

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

*Order Instituting Rulemaking to Examine Electric
Utility De-Energization of Power Lines in
Dangerous Conditions*

Rulemaking 18-12-005
(Filed December 13, 2018)

**DISABILITY RIGHTS EDUCATION & DEFENSE FUND'S RESPONSES TO
COMMENTS AND PROPOSALS FILED ON SEPTEMBER 17, 2019**

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I. Introduction

On December 19, 2018, the Commission opened an Order Instituting Rulemaking (OIR) to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions.¹ Disability Rights Education & Defense Fund (“DREDF”) filed a motion for party status on July 8, 2019 and was granted party status on July 30, 2019, thus fulfilling requirements for obtaining party status per Rule 1.4(a)(4) of the CPUC Rules of Practice and Procedure. DREDF hereby complies with instructions in ALJ Semcer’s March 12 Party Status Ruling,² requiring parties to specify the method and date by which they obtained party status in all filings for this proceeding. Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the *Assigned Commissioner’s Phase 2 Scoping Memo and Ruling* (Phase 2 Scoping Memo), issued August 14, 2019, and the *Assigned Commissioner’s Email Ruling Changing Due Date for Phase 2 Track 1 Comments to October 15, 2019*, DREDF submits these reply comments on the Phase 2 Track 1 party comments and proposals filed on September 17, 2019.

DREDF acknowledges the effort of the Commission in its endeavor to ensure that intentional power outages by Investor Owned Utilities (“IOUs”) during ideally objectively

¹ R.18-12-005; Order Instituting Rulemaking; December 19, 2018.

² R.18-12-005; Email Ruling Adopting Protocol for Noting Party Status in Filings; March 12, 2019.

determined extreme weather events are conducted in what should be the most equitable way possible. However, because DREDF strives to represent the interest of people with disabilities across the state that are directly affected by this proceeding and by IOUs choices to de-energize, we are deeply concerned that the de-energization process does not yet account for the life-sustaining needs of our constituents. DREDF is also concerned that because de-energization is not classified as the type of emergency event that it truly is, that the decision by IOUs to de-energize does not bring to bear the full extent of resources and coordination that is necessary during an emergency.

DREDF has additional concerns that the risks of de-energization have not been objectively quantified by the IOUs so that an accountability assessment of the reasonableness of their decisions can be made.³ DREDF also has concerns with the less than robust information exchange with Public Safety Partners (“PSPs”)⁴ and by the view by some IOUs that their notification and mitigation responsibilities to people with disabilities and access and functional needs (“AFNs”) cease at the extent of those enrolled in the Medical Baseline program.⁵ Ultimately, DREDF is deeply troubled that de-energization is being used in a seemingly haphazard fashion without the appropriate procedures in place to help ensure people with disabilities and AFNs can survive.

In California, there are an estimated 176,483 electricity dependent individuals,⁶ and in rural counties containing the “majority of the state’s high fire hazard severity zones”,⁷ there are higher percentages of seniors “that rely on electricity to sustain vital health care needs.”⁸ Ipso facto, de-energization disproportionately affects people with disabilities and AFNs including older adults. During 2017’s Hurricane Irma, “...the most common causes of death were related to power outages that exacerbated existing medical issues...” including “...heat-related deaths of

³ Joint Local Governments’ Proposals at 18; Utility Consumers’ Action Network Proposals at 5.

⁴ Joint Local Governments’ Proposals at 22.

⁵ PG&E Opening Comments at 4; SDG&E Proposals at 4.

⁶ Cal Matters, “Turning Off Power to Combat Wildfires Could Harm the Very People Who Need Protection”, September 12, 2019, available at <https://calmatters.org/commentary/turning-off-power-to-combat-wildfires-could-harm-the-very-people-who-need-protection/>

⁷ Rural County Representatives of California Comments at 3.

⁸ *Id.* at 2.

older adults...” and “...deaths among patients on electricity dependent medical treatment...”⁹ This further illustrates that the effects of de-energization are not hypothetical and will only become more significant as our population ages and grows. It also confirms that when IOUs choose to de-energize, they are quite literally taking people’s lives in their hands.

DREDF is also urgently concerned that people with disabilities and AFNs are not being warned far enough in advance to adequately prepare for a de-energization event. DREDF strongly urges the Commission to consider updating the timing requirements for alerting and communication for this population to at least 72 hours. DREDF also strongly urges the Commission to address the alerting and communications protocols for engaging with local government and community-based organizations (“CBOs”) to identify people with disabilities and AFNs before, during, and after intentional outages.

