



New De-Energization Guidelines Implemented Just in Time for the 2019 Wildfire Season

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On May 30, 2019, the California Public Utilities Commission (Commission) adopted new interim guidelines for electric investor-owned utilities (IOUs) with respect to the controversial practice of de-energization of power lines for public safety purposes (also known as Public Safety Power Shutoffs) as part of its Decision (D.) 19-05-042 (Guidelines). The Guidelines adopt definitions, an advance notification framework, requirements for outreach and education, and reporting requirements.

This effort builds upon earlier rules for de-energization that were made applicable to all electric IOUs in Resolution ESRB-8 in 2018. The Commission issued the Guidelines in time for the 2019 wildfire season and intends to utilize lessons learned in their real-world application this year to further refine them moving forward. On June 9, 2019, utilities implemented Public Safety Power Shutoffs under the new Guidelines, which caused much public controversy and concern.

The Guidelines outline definitions for First Responders, Emergency Responder, and Public Safety Partners. For example, the Guidelines define Public Safety Partners to include first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, affected community choice aggregators and publicly-owned utilities/electrical cooperatives, the Commission, the California Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection.

Under the Guidelines' two-tier framework for advance notification of de-energization events, electric IOUs are first to provide notice to Public Safety Partners and other priority notification entities and secondarily to the rest of the general public. The Guidelines also identify certain categories of critical facilities and critical infrastructure within each of the Department of Homeland Security's Critical Infrastructure Sectors, for which electric IOUs are required to coordinate with and help to assess back-up generation needs. For example, the Water and Wastewater Systems Sector lists Facilities associated with the provision of drinking water or processing of wastewater including facilities used to pump, divert, transport, store, treat and deliver water or

wastewater. Other communication and coordination requirements set forth in the Guidelines aim to augment the State's existing emergency response framework.

The Commission recognized that the contentious practice of de-energization can have profound impacts on many stakeholders, in particular populations with particular access and functional needs. Additionally, de-energization presents challenges for local government and other utility services, such as for procuring back-up generation and air quality permits that may be associated with diesel generators. In addition to the provisions currently set forth in the Guidelines, the Commission indicated that it plans to further explore methods of mitigating those impacts of de-energization moving forward.

The Commission has compiled more information about de-energization on its webpage [here](#).

Please contact one of our attorneys or policy advisors if you have any questions about preparing for de-energization, other wildfire-related issues, or developments at the Commission.