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Via E-Mail

Ronald DeMayo
Program and Project Supervisor
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Notice of Violation Southern California Edison 2021 Public Safety Power Shutoff Events

Dear Mr. DeMayo:

I'm writing to provide a response to the Notice of Violation (NOV) that the Safety Enforcement Division (SED) issued on April 7, 2023 to Southern California Edison (SCE) concerning SCE's 2021 Public Safety Power Shutoff (PSPS) events. The NOV alleges that SCE failed to comply with the California Public Utilities Commission (Commission or CPUC) guidelines related to notifications (i.e., customer notifications, notifications to the Director of SED and public safety partners), and requirements related to PSPS post-event reporting. These guidelines were adopted by the Commission in Resolution ESRB-8, Decision (D.) 19-05-042, D.20-05-051, D.21-06-014, D. 21-06-034, and the Administrative Law Judge's Ruling on the Post-Event Report Template issued on October 18, 2021.

SCE appreciates SED's careful review of SCE's execution of 2021 PSPS events and post-event reporting. SCE remains committed to improving its PSPS program to promote public safety, reduce impacts on affected customers and communities, and comply with applicable PSPS guidelines. SCE understands SED's important role in supporting compliance with Commission directives and is fully committed to working with SED to help ensure compliance requirements are understood and implemented appropriately.

SCE also appreciates the opportunity to review and respond to the NOV. SCE acknowledges most of the alleged violations and has already implemented, or is in the process of implementing, process improvements to address them. Overall, the 2021 PSPS season was very challenging, with extreme

weather necessitating eight de-energization events and two high-threat events that came close to necessitating de-energization. Additionally, in 2021 SCE expanded the use of sectionalization during events and strived to provide in-event customer notifications at the more granular circuit segment level. This was part of SCE's strategy to minimize customer de-energizations and reduce over-notifications. This effort, while successful, added complexity to the notification process by necessitating the development of custom notification campaigns for multiple circuit segments per individual circuit, each affected by dynamic weather conditions in real-time.

In addition to that complexity, SCE had to manage these events manually without automation, which led to notification delays and inadvertent errors in its post-event reporting. These challenges were compounded by new PSPS notification, reporting and other requirements adopted by the Commission in June 2021 (specifically in PSPS decisions D.21-06-014 and D.21-06-034) and again modified in mid-October of 2021 (via email ruling issuing SED's new post-event report template). The issuance of the reporting template coincided with back-to-back PSPS events. Although SCE made a concerted effort in 2021 to overhaul its post-event reporting and other processes to conform to the new Commission requirements, SCE was not able to immediately implement some of the more substantive ones such as sending cancellation notices within a 2-hour timeframe, providing a detailed breakdown of missed notifications in post-event reports, or incorporating more granular reporting on "AFN other than MBL" customers.

Recognizing these challenges, SCE undertook major company-wide efforts beginning in 2021 to improve its PSPS program. These included system enhancements, automation, reporting process improvements, and new customer support programs and services. Many of these efforts were part of SCE's 2021 PSPS Corrective Action Plan (Action Plan) outlining corrective actions to meet five core objectives: 1) reduce the need for PSPS, 2) execute PSPS events more effectively with transparency into the decision-making process, 3) mitigate the impacts of PSPS events, 4) keep partners and customers clearly and consistently informed, and 5) enhance and improve post-event reporting. Throughout 2021 and 2022, SCE regularly met with SED staff to provide updates on the implementation of the Action Plan and actively seek feedback on SCE's performance. On June 16, 2022, SCE advised the Director of SED that it had completed 131 out of 132 corrective actions identified in its Action Plan and requested formal closure of the Plan.¹

Although SCE began working on a number of these improvement projects in 2021, many were not yet in place during the 2021 fire season. These projects have since remediated, or are expected to remediate many of the issues identified in the NOV. As explained in more detail below, SCE has since successfully remediated 15 out of 26 alleged violations in the NOV. SCE further expects that

¹ See June 16, 2022 Letter from Tara Kaushik to Director Lee Palmer, confirming substantial completion of the Action Plan and noting that completion of the sole remaining action (development of a behind-the-meter microgrid for a school district in Fontana) has been delayed indefinitely due to circumstances beyond SCE's control.

it will remediate another two alleged violations through additional process improvements currently underway and expected to be completed either this year or at the latest before the 2024 fire season. SCE would like the opportunity to discuss four alleged violations (e.g., evaluation of public safety partner engagement) with SED staff to get further guidance and to align on expectations for compliance with the requirements at issue. SCE respectfully disagrees with the remaining five alleged violations for reasons noted herein.

Again, SCE appreciates SED's review of the 2021 PSPS reports, and the collaborative approach taken during the implementation of SCE's Action Plan. As discussed further in this response, there is a degree of complexity to SCE's PSPS operations, such that perfect notification performance may never be achievable. However, SCE remains committed to further improving its PSPS program and looks forward to continued partnership with SED to reduce impacts of PSPS on the customers and communities we serve.

Alleged Violations Already Remediated

This section describes alleged violations identified in the NOV that were already remediated during the 2022 PSPS season. The 2021 alleged violations were mostly attributable to challenges associated with adapting SCE's post-event reporting to new requirements issued in June 2021, as well as the new reporting template issued in October 2021 while actively managing PSPS events. SCE has since improved its quality control process for its post-event reporting, as well as implemented data enhancements through its Centralized Data Platform (CDP) discussed further in the next section. Throughout the 2021 PSPS season, SCE also took steps to improve its post-event reporting through its Action Plan, including consulting with Commission staff and other stakeholders on template improvements.²

1. Identify and quantify customer, resident, and general public risks and harms from de-energization (June 14)

The NOV states: "D.21-06-014 places additional requirements in the Post Event Report. For the June 14 event, SCE failed to 'identify and quantify customer, resident, and the general public risks and harms from de-energization' and clearly explain risk models and risk assessment processes."³

D.21-06-014 was issued on June 7, 2021, just prior to SCE's June 14 high-threat event. As noted above, new or clarified substantive Commission requirements take some time to implement, and it was particularly challenging for SCE to pivot to new processes while concurrently managing PSPS activations. Following the issuance of D.21-06-014, SCE developed a quantitative In-Event Risk

² See SCE's Corrective Action Plan, Corrective Action 5, pp. 59-60.