Additionally, DREDF strongly encourages the Commission to require the IOUs to provide information related to the availability of IOU and Public Safety Partner (“PSP”) resources for people with disabilities and AFNs during all stages of a de-energization event. These resources include the availability of physically accessible evacuation transportation assistance, the availability and location of physically accessible shelter and or lodging, the availability and location of alternative power resources, and the contact information for each IOU and PSPs AFN Coordinator. This recommendation is bolstered by the Center for Accessible Technology (“CforAT”) proposal that emphasizes the fact that alerting and communications protocols are only as good as the information they convey.¹⁰

DREDF appreciates that mitigation responsibilities will be addressed in Phase 2, Track 2 of the proceeding and urges the Commission to look beyond the traditional roles that IOUs have played in the power distribution business. Considering where we are as a state in the fight to increase our renewable energy reliance, and the fact that people with disabilities and AFNs have varying levels of needs when it comes to the usability of alternative energy solutions, we urge the Commission to look beyond gas-powered generators as the solution to help alleviate the effects of de-energization for this population. DREDF understands that the Commission has

⁹ Cal Matters, “Turning Off Power to Combat Wildfires Could Harm the Very People Who Need Protection”, September 12, 2019, available at <https://calmatters.org/commentary/turning-off-power-to-combat-wildfires-could-harm-the-very-people-who-need-protection/>

¹⁰ Center for Accessible Technology Proposals at 8.

established a budget to provide solar and batteries to customers in Tier 2 and Tier 3 High Fire-Threat Districts¹¹ and looks forward to understanding the breadth and usability of this program.

II. Comments

1. Definitions/Standard Nomenclature

a. Should the Commission adopt an updated definition of Critical Facilities to include the transportation sector, Department of Defense Facilities or other sectors?

DREDF supports updating the definition of Critical Facilities to include the transportation sector involved in emergency response and evacuation and recommends adding Independent Living Centers (“ILCs”) to the definition of Critical Facilities in the appropriate category. DREDF also supports the California Community Choice Association (“CalCCA”) proposal to expand the definition of Critical Facilities to include a number of Critical Facilities in other sectors.

The Commission defined Critical Facilities and Critical Infrastructure as “facilities and infrastructure that are essential to the public safety and that require additional assistance and advance planning to ensure resiliency during de-energization events.”¹² Transportation resources utilized during all stages of an emergency event, including a de-energization event, are vital to public safety, especially for those who rely on public transportation and local government for evacuation assistance. Often, local government may rely on ADA Paratransit providers to assist people with disabilities and AFNs to relocate to a staging area or shelter during an emergency event. These ADA Paratransit providers utilize electricity to provide service and to coordinate with PSPs during emergencies. Therefore, DREDF supports the inclusion of the transportation sector, including ADA Paratransit, in the definition of Critical Facilities.

DREDF also strongly urges the Commission to include the 28 ILCs that serve people with disabilities across the state in the definition of Critical Facilities. ILCs are essential to public safety because of the role they play during all stages of an emergency event, including a de-energization event, for people with disabilities and AFNs. This role includes identification,

¹¹ D.19-09-027, Decision Establishing a Self-Generation Incentive Program Equity Resiliency Budget, (The Commission authorized \$100 million of SGIP funds to cover the cost of battery storage systems for Medical Baseline and low-income residents specifically, and other critical facilities that serve disadvantaged customers, in Tier 2 and Tier 3 HFTDs.)

¹² D.19-05-042, issued on May 31, 2019 (the Phase 1 Decision) at 75.

communication, and mitigation efforts. ILCs require additional assistance and advance planning to ensure resiliency during de-energization events, including communicating with IOUs and PSPs about the length and location of a de-energization event and the availability of local resources, and communicating with their consumers through multiple methods to convey information, identify needs, and assist in meeting those needs including providing alternative power resources when possible. Therefore, the inclusion of ILCs in the definition of Critical Facilities is strongly recommended.

DREDF also agrees with a number of CalCCA’s proposals regarding the inclusion of additional facilities that would benefit from advanced alerting and mitigation assistance. The Commission adopted an initial list of Critical Facilities in D.19-05-042 and recognized that the list was not meant to be exhaustive.¹³ DREDF supports CalCCA’s proposition to expand the list of Critical Facilities to include:

“Emergency Services Sector: emergency dispatch centers; designated disaster relief shelters/centers; municipal or county yards relied upon to support first responder vehicles and equipment, repair important infrastructure, and restore public services.

