

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Application of San Diego Gas & Electric )  
Company for Review of Its Proactive De- )  
Energization Measures and Approval of )  
Proposed Tariff Revisions. )  
\_\_\_\_\_ )

Application 08-12-021  
(Filed November 6, 2008)

**Reply Comments of CCTA And Time Warner Cable**

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On behalf of Time Warner Cable

April 10, 2009

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**Reply Comments of CCTA and Time Warner Cable**

Pursuant to the *Assigned Commissioner’s Ruling and Scoping Memo* (“ACR”) dated February 26, 2009, the California Cable and Telecommunications Association (“CCTA”) and Time Warner Cable (“TWC”) hereby submit Reply Comments addressing SDG&E’s Application 08-12-021.

**I. Introduction**

CCTA and TWC jointly filed comments urging the Commission to reject SDG&E’s proactive de-energization plan and its proposed revision to Tariff Rule 14 because their adoption would preemptively shut down one of government’s most powerful emergency information resource services for San Diego County and Orange County area residents, who depend upon those services for access to emergency information such as Emergency Alert System (EAS) alerts and E 911, as well as announcements regarding timely evacuation and other critical information in times of crisis. The plan would also move San Diego County and Californians backwards with regards to use of broadband at the very time our national and state governments have determined that local communities must develop and deploy broadband technology applications in areas such as telemedicine, emergency services, and security issues. For cable and other emergency information conduits, SDG&E has remained generally unresponsive to the ACR’s direction that SDG&E explain how it will coordinate with communications providers to enable them to correctly identify which of their facilities will be subject to a imminent de-energization event,<sup>1</sup> Instead, SDG&E’s Comments, as with previous

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<sup>1</sup> ACR at 12, question 13.

SDG&E submissions, make only vague representations that they have “reached out”<sup>2</sup> to key stakeholders, including telecommunication companies.

SDG&E’s vagaries are not limited to a lack of communication. Parties to this proceeding have continually raised concerns that SDG&E, despite many opportunities to provide specifics, has repeatedly dodged the chance to provide a specific description of how protocols contained in its de-energization plan would have prevented any of the October 2007 fires; or why compliance with current GO 95 rules regarding tree trimming and ensuring proper clearances would have likewise prevented the fires. Thus, after numerous pleadings, workshops, and public hearings, the Commission still does not know whether SDG&E’s de-energization plan is more effective than other measures in preventing wild fires.

The only clear beneficiary of SDG&E’s plan appears to be SDG&E, who seeks to protect itself from the fallout of an event it causes – while at the same time shifting costs, risks, and liabilities to others. At the Alpine Public Participation Hearing, held on April 7<sup>th</sup>, San Diego Superintendent of Schools, Randal Ward gave a name to what is broadly viewed as SDG&E’s proposed plan – “Yo-Yo,” or “you’re on your own.” The Superintendent’s phrase captures the shared view that SDG&E’s plan would leave Southern Californians “on their own” in the event a prolonged de-energization event.

### **Edison’s De-Energization Plan Cannot Fairly Be Compared To SDGE’s Plan**

The only commentor who appears to offer support for SDG&E’s plan is Southern California Edison Company (“Edison”), and that support is tempered. Edison Comments state, “In general, SCE recognizes and supports the need for SDG&E to have, as one of its options to prevent catastrophic wildfires, a last resort de-energization plan”<sup>3</sup> and that “[a]s proposed, SDG&E’s plan – to be used only as a last resort to prevent a catastrophic event from occurring – is a prudent exercise of its inherent authority to operate its system safety.”<sup>4</sup>

CCTA and TWC do not dispute the general proposition that de-energization may be an appropriate **last resort** measure. As CPSD notes in Comments, GO 95 Rule 31.1 already provides SDG&E the option of curtailing loads. Unfortunately, SDG&E’s

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<sup>2</sup> SDG&E Comments at 2, and 9.

<sup>3</sup> Edison Comments at 1.