³ NOV, p. 8.

Comparison Tool (Tool).⁴ Starting with its September 2021 PSPS event, SCE utilized the Tool to quantify and weigh the potential harm of PSPS and include the results in its PSPS post-event reports.⁵ The Tool provides an event-based quantitative comparison of risk scores to inform de-energization decision making. SCE calculates risk scores from this Tool – one for PSPS risks and one score for wildfire risks. These risk scores are compared to each other by dividing the wildfire risk score (i.e., the potential benefit of PSPS) by the PSPS risk score (i.e., the potential public harm of PSPS), yielding a benefit/risk ratio for each circuit in scope of the PSPS event. The PSPS risk and the benefit of de-energization (wildfire risk) are modeled independently and provided to incident commanders during PSPS activations. The Tool is used to validate SCE’s decision-making for de-energization during an IMT activation.

2. *Missing descriptions including counties, alternatives evaluated, notification failures, deviations from CRC operating hours, Public Safety Partner notifications, power restoration, and qualitative and quantitative factors considered*

The NOV alleges that various post-event reports were missing descriptions, such as the omission of counties (when the attachment included the counties),⁶ description and evaluation of alternatives,⁷ explanation and correction of notification failures,⁸ description of operation of community resource centers (CRCs) outside of normal operating hours,⁹ description of why one PSP was not notified, a description of an incorrect power restoration notification,¹⁰ and a description of the qualitative and quantitative factors considered in calling, sustaining, or curtailing each de-energization event.¹¹

SCE acknowledges some inadvertent omissions from its post-event reports. SCE began implementing a more robust post-event reporting process, including enhanced quality control, in the fall of 2021, which was in place for the 2022 PSPS season. SCE also began including descriptions of the qualitative and quantitative factors considered in calling, sustaining, or curtailing de-energization events beginning with its September 2021 event, following the issuance of the SED template.

⁴ Prior to September 2021, SCE performed a more qualitative assessment of the risks and benefits of PSPS, as noted in its June 14, 2021 post-event report, considering many factors including potential impacts on public safety partners and customers in de-energized areas. See, e.g., June 14, 2022 Post-Event Report, p. 3.

⁵ See Section 2. Decision-Making Process in SCE’s post-event reports starting with the September 30, 2021 post-event report.

⁶ NOV, p. 3.

⁷ *Id.*

⁸ NOV, p. 8.

⁹ NOV, pp. 7-8.

¹⁰ NOV, p. 7.

¹¹ NOV, p. 8

3. *Omitting notification data on Critical Care customers, MBL customers (Jan 2021) and self-certified customers (October 22)*

The NOV alleges that “[f]or the January 12-21 event, SCE did not provide the number of critical care customers notification attempts made, nor track medical baseline customers for positive notifications.”¹² SCE notes for clarification, critical care customers are a subset of SCE’s MBL customers—there is no separate “critical care” tariff. In addition, the NOV states that “[f]or the October 22 event, SCE did not report the number of positive notifications made to Self-Certified Vulnerable customers.”¹³

SCE acknowledges the inadvertent omission of MBL customer positive notification information prior to October 2021. SCE began providing this information in its post-event reporting after SED issued a standardized reporting template in October 2021 that included a “Positive Notification” table and continued to provide the data in 2022. Also, SCE is not aware of a Commission requirement, or requirement in the SED post-event report template, for notifications to critical care customers to be reported separately from MBL customers. Pursuant to Commission decisions and SED’s template, IOUs are to report on “those customers where positive or affirmative notification was attempted” including information regarding “which tariff and/or AFN population designation).”¹⁴ As of 2022, SCE accounts in its post-event reports for notifications to the following categories of AFN customers: MBL and self-certified sensitive.

SCE also made attempts to affirmatively notify self-certified vulnerable customers, but did not yet have the capability to reliably track and report this information. SCE later developed this capability and started providing the data on self-certified customers beginning with its November 21, 2021 post-event report.

4. *Missing GIS information (October 2022)*

The NOV states that “[f]or the October 22 event, SCE did not include a zipped geodatabase file that includes PSPS event polygons of de-energized areas or event damage and hazard points.”¹⁵

For clarification, SCE uploaded the zipped geodatabase late, on January 24, 2022 to on.sce.com/PSPSpsteventreports. Subsequently, SCE developed additional quality control steps in the process to help ensure the zipped geodatabase is uploaded on time.

5. *Missing information on communication method preferred by any entity invited to the utility’s EOC*

¹² NOV, p. 4.

¹³ NOV, p. 9.

¹⁴ D.19-05-042, pp. 107-108.

¹⁵ NOV, p. 9.

The NOV states that “[f]or the Post Event Reports submitted for the events on June 14, September 29-30, October 11-12, October 15-16, and October 16-18, SCE failed to report whether a different form of communication was preferred by any entity invited to the utility’s Emergency Operations Center.”¹⁶

SCE remediated this issue halfway through the 2021 PSPS season. Starting with the October 22, 2021 PSPS event, SCE included information in its post-event reports on whether a different form of communication was preferred by any entity invited to its emergency operation center.

6. Missing service links

The NOV states that “for the January 12-21, April 13, and June 14 reports, the service link did not link to the utility’s post event report rather, only the SCE’s wildfire page.”¹⁷

SCE acknowledges there were some inadvertent anomalies with historical links to its publicly available post-event reports. In early 2022, SCE modified its links to make PSPS compliance reporting more easily accessible on its website. On January 31, 2022, SCE notified the service lists of R.18-12-005 and R.18-10-007, that SCE’s PSPS post-event reports can be viewed and downloaded at on.sce.com/PSPSposteventreports. Since that time, SCE has included this link in its service emails for PSPS post-event reports.

7. SCE reported more cancellation notifications than de-energization notifications sent for certain 2021 events without an explanation for the false communication (October 11, October 15, October 22)

The NOV alleges that SCE sent event cancellation notifications to more customers than it sent the de-energization notifications for PSPS events on October 11-12, October 15-16, and October 22 events, but had not explained the cause of the false communications.¹⁸

SCE acknowledges this error, and subsequently took steps to resolve it through CDP automation and by developing data definitions around collection of this data. This was fully implemented in April 2022, and the corrected data definitions for the Cancelled and Notified metrics were utilized to collect and report the data in SCE’s 2022 post-event reports.¹⁹ In addition, beginning in 2022 SCE has consistently explained cancellation notices in the “false communication” section of its post-event reports.²⁰

¹⁶ NOV, p. 8.

