARGUMENTS IN SUPPORT: According to the author:

"The worsening effects of climate change continues to challenge our electric grid with more powerful and intense extreme weather events. The recent LA fires propelled by extreme Santa Ana winds prompted PSPS events throughout the service area of SoCal Edison. Sometimes with very little notification and with updates with limited information. While PSPS event play a significant role in reducing fire risks, they are also very disruptive to millions of customers that include local governments, businesses, schools, and access and functional needs customers who rely on electric devices to survive. A PSPS is therefore a significant wildfire mitigation measure that must also recognize there is a mutual partnership with each local government and every affected customer. So it is equally important and necessary that IOUs alert local governments to a pending PSPS event but also maintain direct lines of communication during such events, and inform the entire customer base regarding expectations on when power will be restored. Doing so will go a long way toward restoring the public trust and helping customers understand the conditions that require a PSPS, and the conditions that allow for restoration of power."

ARGUMENTS IN OPPOSITION: San Diego Gas & Electric (SDG&E) states:

"create conflicting and redundant requirements and would not enhance public safety during de-energization events." SDG&E contends the bill "creates rigid mandates that undermine [the] existing regulatory framework that has been

thoughtfully developed by the Commission [CPUC] over the past decade. …The deliberate, thorough process at the Commission [CPUC] has resulted in the adoption of a comprehensive and evolving regulatory framework for PSPS events. …The iterative process at the Commission [CPUC] has been critical to ensure regulations can be adapted to changing conditions and adjusted to incorporate lessons learned from actual de-energization events. SB 559 would needlessly undermine substantial portions of the requirements and guidelines established by the Commission [CPUC] and make permanent new inflexible requirements that are not based on actual events, direct experience, or stakeholder feedback."

-- END --