

operators of telecommunications infrastructure. (Public Utilities Code §§8386, 8387)

- 5) Requires the CPUC and California Department of Fire and Forestry Protection (Cal FIRE) to enter into a memorandum of understanding (MOU) to cooperatively develop consistent approaches and share data related to fire prevention, safety, vegetation management, and energy distribution systems and to share results from various fire prevention activities, including relevant inspections and fire ignition data. (Public Utilities Code §8386.5)
- 6) Requires an electrical corporation, that has a contract for private fire safety and prevention, mitigation, or maintenance services, to only use those services for the direct defense of utility infrastructure when conducting fire safety and prevention, mitigation, and maintenance activities as determined by the electrical corporation and requires those electrical corporations to make an effort to reduce or eliminate the use of contract private fire safety and prevention personnel in favor of employing highly skilled and apprenticed personnel to perform those services in direct defense of utility infrastructure in collaboration with public agency fire departments having jurisdiction. States that nothing in the code section prohibits an electrical corporation from contracting with a public agency fire department or relevant agency. (Public Utilities Code §764)
- 7) Defines “prescribed burning” to mean the planned application of fire to wild land fuels on land selected in advance of that application to achieve, among other objectives, vegetation management, and prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels. (Public Resources Code §4464)

This bill:

- 1) Authorizes a fire protection district to require an electrical corporation or local publicly owned electric utility to notify the district at least 24 hours before performing a prescribed or controlled burn.
- 2) Provides that if the electric utility cannot provide 24 hours’ notice due to unforeseen circumstances, the electrical corporation or local publicly owned electric utility shall notify the fire protection district at the earliest possible time.
- 3) Requires the electric utility to provide notice to a fire protection district by both telephone and email.

Background

Electric utility-related wildfires. Wildfire represents the single most significant risk for all of California's investor-owned electric utilities (IOUs), according to the CPUC. Electrical equipment, including downed power lines, arcing, and conductor contact with trees and grass, can act as an ignition source. The risks for wildfires has increased with extended drought conditions, bark beetle infestation that has increased tree mortalities, extreme heat and high wind events, along with increased encroachment of development into forested and high-fire threat areas. In response to a number of catastrophic and deadly wildfires ignited by electric utility infrastructure, including the Camp Fire (2018), the state has passed many statutes to require electric utilities to mitigate the risk of their equipment igniting wildfires. Additionally, electric utilities shoulder the property liability risks and associated costs from wildfires ignited by their equipment through the application of inverse condemnation.

Wildfire mitigation plans (WMPs). Electrical equipment, including downed power lines, arcing, and conductor contact with trees and grass, can act as an ignition source. Risks for wildfires has increased with extended drought conditions, bark beetle infestation that has increased tree mortalities, extreme heat and high wind events, along with increased encroachment of development into forested and high-fire threat areas. After numerous wildfires, including several catastrophic and deadly wildfires, the state has passed numerous statutes to require electric utilities to mitigate wildfire risks, including requirements on electric utilities to file WMPs. The WMPs detail, describe, and summarize electric utility responsibilities, actions, and resources to mitigate wildfires. These actions include plans to harden their system and conduct vegetation management to prevent wildfire ignitions caused by utility infrastructure. The WMPs also require electric utilities to incorporate their protocols and procedures for proactive power shutoffs intended to be used as a last-resort to prevent wildfire ignitions, including required notifications to public safety agencies. Electrical corporations must file their WMPs with the OEIS at the Natural Resources Agency. The WSD reviews and determines whether to approve these plans and ensures compliance with guidance and statute. Local publicly owned electric utilities submit their plans to the Wildfire Safety Oversight Advisory Board, which reviews the plans and provides advisory comments.