Healthcare and Public Health Sector: residential/inpatient mental health facilities; assisted living facilities; cooling centers.”

“Communications Sector: communications facilities relied upon by first responders, emergency service and CFI operators; communication infrastructure, including radio broadcast facilities, used for emergency broadcasts; cell phone network infrastructure not relied upon by emergency services; internet infrastructure not relied upon by emergency services.”¹⁴

DREDF supports the addition of the aforementioned facilities and infrastructure to the Critical Facility designation especially because of their importance to people with disabilities and the AFN population. Additionally, DREDF agrees that each of CalCCA’s proposed additions meet the criteria of the Critical Facility and Infrastructure definition and therefore should be included. Additionally, DREDF supports CalCCA’s proposal that information provided to Public Safety Partners include all Critical Facilities.¹⁵

DREDF also agrees with the Rural County Representatives of California (“RCRC”) comments regarding additional guidance that would be beneficial in terms of what results from a

¹³ *Id.*

¹⁴ California Community Choice Association Proposal at 5-6.

¹⁵ *Id.* at 4.

“Critical Facility” designation. RCRC posed the following questions, “...is it possible to exempt circuits with Critical Facilities from [Public Safety Power Shut-Off] PSPS events? Should there be certain types of Critical Facilities for which utilities should be prepared to reenergize a circuit on short notice in the event of failure of on-site backup generation at the facility? Are Critical Facilities merely designated as such in order to receive advanced notification of a PSPS? What assistance can operators of Critical Facilities expect from IOU’s before and during a PSPS, especially with respect to advanced planning, contingency planning, mitigation of impacts, and/or provision of back-up generation?”¹⁶ DREDF urges the Commission to consider the answers to these questions in the next stages of the proceeding.

b. Are there any differences among the IOU’s medical baseline tariffs and medical baseline designations that should be updated to promote consistency across utilities for the PSPS programs?

DREDF appreciates that the IOUs Medical Baseline program is one method used by the IOUs to identify people with disabilities and AFNs in the alerting, communication, mitigation, and education efforts required as part of a de-energization event. However, as the Utility Consumers Action Network (“UCAN”) aptly points out, “individuals with power-dependent medical devices, are a growing segment of the overall population...” and that “within California there are more than 175,000 such “electricity dependent individuals.”¹⁷ Not only does the Medical Baseline program not have these kind of registration numbers, but as CforAT notes, “Medical Baseline is not, and has never been intended as, a program to broadly identify utility customers with access and functional needs...”¹⁸

Again, DREDF acknowledges that the Medical Baseline program is useful as one method of identifying people who rely on electricity for life-sustaining medical needs. However, the reality that electricity is also necessary for many who fall outside the scope of the programs definition subsequently means that the program and its benefits are under-inclusive. For example, UCAN states that “within rural areas (including significant territories within San Diego County and SDG&E service tiers) elderly persons that rely on electricity to sustain vital health

¹⁶ Rural County Representatives of California Comments at 3-4.

¹⁷ Utility Consumers’ Action Network Proposals at 3.

¹⁸ Center for Accessible Technology Proposals at 3.

care needs constitute a noticeable portion of the back-country populations.”¹⁹ Although this population may not qualify for Medical Baseline, they should be entitled to the program benefits.

DREDF supports potential refinements to Medical Baseline eligibility that would lower the barriers to becoming part of the program. DREDF agrees with the City and County of San Francisco’s recommendation that the Commission should consider barriers to enrollment or re-enrollment in the Medical Baseline program including Pacific Gas and Electric Company’s (“PG&E”) requirement that Medical Baseline customers with permanent disabilities reapply every two years.²⁰ San Diego Gas and Electric Company (“SDG&E”) also acknowledges that “there may be an opportunity to further evaluate and consider potential refinements to customer eligibility for the medical baseline program...”²¹

DREDF agrees with CforAT that customers who have the Medical Baseline and/or Critical Care designation “should be provided with direct support to ensure that they have ongoing access to necessary electricity (potentially in the form of backup generation or energy storage sufficient to maintain service for the duration of a de-energization event) sufficient to maintain their health and safety...”²² Furthermore, DREDF strongly urges the Commission to consider how these same benefits can be applied to people with disabilities and AFNs who are not registered for the Medical Baseline program or who fall outside of its eligibility requirements.