<sup>4</sup> Edison Comments at 10.

plan is not a measure of last resort, but instead, a non-optional, non-collaborative plan of *first resort*, with the shut-off decision “not intended to be made by SDG&E nor by consultation with agencies, but rather by objectively meeting the five trigger conditions that SDG&E has identified in its Informational Filing.”<sup>5</sup> As SDG&E comments further explain:

Customers need not question whether some bureaucrat made the right or wrong decision; the “decision” is intended to be automatic and transparent to customers, and the status of the five triggers for each weather station area will be indicated on SDG&E’s website so that customers and communications companies can reasonably anticipate when the likelihood of de-energization is increasing.<sup>6</sup>

As SDG&E describes, there will be no consideration of the state of the entire region when SDG&E decides to shut off power. It is a very real possibility that communities will be left without power at a time when nearby fires are fast approaching.

SDG&E does not appear to share Edison’s vision that the decision to de-energize should be only one of other **options** to consider, nor that the decision should be a **collaborative process**,<sup>7</sup> and that de-energization should be used as a **last resort**.

A fundamental difference between Edison’s program and SDG&E’s is that Edison was responding to an Emergency Proclamation issued on March 7, 2003 by former Governor Davis. As Edison notes, the governor’s emergency declaration requested that the Commission “direct utility companies with transmission lines in Riverside, San Bernardino, and San Diego counties to ensure that all dead, dying and diseased trees and vegetation are completely cleared from their utility right-of-way to mitigate the potential of fire danger.”<sup>8</sup> In contrast, SDG&E plan is of its own accord and is not even regarded by the County of San Diego and the Office of Emergency Services as a response to a declared emergency. Nor is there reason to believe that the State of California would consider SDG&E’s de-energization event as one which ever occurred in a declared emergency. Instead, SDG&E’s plan is to automatically de-energize based on its “five-triggers” without regard to whether an actual emergency exists. This distinction is key since, absent a declared emergency, school districts, water districts,

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<sup>5</sup> SDG&E Comments at 15.

<sup>6</sup> SDG&E Comments at 16.

<sup>7</sup> Edison Comments at 8.

<sup>8</sup> Edison Comments at Attachment #2, page 2.

local emergency response teams, local law enforcement officials and communication companies could offer compromised responses.

Edison points to other differences. For example, SCE's Protective Outage Plan ("POP") "applied only to a small, sparsely populated area where a state of emergency had been declared due to the high fire risk posed by the number of dead and diseased trees."<sup>9</sup> SCE created a detailed inventory of the dead and dying trees that could impact SCE facilities and were able to determine where SCE tree removal and de-energization activities would take place. Edison then communicated this information using various communications methods.

In contrast, SDG&E's proposal affects a much larger geographic area and population, and will use an automatic trigger mechanism that, unlike Edison's approach, is indifferent as to whether there is any combustible material in close proximity to their facilities. Moreover, SDG&E does not promise that customers, communications providers, or emergency officials will receive notice, only that SDG&E will endeavor to make every reasonable effort to provide advance notification through its website, to customers based on forecasted wind conditions.<sup>10</sup>

Edison also notes that as a result of the governor's emergency declaration and the relatively small number of customers affected, SCE was "able to quickly obtain local support for its POP from residents, fire agencies, and first responders."<sup>11</sup> Moreover, SCE worked with state and local agencies to identify the impacted areas and to develop "joint action plans" to deal with the problem.<sup>12</sup> In contrast, while SDG&E repeatedly proclaims it wishes to work with residents and agencies, those agencies, or in SDG&E's terms, "some bureaucrat," is pointedly not part of the de-energization decision-making process. In sum, it is inappropriate to compare Edison's limited and relatively well-orchestrated de-energization event with the open-ended, chaotic and uncoordinated proposal by SDG&E.

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<sup>9</sup> Edison comments at 14.

<sup>10</sup> SDG&E comments at 16.