¹⁷ NOV, p. 3.

¹⁸ NOV, p. 7.

¹⁹ See, e.g., SCE Post-Event Report for November 24, 2022 PSPS Event, p. 5, n.6.

²⁰ See, e.g., *id.* p. 29, Section 7 (False Communications) (“6 customers in scope but not de-energized were sent cancellation notices even though they had not been sent any pre-event notices . . .”).

8. *Combined complaints and claims data (October 16-18)*

The NOV alleges that “SCE did not report the number of complaints and claims separately, as required by ESRB-8.”²¹

SCE does not combine complaints and claims in its post-event reports (claims are reported in a separate table); however, there appears to be an inadvertent error in the narrative for the October 16, 2021 high-threat post-event report. Consistent with “Table 8: Count and Nature of Complaints Received” provided in this post-event report, SCE received 6 complaints associated with this high-threat event. SCE received no claims associated with this high-threat event. SCE acknowledges the inconsistency in the narrative and table and, as of the 2022 PSPS season, has developed a more robust internal review process for its post-event reports, including for the Complaints and Claims section, to mitigate any similar inconsistencies in future. SCE also began enhancing its PSPS complaint tracking capabilities in the third quarter of 2021 in response to the Commission’s directive in D.21-06-014 that IOUs “should establish an internal tracking process for [PSPS] complaints” and “collaborate with SED” in developing the complaint tracking system.²² In 2021, the IOUs jointly developed a proposed table for reporting PSPS complaints in post-event reports, submitted the proposal to SED for review and approval, and finalized the table based on SED’s feedback. Subsequently, in 2021 SCE devised a manual process for capturing and reporting complaints. Concurrently with that effort, in 2022 SCE worked towards partially automating the complaints process and continues to make further enhancements towards additional automation.

Remediation Efforts Currently in Progress

This section describes the alleged violations identified in the NOV that SCE is in the process of remediating as part of ongoing performance improvement efforts. In particular, these performance improvement efforts are focused on providing timely notifications at the beginning of a de-energization event, when re-energization begins, and when re-energization is complete, and including estimated restoration time in notifications to customers, public safety partners and the SED director. SCE began to address shortcomings in its PSPS notification performance through the Action Plan, including accelerating its efforts to improve weather forecasting, implementing short term improvements to better integrate the notification process with PSPS operations, and designing the CDP to automate the notification process in the long-term.²³

1. *Notifications “at the beginning of a de-energization event, when re-energization begins and when re-energization is complete” and “cancellation notices”*

²¹ NOV, p. 3.

²² D.21-06-024, p. 282, OP 75. SCE also address complaint tracking through its Action Plan. See SCE’s Corrective Action Plan, Corrective Action 5.A, p. 59.

²³ See SCE’s Corrective Action Plan, Corrective Action 2.B, pp. 16-17, and 2.C.1, pp. 17-19.

The NOV states, "...we found that between the twelve 2021 PSPS de-energization events, 42,225 customers were not notified before de-energization, 32,634 customers were not notified before re-energization, and 22,290 were not notified when re-energization was complete."²⁴

SCE strives to provide these notifications to its customers affected by PSPS events, but operational challenges in 2021 associated with managing PSPS events with largely manual processes affected SCE's ability to provide these notifications to customers. SCE began developing the CDP in 2021 to automate PSPS scoping and initial weather forecasting, customer notifications, and ultimately data capture processing to support post-event reporting. The CDP was utilized for the first time during the 2022 PSPS season and helped streamline the process of issuing pre-event notifications to customers on circuits forecasted to be in scope for potential de-energizations.²⁵ SCE continues to enhance existing capabilities deployed through CDP to improve the timing and accuracy of its notifications. SCE is also planning future enhancements to its situational awareness capabilities and weather forecasting models, which are expected to further reduce potential missed or delayed notifications.

The sudden onset of unexpected extreme weather conditions that escalated fire risk was another challenge that affected SCE's ability to provide notifications before de-energization. In some cases, extreme, unexpected weather events can necessitate de-energization before SCE can send notifications to affected customers, even with the automated processes implemented after the 2021 PSPS season. To remedy this, SCE continues to enhance its weather forecasting capabilities through expansion of machine-learning weather modeling, which improves the accuracy of forecasts as additional observed-weather data is collected from its expanding network of weather stations and incorporated into the models.²⁶ However, it is not scientifically possible at this time to precisely pinpoint the exact location and magnitude of damaging winds at 24-72 hours, or in some cases even at 1-4 hours, before a de-energization decision is made. Even though SCE runs multiple sophisticated weather models,²⁷ no forecast is perfect due to limitations in the science of weather prediction. These limitations are not specific to SCE, as weather is subject to unpredictable and sudden changes, and it is not always possible to stay ahead of all those changes and identify in advance every potentially impacted circuit. That said, SCE will continue its efforts to enhance its weather modeling, as discussed, and expects its notification performance to improve accordingly.

²⁴ NOV, p. 1.

²⁵ With the new, more automated notification system, in 2022 SCE was able to reach nearly all (99%) of customers on circuits that were forecasted to be in scope for de-energization at 24-48 hours and 1-4 hours before anticipated start of the period of concern. However, SCE was unable to notify in advance a significant number of impacted customers during the November 19, 2022 PSPS event due to sudden onset of dangerous weather conditions in the vicinity of circuits that had not been forecasted in scope.

²⁶ See SCE's 2023-2025 WMP, pp. 499-518.

²⁷ SCE uses state-of-the-art modelling technology calibrated to realized weather conditions and terrain in its service territory. SCE's modeling suite includes 18 high-resolution dynamic weather models downscaled to 1- or 2-km resolution using multiple initial sources to account for forecast uncertainties. Additionally, SCE relies on machine learning models to continuously improve forecast accuracy.

