

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine )  
Electric Utility De-energization of ) Rulemaking 18-12-005  
Power Lines in Dangerous Conditions ) (Filed Dec. 13, 2018)  
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**PUBLIC COMMENT**

**BY THE CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

The California State Council on Developmental Disabilities (SCDD) respectfully submits the following Public Comment on the Phase 3 Staff Proposal which is Attachment 1 to the Phase 3 Scoping Memo and Ruling issued in Rulemaking 18-12-005 on February 2021.

**BACKGROUND**

In 2020, the California Public Utilities Commission (Commission) ordered and adopted updated Phase 2 guidelines that provide for notification and services to those consumers, among others, who self-identify as having a person with a disability in the household, called Access and Functional Needs (AFN) consumers, in addition to the medical baseline consumers already notified per previous Commission rulings.

Phase 2 has been adopted by Commission and requires the Independently Owned Utilities (IOUs) to update the Commission on their efforts to keep the AFN community informed about upcoming Public Safety Power Shutoffs (PSPS). However, the current scheme under Phase 2 has an “opt-in” system, where anyone notifying the

IOUs of their AFN status will get notified. To date, there has been no requirement that the IOUs proactively notify the full AFN community to join the enhanced notification list.

SCDD brings this comment to address the Commission, and to state that the efforts thus far by the IOUs to notify consumers with a developmental or substantial disabilities has been insufficient to protect their safety and well-being during future PSPS events.

### **PHASE 3 PROPOSED UPDATED RULEMAKING**

The Commission has asked for comment from the parties on several issues.<sup>1</sup>

Relevant to SCDD and its stakeholders, the Commission has asked for further comment on:

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#### A. Community Resource Centers (CRCs)

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3. Each electric investor-owned utility must detail in its annual CRC plan how the CRCs will provide the services and supplies required to serve medical baseline and AFN populations as recommended by the respective local governments and health agencies.

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#### E. Education and Outreach

1. Each electric investor-owned utility must conduct public outreach, in all languages prevalent in its respective service territory, to communities in collaboration with relevant Community Based Organizations (CBOs) and public safety partners. Outreach must include after-event surveys and metrics to evaluate whether the awareness and outreach is helping communities and residents before, during, and after a de-energization event. Each electric investor-owned utility must report the survey results and metrics in its quarterly de-energization progress reports.

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<sup>1</sup> Attachment 1 to the Scoping Memo, February 19, 2021.

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## G. Medical Baseline and Access and Functional Needs (AFN) Communities

1. The following groups must be included in each electric investor-owned utility's identification efforts, in addition to the existing requirement for each such utility to "identify, above and beyond those in the medical baseline population":

- Persons reliant on electric life-sustaining equipment, persons eligible for the medical baseline program.

2. Each electric investor-owned utility must build partnerships with CBOs and healthcare providers, including but not limited to, those from county-level health and human services departments, public health departments, healthcare facilities, and clinics, to lessen the impact of de-energization events, and to improve outreach and assistance for AFN communities, and medical baseline eligible customers.

3. Each electric investor-owned utility must use its own list(s) of customers in groups subject to identification efforts and work with CBOs that conduct outreach in these AFN communities to identify customers who reside in multi-family buildings and rely on elevators to access or leave their residence. Each electric investor-owned utility must include its list in its pre-season report.

a. Each electric investor-owned utility must contact the building manager of the building(s) identified herein in preparation for wildfire season to ensure such facilities: 1) have forewarning, and 2) discuss backup generation resource options. Each utility must additionally notify these building managers prior to conducting a deenergization event.

b. Each electric investor-owned utility must provide information to paratransit agencies serving all the tenants of the buildings identified herein should any tenant need access to a community resource center during a deenergization event.

4. Each electric investor-owned utility must launch a program to support resiliency for customers that rely on medical equipment to sustain life, by providing them free backup batteries that energizes such medical equipment for at least six hours. This shall be reported in progress reports and post-season reports.

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## I. Notification

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3. Each electric investor-owned utility must develop a notification plan jointly with Cal OES, public safety partners, county, tribal, and local governments, independent living centers, paratransit agencies, and representatives of all subsets of people or communities with access and functional needs. Each electric investor-owned utility must finalize its notification plan in its pre-season report.

### **NOTIFICATION TO CONSUMERS WITH A DEVELOPMENTAL DISABILITY**

The PSPS Phase 2 guidelines include the requirement that the IOUs identify individuals from the community that may require advanced PSPS warning.