<sup>11</sup> Edison Comments at 14.

<sup>12</sup> Edison Advice 1801-E at 3.

## **SDG&E Again Defies The Assigned Commissioner's Ruling That Steel Pole Replacement Issues Would Be Outside the Proceeding's Scope**

CCTA and Time Warner Cable's Opening Comments raised a concern that SDG&E's Information Filing of March 13, 2009 continued to introduce additional detail concerning its wood to steel pole program despite the ACR's determination that the issue of replacing wood poles with steel poles is outside the scope of the proceeding.<sup>13</sup> SDG&E has since continued its flagrant disregard for the ACR's limitation by introducing new information regarding that program in its Opening Comments – stating that SDG&E has replaced over 600 wood poles with steel poles.<sup>14</sup> More disturbing was SDG&E's representations made to public officials at the Commission's April 8 Public Safety Workshop for local officials, where SDG&E stated that three thousand wood poles were being replaced with steel poles. Based on questions and comments made by workshop audience members following SDG&E's remarks, it was clear that at least some local officials and members of the public were accepting at face value that steel poles will reduce the risk of fire – a view that was questioned by CCTA and other California supply utilities in the Commission's concurrent Safety OIR workshops<sup>15</sup> – but unchallenged in this proceeding in light of the ACR's limited scope. Moreover, the workshop audience members may have mistakenly concluded that the wood to steel pole conversion may somehow mitigate the need to implement a de-energization event – SDG&E said nothing to dissuade the April 8 workshop audience of this view, though SDG&E did inform parties at the March 20 Workshop that the presence of “hardened” facilities would not make an area “less of a candidate” for a proactive de-energization event. Nothing, however, regarding the effectiveness of steel versus wood poles has been introduced in this proceeding, and CCTA and Time Warner Cable are unconvinced that the Commission has any information as to the extent of the conversion program, its costs to ratepayers, or its effectiveness in reducing the impact of fires. Once again, we urge the Commission to disregard and strike from the record all SDG&E testimony and

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<sup>13</sup> ACR at 7.

<sup>14</sup> Comments of SDG&E dated March 27, 2009, at 2

<sup>15</sup> At the Commission's R. 08-11-005 workshops conducted in San Francisco on February 4 and 5, 2009, Pacific Corp and Sierra Pacific expressed concern over a wood to steel pole replacement policy, questioning whether steel poles are better than steel in high heat conditions. Edison also suggested there seemed to be no demonstration of need for a rule that would support such a replacement program.

responses that rely on the company's wood to steel pole program to credential its request for approval of its proactive de-energization plan.

## VI. CONCLUSION

CCTA asks that the Commission deny the application for the reasons discussed above and grant the relief otherwise requested by CCTA and Time Warner Cable.

DATED: April 10, 2009

Respectfully submitted,

California Cable & Telecommunications Association

Jerome F. Candelaria /s/

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Its Attorney

**Verification**

Acting on behalf of the California Cable & Telecommunications Association, the undersigned, Jerome Fitch Candelaria, verify that I am authorized to make this verification on CCTA's behalf. The content of this document is true, except as to matters that are stated as general facts concerning the cable television industry. As to those matters, I believe them to be true and accurate to the best of my knowledge.

Jerome F. Candelaria /s/

Jerome F. Candelaria  
Vice President, Legal & Regulatory Affairs  
California Cable & Telecommunications Association

Executed this 10<sup>th</sup> day of April, 2009 in Oakland California

## CERTIFICATE OF SERVICE

I certify that I have this 10<sup>th</sup> of April, 2009, caused to be served the foregoing **REPLY COMMENTS OF CCTA and Time Warner Cable** upon all parties of record in this proceeding by sending a copy thereof to each such party by first-class mail, Email and/or hand delivery.

Executed this 10<sup>th</sup> day of April 2009 in Oakland California

          /s/          Antoinette J. Irwin          

Antoinette J. Irwin