Regarding cancellation notices, the requirement to send such notices arises from D.21-06-034, which was issued on June 24, 2021. Notably, that Decision directs the IOUs to “make every attempt” to notify all affected entities of a de-energization event within two hours of the decision to cancel, but clarifies that this is “not a strict requirement.”²⁸ The Decision “acknowledge[d] the sequencing of communications . . . may make it impractical to provide notification of a cancellation within two hours of the decision. . . .”²⁹ Thus, while missing a cancellation notification is not a *per se* violation of the Decision, during the latter half of 2021, SCE worked diligently to update its notification and reporting processes to meet the Commission’s cancellation notice directive. The new process for sending cancellation notices did not function smoothly during the noted events in 2021 due to the lack of automation. SCE has since refined these processes and timely sent cancellation notices to over 96% of customers subject to cancelled PSPS events in 2022.

2. *Inconsistent GIS information (October 2022)*

The NOV states that “SCE provided inaccurate public safety partner geospatial information due to the tabular format data not matching the graphic format for the Post Event Reports on the September 29-30, October 11-12, October 15-16, October 16-18, October 22, November 21-22, and November 24-26 events...”³⁰

SCE noted in its PSPS Post Event reports (available at on.sce.com/PSPSposteventreports) that it is aware that the Portal tabular format data does not match the graphical format due to a system limitation, and is working to correct this issue.³¹ SCE will aim to put a process in place to match the PSP geospatial information in both Portal and Post Event reports by the 2024 Fire Season.

Alleged Violations SCE Seeks to Clarify/Discuss with SED

In this section, SCE respectfully requests further dialogue with SED to clarify certain alleged violations identified in the NOV and associated PSPS decision requirements. As explained below, SCE endeavored in 2021 to comply with these reporting and notification requirements as it understood them. Based on the NOV, SED found insufficient SCE’s (i) threshold examination in post-event reports, (ii) evaluation of engagement with public safety partners in post-event reports, and (iii) notice content related to estimated restoration time. SCE would like to meet with SED to align on the interpretation of these requirements and clarify expectations for implementation in order to ensure future compliance.

²⁸ See D.21-06-034, p. 128.

²⁹ *Id.*

³⁰ NOV, p. 8.

³¹ See, e.g., SCE’s November 24, 2021 Post Event Report, where SCE noted “[b]efore and during the PSPS event, SCE provided public safety partners with accurate and timely geospatial information and near real-time updates to GIS shapefiles via the SCE Representational State Transfer Service (REST) and on the Public Safety Partner Portal (Portal). SCE is aware of and working to resolve a limitation the Portal has in which tabular format data does not match the graphical format.” p. 31.

1. Threshold Examination Description in Post-Event Reports

The NOV states that SCE allegedly violated D.21-06-014 because it did not present a threshold examination description for de-energization in its 2021 PSPS post-event reports.³²

SCE notes that its post-event reports do include a detailed threshold analysis in Section 2 (Decision-Making Process). In addition, SCE addressed the adequacy of its thresholds in Section 11 (Lessons Learned), noting that “SCE believes our thresholds are adequate and correctly applied in de-energized areas, as detailed in Attachment B [to the report].”³³ SCE monitors its PSPS thresholds to help ensure PSPS is used only as a last resort and is transparent with the Commission and stakeholders about any changes. For example, in early September 2021, SCE updated its PSPS decision-making technical paper on SCE.com to announce that SCE raised the Fire Potential Index (FPI) threshold for most HFRA circuits from 12 to 13, effective September 1, 2021.³⁴ SCE briefed the Commission about the FPI threshold change during the Action Plan bi-weekly update meeting on August 31, 2021, and this topic was also an SCE discussion point during the September 7, 2021 meeting with CPUC, CalOES, and Cal FIRE. More recently, SCE disclosed in its 2023-2025 Wildfire Mitigation Plan an effort to partner with an expert technical firm to evaluate PSPS wind thresholds using advanced, risk-based modeling techniques.³⁵ Information is also available on SCE’s website, which includes an infographic, factsheet, and technical paper related to SCE’s decision-making process. SCE hopes to further discuss this requirement with SED staff to align on interpretation and expectations for compliance.

2. Evaluation of engagement with local and state Public Safety Partners in post-event reports

The NOV notes that utilities are required to evaluate engagement with public safety partners, but notes for January 12-21, April 13, June 14 and September 29-30 events, SCE only described the engagements but did not evaluate them.³⁶

SCE includes in Section 12 (Other Relevant Information) of every post-event report the results of an engagement survey SCE conducts during PSPS events, which captures feedback from public safety partners on SCE’s in-event engagement efforts. To the extent the survey information is not sufficient as an evaluation of public safety partner engagement (or if SED would prefer to see this information in Section 6 (Local and State Public Safety Partner Engagement) section of the post-event reports, SCE seeks to discuss this matter with SED staff to align on expectations for the type

³² NOV, p. 8.

³³ See, e.g., SCE’s Post-Event Report for November 21, 2021 PSPS Event, p. 56.

³⁴ See [sce.com/pspsdecisionmaking](https://www.sce.com/pspsdecisionmaking); see also SCE’s Post-Event Report for September 30, 2021 PSPS Event, p. 7 (“Starting on September 1, 2021, SCE had set the FPI at 13 for most areas and most events based on a risk analysis of historical fire data.”).

³⁵ See SCE’s 2023-2025 Wildfire Mitigation Plan at p. 787, submitted on March 27, 2023, for additional information on this effort.

³⁶ NOV, pp. 3-4.

of information, placement in the post-event report, and level of detail to comply with this requirement.