WMP requirements to address crew-accompanying ignition prevention and suppression. Electrical corporations' WMPs are required to address crew-accompanying ignition prevention and suppression resources and services, and personnel work procedures and training in conditions of elevated fire risk. When utilities do this work, personnel and resources, which could be contracted for, or be a safety team of utility employees, are deployed who are trained to perform fire

prevention duties when at-risk work is performed. As an example, Southern California Edison's (SCE's) WMP has noted contract crews performing specified work, known as "hot work," are equipped with basic fire mitigation and suppression tools "with the goal of preventing ignitions and rapidly responding to incipient stage ignitions should one occur during the normal course of their work in the field." In the case of Pacific Gas & Electric (PG&E), the utility deploys safety and infrastructure protection teams (SIPTs) which have consisted of 40 two-person International Brotherhood of Electrical Workers (IBEW) crews, with 40 engines and associated equipment, who are trained and certified in safety and infrastructure protection. The SIPTs conduct numerous activities, including applying fire retardant to combustible utility infrastructure during wildfires, collecting fuels data to support decision-making related to deenergization events, and provide standby fire protection resources for PG&E crews performing work in the high fire threat districts during elevated risk conditions. In its WMP, PG&E has noted authorization to increase staffing for the SIPT.

Comments

Need for this bill. The fire protection districts in support of this bill note that electric utilities use "controlled burns" among the methods to manage vegetation and utility infrastructure in order to help prevent future wildfires. This is when a team will set a fire intentionally, in order to make that area less susceptible to wildfires in the future. The fire protection districts have previously expressed concerns that these vegetation mitigation efforts are being carried out by electric utility companies without the collaboration or even simple notification of the local fire district. As with all mitigation efforts, these burns, when done during high winds or high risk times have the potential to get out of control and lead to a deadly wildfire. Some fire protection districts have contended that electric utilities have resisted providing proper notification to local fire authorities when they are conducting controlled burns. To combat this, the City of San Ramon and Orinda have passed local ordinances which require electrical utilities to notify the fire district when doing maintenance in a fire risk zone. These measures attempted to improve communication and collaboration between the utilities and the Fire Districts locally.

Flexibility afforded. This bill authorizes fire protection districts to require at least 24 hour notification by an electric utility of a prescribed or controlled burn. The bill also provides some flexibility to the electric utility should 24 hour notice not be provided due to unforeseen circumstances, the utility must notify the fire protection district at the earliest possible time.

Dual Referral. Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Local Government.

Prior/Related Legislation

AB 2070 (Bauer-Kahan, 2022) would have authorized a fire protection district to require an electrical corporation or local publicly owned electric utility to notify the district at least 24 hours, via both telephone and email, before the utility performs specified work within the fire protection district's jurisdiction. The bill also would have established civil penalties for failing to provide the required notifications. The bill was held in this committee.

SB 247 (Dodd, Chapter 406, Statutes of 2019) made several changes related to the vegetation management requirements of electrical corporations, including: specifying qualifications and prevailing wages for line clearance tree trimmers, and other requirements.

AB 1054 (Holden, Chapter 79, Statutes of 2019) shifted the responsibility for review of WMPs from the CPUC to the WSD of the CPUC (temporarily located there) and made modifications to the review process, among other provisions.

AB 111 (Committee on Budget, Chapter 81, Statutes of 2019) required, by January 1, 2020, the CPUC to establish the WSD within the CPUC and required all functions of the WSD to be transferred to the OEIS, effective July 1, 2021.

SB 901 (Dodd, Chapter 626, Statutes of 2018) established the requirement that the WMPs of each electrical corporation meet a number of specified requirements, among other provisions.

SB 1028 (Hill, Chapter 598, Statutes of 2016) required electric IOUs to file annual WMPs and requires the CPUC to review and comment on those plans. The bill also required POU and electrical cooperatives to determine their risk of catastrophic wildfire that can be caused by their electric lines and equipment and, if a risk exists, submit WMPs to their governing board for its approval.

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

SUPPORT:

California Fire Chiefs Association
Fire Districts Association of California
Marin Clean Energy

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: The California Fire Chiefs Association and Fire District Associations state:

AB 3062 represents a crucial advancement in our ongoing efforts to prevent wildfires and enhance the safety of California's communities. It fosters essential collaboration between utility companies and fire districts, aiming to minimize the risk of accidental fires during critical mitigation activities. Such partnerships are vital for improving the efficacy of wildfire prevention strategies and safeguarding communities situated in highrisk zones. AB 3062 is a pragmatic and necessary measure that will substantially bolster our wildfire prevention capabilities and protect the lives and properties of Californians.

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