Unfortunately, the current Phase 2 guidelines and proposed discussion for the upcoming Phase 3 guidelines continue to be inadequate for many Californians with a developmental or severe disability. The progress reports from the several IOUs of recent PSPS events include notifications to consumers numbering in the hundreds per event, which is orders of magnitude less than the nearly 700,000 Californians that receive either in-home support and/or regional center services for their developmental or severe disability.

Simply put, the current Phase 2 guidelines require the consumer to notify the IOU if they are an individual who requires advanced notice, putting the burden on the consumer with a disability to opt-in to the enhanced notification measures, instead of the IOU. Undoubtedly, some Californians will not know of this requirement and may be left without power at a critical time of need given their individual medical need or

delicate living situation. It is an approach that is overly burdensome on all parties, including IOUs, and especially consumers.

The IOUs should be required to have a proactive inclusive plan for individuals with in-home support or regional center services, just as they already are required to do with the medical baseline consumers, to better address the individual needs of their consumers that may require additional services or accommodations before another PSPS event. Until this additional notification is required by regulation, or if necessary by statute, consumers with a developmental or severe disabilities will continue to be at risk.

### **THE CURRENT NOTIFICATION SYSTEM IS INADEQUATE**

The updated proposed guidelines have the same issues as the Phase 2 guidelines: the IOUs are required to reach out to consumers who have *self-identified* as an AFN consumer. The notification to these consumers is welcome, but the current rulemaking places the burden on the consumer to reach out to the IOU to get on the list. From the previous reports filed by some of the IOUs, it appears this current list may be small, on the order of a few thousand consumers; however, the number of consumers with a developmental or severe disability is several times the amount currently on IOU notification lists.<sup>2</sup> This is not an acceptable outcome for such a critical issue. It comes

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<sup>2</sup> See PG&E PSPS Report, December 7, 2020.

[https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News\\_Room/NewsUpdates/2020/PSPS%20Event%2012-07-20%20De-Energization%20Report.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/PSPS%20Event%2012-07-20%20De-Energization%20Report.pdf);

SDG&E PSPS Report, November 10, 2020.

[https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News\\_Room/NewsUpdates/2020/SDGE%20Oct%2026-27%202020%20PSPS%20Post%20Event%20Report.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/SDGE%20Oct%2026-27%202020%20PSPS%20Post%20Event%20Report.pdf);

SCE PSPS report, December 29, 2020.

[https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News\\_Room/NewsUpdates/2020/Dec%204-14%202020%20SCE%20PSPS%20Post%20Event%20Report.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/Dec%204-14%202020%20SCE%20PSPS%20Post%20Event%20Report.pdf)

far short of what is necessary to ensure the health and safety of this large population of Californians, as the IOUs are statutorily mandated to do.<sup>3</sup>

### **SCDD'S PROPOSED UPDATED GUIDELINES**

Respectfully, SCDD requests that the Commission impose a more concrete and certain notification requirement of the IOUs than what has been previously proposed.

The IOUs should be required to propose a plan by a date certain on how they intend to reach the hundreds of thousands of Californians that have a developmental or severe disabilities. The IOUs should be required to affirmatively state what steps they will take to ensure the safety of these consumers for each PSPS event. The burden for the plan should be on the IOUs, not on consumers with developmental or severe disabilities.

This plan should respond to input from disability advocate members of the IOU AFN Workgroup. More specifically, SCDD suggests the Commission order the IOUs to come up with a detailed plan within six months of its Phase 3 Final Decision and Rulemaking, of how, at a minimum, the IOUs intend to expand their notification to the AFN consumers, including those with a developmental or severe disabilities, how the IOUs can proactively notify AFN consumers of an upcoming PSPS event, and what further services, beyond mere notification, the IOUs could provide to keep AFN consumers safe.

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<sup>3</sup> Public Utilities Code § 399.2(a)

## CONCLUSION

The State Council on Developmental Disabilities respectfully requests that the Commission issue its Phase 3 Rulemaking Decision with further protections for AFN consumers with developmental or severe disabilities than currently proposed, and order the IOUs, not the consumers, to propose a timely plan on how they will identify those who would be at risk in the AFN community in future PSPS events, and what steps the IOUs will take to keep some 700,000 Californians safe.

Respectfully Submitted,

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