3. Estimated Restoration Time in Notifications to Customers and SED Director

The NOV states that “[f]or the January 12-21, April 12-13, and September 29-30 events, SCE did not include the estimated restoration time” in its notifications to the Director of SED.³⁷ In addition, “SCE did not notify customers of the estimated time of power restoration as required in A22-A23.”³⁸

In 2021 and 2022, SCE provided the estimated time to power restoration as a range, stating that power is typically restored within eight hours (*i.e.*, 0-8 hours) after the end of the period of concern, with additional updates on restoration activities provided on SCE.com. In D.19-05-042, the Commission directed IOUs to provide to customers “the estimated time to power restoration” noting that it “may be communicated as a range.”³⁹ SCE errs on the side of caution by providing a conservative restoration time range that captures most situations and is based on historical experience. It is difficult to provide more precise circuit or segment-specific estimated restoration times (or even ranges) during a PSPS event due to a number of factors, and SCE does not currently have the capability to increase the specificity of such notifications. First, our circuits vary widely in length and layout/topology, traverse a wide variety of terrain types, and are often reconfigured in-event to reduce PSPS impacts on our customers. Although SCE makes every effort to pre-stage patrol resources in areas where weather conditions are forecasted to abate first, weather is very dynamic and we often need to shift resources to follow winds as they subside. Considerations such as whether the restoration patrol requires aircraft support, access to difficult to reach locations, and time of day (daylight is required for aircraft patrols) are also critical to determining estimated restoration times and can vary widely from event to event depending on the environmental conditions in the field. In addition, these operational restoration processes must be coordinated with the notification system so that any updates to restoration times can be timely communicated to customers. SCE always strives to restore power to customers as quickly as possible. As a result, in 2022 many impacted customers were re-energized within one hour after the All-Clear declaration/authorization to patrol.

In 2023, SCE is prioritizing near-term system enhancements for its data collection, reporting, and notifications, but is also exploring options for enhancing its estimated restoration time functionality ahead of the 2024 PSPS season to be more dynamic. Additionally, a corporate continuous improvement project is being launched to improve SCE’s outage management and communication process as a whole (including PSPS), and SCE is hopeful that this project will bring additional specificity to restoration times regardless of outage type. SCE would appreciate the opportunity to

³⁷ NOV, p. 2.

³⁸ NOV, p. 7.

³⁹ D.19-05-042, Appendix A, p. A17.

further discuss the estimated restoration time requirement with SED staff to ensure alignment on the future functionality with expectations on more closely meeting this directive.

SCE's Interpretation of Decision Requirements Related to Other Alleged Violations

This section provides information refuting several alleged violations related to certain reporting and notification requirements. SCE respectfully submits that (i) the Commission has not, to date, defined timing of a PSPS event for reporting purposes and distinguishes between PSPS and de-energization, (ii) certain alleged violations in the NOV appear to be based on retroactive application of Decision and template requirements issued by the Commission after the PSPS events in question, (iii) missed advance notifications are not necessarily violations of the Commission's notification guidelines (i.e., the requirement to notify is triggered when the IOU reasonably believes de-energization is likely), (iv) there can be no missed advance or in-event notifications during high-threat events because no customers are de-energized, and (v) customers on the Medical Baseline tariff are by definition account holders and cannot be "behind-the-meter," nor does the Commission require IOUs to identify and directly notify behind-the-meter tenants.

1. Reporting on January 12-21 De-energizations in One Post-Event Report, 2021

The NOV alleges that "SCE initiated de-energization three times" between January 12 and January 21, 2021, but "submitted one report combining each of the three PSPS events" in violation of Resolution ESRB-8.⁴⁰ Based on SED's determination that each de-energization in January 2021 was a discrete PSPS event, the NOV also asserts that because SCE allegedly "incorrectly consolidated the reports for the three power shutoffs in January," two of the 2021 post-event reports were submitted late (on February 4 instead of January 29).⁴¹

SCE respectfully disagrees that defining consecutive de-energizations in January 12-21, 2021 (with 24 hours or less in between) as one continuous PSPS event for reporting purposes violated applicable PSPS guidelines or that the corresponding post-event report was submitted late. The CPUC has, to date, declined to define "timing of each de-energization event" with respect to post-event reports, and has not established what constitutes the beginning and end of a PSPS event. In D.21-06-034 issued in June 2021, the Commission considered but did not adopt Staff's proposed definition of the term "timing of each de-energization event," and thereby left that determination to the IOUs' discretion.⁴² In that same decision, the Commission has made clear that "PSPS" should

⁴⁰ NOV, p. 2; *see also id.* p. 1, n.1 ("[T]en Post Event PSPS reports were submitted for twelve PSPS events [in 2021]. Only one report was submitted for the three PSPS events in January 2021.").

⁴¹ *Id.* p. 3, *see also id.* p. 2, Table 2.

⁴² *See* D.21-06-034, pp. 85-86 ("We now address the staff's proposal to include a definition of the phrase 'timing of each de-energization event' with respect to post-event reports, for purposes of establishing the beginning and end of a PSPS event We are unable to conclude that including a definition of this phrase would be helpful Therefore, to avoid causing additional confusion, we refrain from adopting a

not be conflated with “de-energization.” The Commission distinguished the term “PSPS” from the term “de-energization” by clarifying that “PSPS” encompasses “a broader range of topics, including, for example, notice before the power is shut off, than may be associated with just the ‘de-energization’ itself.”⁴³

Accordingly, it was reasonable and consistent with PSPS guidelines for SCE to treat the January 14, 2021 event as one PSPS event, and SCE did not “combine” three PSPS events into one report, as alleged in the NOV. Although SCE referenced three consecutive Periods of Concern (POCs) in its post-event report for the January 14, 2021 PSPS event, that event was managed and documented as one continuous PSPS event for emergency management, notification, and reporting purposes, with SCE’s Incident Management Team activated between January 12 and January 21, 2021. One reason for three de-energizations in the course of one PSPS event is that SCE makes every effort to temporarily restore customers during extended breaks in fire weather conditions. In those instances, SCE also communicates to the customers via a “PSPS Temporarily Restored – Not All Clear” notification that they are only “temporarily restored,” and that “PSPS risk remains.”

SCE’s approach is both practical from an operational perspective in which SCE must navigate dynamic weather systems across its vast service territory, and aligned with the CPUC’s advance notification guidelines – 48-72 hours advance notice to public safety partners and other priority notification entities, 24-48 hours advance notices to impacted customers – as the breaks between the three POCs during the January 14, 2021 PSPS event were within 24 hours or less. For example, if SCE were to treat each POC as a separate PSPS event with its own notifications, customers impacted by more than one PSPS event could potentially be confused by receiving an “All Clear” notification for the first PSPS event, but then still be in scope for a subsequent PSPS event less than 24 hours later. Accordingly, in compliance with the CPUC’s minimum timeline for advance customer notifications of 24-48 hours and to avoid customer confusion from overlapping or conflicting notifications, SCE notified customers impacted by the January 14, 2021 PSPS event of one de-energization event, rather than sending separate, overlapping sets of notifications.

2. Retroactive Application of Reporting Requirements Issued after June 2021

The NOV includes several alleged violations of CPUC reporting guidelines that post-dated the PSPS events and post-event reports in question. Specifically, SED faults SCE for not reporting a breakdown of missed notifications by notification type in post-event reports for January 12, 2021, April 13, 2021, and June 14, 2021 events.⁴⁴ Based on the alleged reporting “omission,” SED

definition of this term at this time.”). The Commission acknowledged there could be some ambiguity where “it is unclear whether the IOUs are presenting PSPS events together, as a single event,” but concluded that “the proposed definition fails to provide sufficient guidance to this problem.” *Id.* p. 86.

⁴³ D.21-06-034, p. 53; *see also* Draft Staff’s Unofficial Compendium of Public Safety Power Shutoff (PSPS) Guidelines and Rules (as of July 5, 2022), p. 2, n.1.

⁴⁴ NOV, p. 2 n.2 (alleging that “[t]he combined January 12-21 event report did not include a breakdown of the three types of notifications required in D.19-05-042” and that this alleged omission is a “reporting error”); *id.* pp. 4-5, Table 3 (alleging that SCE did not report missed advance and/or imminent

assumed that no advance notifications were provided to **any** of the tens of thousands of de-energized customers during January 2021 and April 2021 events and alleged that “SCE failed to meet the advance notification requirements” for these events.⁴⁵

SCE respectfully disagrees with this retroactive application of reporting requirements first adopted by the Commission in June 2021 (and incorporated by SED into a reporting template in mid-October 2021) to PSPS events in January, April, and June of 2021. Although the Commission adopted a minimum PPS notification timeline in D.19-05-042, it was not until the issuance of D.21-06-014 on June 7, 2021 that the Commission first required and provided guidance on **reporting** whether or when the various notification types had been sent.⁴⁶ SCE could not have violated a PPS reporting guideline that did not exist or was unclear at the time of the alleged violations. And it would be incorrect to assume based on the post-event reports that SCE did not notify any of the de-energized customers in these events because detailed information demonstrating compliance with notification guidelines was not required to be reported until after June 2021.

In D.21-06-014, the Commission also directed the IOUs to collaborate with SED on developing a standardized post-event reporting template, emphasizing “the need for the utilities to use a standardized template as a basis for organizing **and gauging the appropriate level of detail required** by in the 10-day post-event reports.”⁴⁷ Pursuant to D.21-06-014, on October 18, 2021, the Commission issued a post-event report template by email ruling, stating that “[u]tilities should rely on this template **for future reporting**.”⁴⁸ The template incorporated the Commission’s new requirement to report a breakdown of missed notifications.⁴⁹

SCE made every effort to conform its post-event reporting to the new template as soon as the template was made available, as demonstrated by post-event reports for October-November of 2021. As noted in the post-event report for the October 15, 2021 PPS event, the issuance

notifications in its post-event reports for January 12-21, 2021, April 13, 2021, or June 14, 2021 events); *id.* p. 3 (stating that “[t]he report must also include the “number of affected customers, broken down by residential, medical baseline, commercial/industrial, and other” and provide “the local communities’ representatives the IOU contacted” along with the tier classification (3). SCE failed to do so for the January 12-21 and April 12-13 events and did not provide the tier classification for the June 14 event.”) NOV, p. 4, Table 3.

⁴⁵ NOV, p. 4, Table 3.

⁴⁶ In D.21-06-014, the Commission adopted a new requirement to report in post-event reports missed notifications broken down by notification type, along with “an explanation of what caused these failures.” *See* D.21-06-014, p. 92; OP 7, pp. 285-286 (emphasis added) (“PG&E, SCE, and SDG&E **shall provide information on the following notice topics, at a minimum, in the 10-day post-event reports: . . .**”)

⁴⁷ *Id.* p. 269 (emphasis added); *see also id.* p. 91.

⁴⁸ *See* R.18-12-005 (PSPS Rules & Guidelines) Email Ruling Issuing Template for PSPS Post-Event & Lessons Learned Reports, October 18, 2021 (“[T]his email ruling serves to issue the template prepared by the Commission’s Safety and Enforcement Division (SED) to be used by electric investor-owned utilities when preparing and filing post-event and lessons learned reports following Public Safety Power Shutoff (PSPS) events.”) (Emphasis added).

⁴⁹ *See* SED Template for PSPS Post-Event & Lessons Learned Reports, October 18, 2021 (“If the utility fails to provide notifications according to the minimum timelines set forth in D.19-05-042 and D.21-06-034, **using the following template (Table 4) to report a breakdown of the notification failure** and an explanation of what caused the failure. (D.21-06-014 page 286, SED Additional Information.)”).

of the template coincided with several back-to-back events and notwithstanding the short implementation window, “SCE has endeavored to update its forthcoming post-event reports to the extent possible to adhere to SED’s final template.”⁵⁰

3. Missed Pre-Event (Advance and Imminent) Notifications

The NOV alleges violations in each instance where SCE reported missed advance or imminent notifications (regardless of SCE’s explanation), stating that D.19-05-042 “**requires** customer notifications at 48-72 hours, 24-48 hours, and 1-4 hours prior to de-energization to public safety partners, critical facilities, or customers.”⁵¹

SCE respectfully disagrees that missing an advance or imminent notice is a *per se* violation of the Commission’s PSPS notification guidelines. D.19-05-042 directs IOUs to send advance and imminent notifications “whenever possible.”⁵² The Commission recognized that “there may be times **when advance notice is not possible** due to emergency conditions beyond the electric investor-owned utilities’ control,” and, further, that “the utilities **must be afforded flexibility to adjust the [notification] timeline** based upon situational awareness and real-time events that may be out of the utilities’ control.”⁵³ Under D.19-05-042, the requirement to notify customers is triggered only when “**the [IOUs] reasonably believe de-energization is likely.**”⁵⁴ In D.21-06-014, the Commission clarified, and SED has since confirmed, that pre-event notification guidelines fall into the “discretionary” guideline category.⁵⁵

In line with the CPUC’s PSPS notification guidelines, SCE’s decision to send notifications is properly driven by its assessments of the likelihood of de-energization, i.e., whether any given circuit is expected to exceed PSPS criteria during the period of concern. SCE sends notices to customers in scope whenever the estimated probability of exceeding PSPS activation criteria for the circuit or circuit segment serving those customers is at least 20%-25% – an approach more conservative than what the Commission requires (51% or greater likelihood). Under this framework, many of the missed notifications identified in the NOV were not violations of D.19-05-042 because they occurred due to weather conditions that deviated from SCE’s forecasts such that SCE did not

⁵⁰ SCE Public Safety Power Shutoff (PSPS) Post-Event Report for October 15, 2021 Event, p. 3, n.1.

⁵¹ NOV, p. 4 (emphasis added).

⁵² D.19-05-042, p. A7 (emphasis added) (“Recognizing that there may be times when advance notice is not possible due to emergency conditions beyond the electric investor-owned utilities’ control, the electric investor-owned utilities must, **whenever possible**, provide advance notification to all populations potentially affected by a de-energization event.”) D.19-05-042, p. A7 (emphasis added); *Id.*, p. A8 (emphasis added) (“The electric investor-owned utilities should, **whenever possible**, adhere to the following minimum notification timeline...”); *Id.*, p. A8 (emphasis added).

⁵³ *Id.* (emphasis added).

⁵⁴ D.19-05-042, p. 86 (emphasis added).

⁵⁵ See Proposed Administrative Enforcement Order re Southern California Edison Company’s Execution of 2020 Public Safety Power Shutoff Events at 13 (acknowledging that “the Commission gave IOUs great discretion in several areas given the dynamic nature of these [PSPS] events,” and that “[t]his is especially true of advance notifications prior to a de-energization event”).

reasonably believe during the prescribed timeframes that de-energization of these customers was likely, or because weather conditions escalated so quickly that notification was not possible before de-energization. In these instances, the obligation to notify customers was not triggered, or doing so was not possible.

In many of the identified instances, although SCE reported missed advance or imminent notifications, SCE did not violate the Commission's notification requirements because the circuits were not forecasted to be in scope, and notification was not possible at the prescribed intervals. As explained in the post-event reports, SCE's forecasts did not show that de-energization was likely at 48-72 hours, 24-48 hours, or 1-4 hours prior to de-energization. That is the case with the following alleged violations identified in Table 3 of the NOV:

- January 12-21, 2021 (4,819 customers), no advance notification at all
- September 29-30, 2021: 48-72 hours (44 customers), 1-4 hours (35 customers)
- October 11-12, 2021: 48-72 hours (4 customers), 24-48 hours (5 customers)
- October 15-16, 2021: 48-72 hours (5 customers)
- October 22, 2021: 48-72 hours (8 customers), 24-48 hours (107 customers)
- November 21-22, 2021: 48-72 hours (7 customers), 24-48 hours (2,685 customers)
- November 24-26, 2021: 48-72 hours (512 customers), 24-48 hours (55,608 customers).

Similarly, on some occasions, SCE was not able to send imminent notifications 1-4 hours before de-energization because weather conditions escalated rapidly necessitating immediate de-energization, which made advance notification impossible:

- October 11-12, 2021 (43 customers)
- October 15-16, 2021 (40 customers)
- October 22, 2021 (115 customers)
- November 21-22, 2021 (4,365 customers)
- November 24-26, 2021: 1-4 hours (63,613 customers), no advance notification at all (29,780 customers).

SCE is cognizant of the disruption and other negative impacts to customers who are de-energized, especially those who are de-energized without notice. As discussed above, SCE is continuously incorporating observed weather data collected through its expanding weather station network into the machine learning models to improve weather forecasting and notification performance. However, as the Commission has recognized, weather forecasting is not an exact science. A weather event covering a large geographic area may not unfold precisely as forecasted at the circuit level; winds can unexpectedly shift direction or intensify quickly and impact circuits that had not been originally scoped for the PSPS event. SCE can only use the best information available to it to make notification decisions. Accordingly, these instances of missed advance notifications were not violations of D.19-05-042.

4. “Missed” Advance Notifications for High Threat Events

Additionally, the NOV alleges violations in instances where notifications were not sent to customers during high-threat events even though no customers were de-energized during these events (Table 3: June 14, 2021, October 16-18, 2021).⁵⁶ The NOV also states that SCE “did not report” the alleged “notification failure” for these high-threat events.⁵⁷ The following alleged violations are identified in Table 3 of the NOV, even while noting that “no customers were de-energized”:

- June 14, 2021: missed 48-72 hour notice
- October 16-18, 2021: missed 48-72 hour and 24-48 hour notices.

SCE respectfully disagrees with these alleged violations, as the notification framework is based around ensuring that, whenever possible, customers *who are de-energized* receive warning. The customers in scope for these high-threat events were never de-energized, and, therefore, SCE was not required to provide advance notice to them or report lack of notice as a “notification failure” in the post-event report. Indeed, the Commission’s advance notification timing is tied to de-energization times. By definition, there can be no missed advance notices for high-threat events where there is no de-energization time. Moreover, any advance notifications that SCE *had* provided to these customers before the period of concern began would be viewed by the Commission as “false communications” because de-energization never occurred.⁵⁸ Subsequently in D.21-06-034, the Commission directed IOUs to “make every attempt” to send cancellation notices when the IOU removes from scope customers that had been sent a notice of potential de-energization and characterized this situation as a type of false communication that needs to be reported.⁵⁹

The Commission has previously expressed its concern regarding over-notification and urged SCE to minimize the number of customers who are notified of a PSPS event but not ultimately de-energized. President Batjer’s January 19, 2021 letter to SCE regarding 2020 PSPS events specifically noted the “large variance in number of customers initially notified versus the number actually de-energized,” and stated that, “[a]t a minimum, SCE shall reduce [that variance].” The more customers are notified of a high-threat PSPS event, the larger the variance between customers notified and customers de-energized (because zero customers are de-energized for a high-threat event). In D.21-06-034, the Commission indicated it “will continue to attempt to reduce confusion experienced by

⁵⁶ NOV, p. 5, Table 3.

⁵⁷ *Id.* Table 3 and n.3.

⁵⁸ *See, e.g.*, D.20-05-051, Appendix A(c) (“Each electric investor-owned utility shall make every reasonable effort to avoid false-negative and false-positive communications.”).

⁵⁹ D.21.06-034, Appendix A, p. A11; *id.* p. 79 (“we direct IOUs . . . to describe the [false communication] situations at-issue, which all involve some level of perceived defect in notice . . . for example . . . the IOU’s decision to notice a PSPS event but then not call a PSPS event (including both when the IOU sends cancellation notice, and when the IOU fails to send cancellation notice).”).

customers in situations where IOUs notice a PSPS event (but do not call the event).”⁶⁰ Accordingly, not sending advance PSPS notifications to customers who are not ultimately de-energized is not a “notification failure” or a violation of the Commission’s notification guidelines. The only entry in the Notification Failure table that is applicable in a high-threat event is for missed cancellation notifications; the other entries are appropriately designated N/A.

5. *Omitting positive notifications to “behind-the-meter” medical baseline customers (October 22, November 21-22, November 24-26)*

The NOV alleges that “[f]or the October 22 event, November 21-22 event, and November 24-26 event, SCE did not report the positive notifications to MBL customers behind the meters.”⁶¹

SCE respectfully disagrees that there is a requirement to identify or report on “medical baseline customers behind the meters” in the “Positive Notification” table of the post-event report. The cited requirement in D.19-05-042, only requires information “[f]or those *customers* where positive or affirmative notification was attempted, an accounting of *the customers* (which tariff and/or access and functional needs population designation), the number of notification attempts made, the timing of attempts, who made the notification attempt (utility or public safety partner) and the number of *customers* for whom positive notification was achieved.”⁶² All references are to “customers,” *i.e.*, account holders, as distinct from “behind-the-meter” residents. The Commission’s PSPS decisions direct IOUs to focus their AFN identification efforts on customers, including “customers on medical baseline . . . tariffs.”⁶³ SCE interprets “behind the meter” in this context to refer to residents served by master meters who are *not* SCE customers (e.g., tenants in multi-family dwellings where the customer billed may be the building owner, but not a resident).

Moreover, in D.21-06-034, the Commission limited IOUs’ notification obligations to “... contact the *account holder* and [] make reasonable efforts to contact the building manager of the building(s) identified herein in preparation for wildfire season” Similarly, “[e]ach utility must additionally notify these multi-family building account holders, and make reasonable efforts to notify building managers, prior to conducting a proactive de-energization event.”⁶⁴ Notably, the Commission rejected Staff’s proposal for IOUs to directly notify behind-the-meter AFN tenants who may rely on an elevator to access the building, explaining that IOUs are not required to create and maintain lists of multi-family building tenants because “[s]uch a requirement would ignore that building managers

⁶⁰ D.21-06-034, p. 79.

⁶¹ *Id.*, p. 9.

⁶² D. 19-05-042, p. A23 (emphases added).

⁶³ D.19-05-042, p. A20-A-21; *see also id.*, p. A13 (“The Commission acknowledges that identification of all access and functional needs customers is a goal that may not be fully achievable”); *see also* D.21-06-034, pp. A8-A9 (requiring IOUs to include in the utility’s identification efforts “persons eligible for the medical baseline program.”).

⁶⁴ D.21-06-034, Appendix A, at p. A9; This requirement is already incorporated into SED’s template for PSPS Post-Event and Lessons Learned Report in section 5-1.

have certain requirements and responsibilities, independent of the PSPS guidelines and rules, to ensure safe access to and egress from the buildings they manage.”⁶⁵ Indeed, given privacy concerns and other legal and practical impediments, it is not feasible for SCE to proactively or reliably identify behind-the-meter tenants of multi-family buildings who may have medical needs similar to SCE’s enrolled MBL customers.⁶⁶

SCE has programs in place to notify and support AFN populations served by master meters during PSPS. For example, in October 2021 SCE implemented address-level alerts which allow residents who may not have an SCE customer account to sign up for PSPS notifications for any address within SCE’s service territory. SCE discussed this new notification program with the Commission during the bi-weekly Action Plan meeting on October 26, 2021, as well as during the CPUC/CalOES/Cal FIRE monthly PSPS meeting on November 2, 2021.⁶⁷ Among other outreach, SCE includes information about how to enroll in address-level alerts in its annual Master Meter Public Safety Notice, which directs master meter/building owners to post the information about public safety services provided by SCE in a conspicuous place accessible to all sub-metered tenants. Additionally, SCE provides marketing for direct customer support such as 211 to raise awareness of access to resources like transportation, lodging, and food for individuals with Access and Functional Needs. These resources are available to all eligible households within SCE’s service territory, regardless whether they are account holders or sub-metered residents in multi-family buildings.

In addition, pursuant to SED’s post-event reporting template and in compliance with D.21-06-034, SCE provides “[a] description of the notice to . . . multi-family building account holders/building managers in the AFN community” in Section 5-1 of the post-event reports as follows:

All multi-family building SCE account holders receive customer notifications. SCE notifies multi-family building account holders in the ordinary course along with other customers of record in scope for a potential de-energization. SCE does not currently have a way to identify which multi-family building account holders have residents in their buildings who may be members of the AFN community. SCE conducts PSPS-related outreach via flyers and trade publications to increase awareness of PSPS among building/property managers who are not account holders. SCE also instituted an address-level alert program, which allows non-SCE account holders [including behind-the-meter tenants] to sign up for PSPS alerts for specific addresses.⁶⁸

⁶⁵ *Id.*, pp. 112-113.

⁶⁶ D.19-05-042, p. A13 (emphasis added) (“Recognizing privacy concerns, the Commission **does not require** the electric investor-owned utilities to develop a comprehensive contact list of access and functional needs customers . . .”).

⁶⁷ *See also* November 5, 2021 Bi-Weekly Action Plan Update Report, p. 25, available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M420/K869/420869763.PDF>.

⁶⁸ *See, e.g.*, SCE’s post-event report for October 11, 2021 PPS event p. 19, n.25.

SCE appreciates the opportunity to respond to the NOV and looks forward to further collaboration with SED staff to continue to improve its PSPS program moving forward. Please let me know if you have any questions regarding SCE's response, and if any further information is needed to close out the NOV process.

Sincerely,

/s/ Tara Kaushik

Tara Kaushik

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