2. Access and Functional Needs (AFN) Populations

a. What efforts can result in more complete contact lists of AFN utility customers while still maintaining legal and privacy protections?

DREDF strongly supports a multi-entity, multi-modality approach to providing alerting, communication, mitigation, and education to people with disabilities and AFNs before, during, and after an IOU-initiated power outage. DREDF urges the Commission to develop protocols for IOUs to use when working with local governments and CBOs who may have access to information relevant to de-energization-triggered disability and/or health related needs that can be used in conjunction with an IOUs own alerting and communications processes. DREDF

¹⁹ Utility Consumers’ Action Network Proposals at 3.

²⁰ City and County of San Francisco Proposal and Response at 4.

²¹ SDG&E Proposals at 2.

²² Center for Accessible Technology Proposals at 4.

asserts that it would be irresponsible to allow IOUs to limit their alerting, communication, mitigation, and education responsibilities to the extent of those enrolled in their Medical Baseline, California Alternate Rates for Energy (“CARE”), Family Electric Rate Assistance (“FERA”), as some of the IOUs have suggested.²³ Furthermore, to the extent that the aforementioned IOU programs are used as *one of the means* to meet their de-energization obligations, all relevant IOU programs should be utilized including any “Vulnerable Customer” status program.²⁴

As numerous parties point out, local governments are well-versed in the provision of emergency alerting and communications and more and more, local governments are working with CBOs who provide services and support to people with disabilities and AFNs to meet local government disability access obligations during emergencies.²⁵ It may be true that, at this time, an example of a local jurisdiction that does this perfectly may not exist.²⁶ This may be further complicated by the fact that generally, local governments utilize opt-in over opt-out emergency alerting and communications methods that by their nature result in undersubscription to these services. However, that does not change the fact that multiple disability and AFN resources exist in every county and that they must be utilized in conjunction with IOU program lists. These include local Office of Emergency Services AFN Coordinators, public information officers, ADA Paratransit providers, local social service and public benefits departments including In-Home Supportive Services, Independent Living Centers, Regional Centers, Area Agencies on Aging, emPOWER lists, etc.²⁷ Furthermore, as RCRC and UCAN point out, SB 821 can help supplement this effort.²⁸

²³ PG&E Opening Comments at 4; SDG&E Proposals at 4.

²⁴ “Learn About the PG&E Vulnerable Customer Program”, available at https://www.pge.com/en_US/residential/save-energy-money/help-paying-your-bill/longer-term-assistance/medical-condition-related/vulnerable-customer.page

²⁵ See *Comtys. Actively Living Indep. & Free v. City of Los Angeles*, No. CV 09-0287 CBM RZX, 2011 WL 4595993 (C.D. Cal. Feb. 10, 2011); AB 2311, Emergency Services: Access and Functional Needs in Emergencies,

available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2311

²⁶ Utility Consumers’ Action Network Proposals at 3; See Cal Matters, “Turning Off Power to Combat Wildfires Could Harm the Very People Who Need Protection”, September 12, 2019, available at <https://calmatters.org/commentary/turning-off-power-to-combat-wildfires-could-harm-the-very-people-who-need-protection/>

²⁷ See Abrams Comments at 7; Rural County Representatives of California Comments at 5; Joint Local Governments’ Proposals at 8-10; Center for Accessible Technology Proposals Comments at 6; The Utility

DREDF acknowledges that some of the IOUs may already be working with local governments and CBOs to some extent, but recommends that additional requirements and/or guidance be set forth in this area. For example, PG&E states that it is “collaborating with state and local emergency response, medical service and social service agencies to help expand and enhance the organizations’ support to and identification of the AFN community to help reduce their risks associated with the potential loss of power”,²⁹ however it is unclear what this effort by PG&E actually entails. Furthermore, to add confusion, PG&E states that “[i]f persons within the AFN populations are seeking community resource support or advanced notifications for PSPS, PG&E recommends they connect with the appropriate local public safety partner(s).”³⁰ This seems to directly contravene what the Commission outlined in its Phase 1 Decision.³¹

DREDF agrees with UCAN and recommends that the Commission consider developing protocols that define what IOUs are required to do when they engage with the community to increase necessary access to alerting, communications, mitigation and education related to the outages that they create, including what information the IOUs must share with their partners.³² Additionally, DREDF agrees with CforAT’s recommendation that “the utilities should provide resources to the partner entities to minimize the additional burdens on these partner entities during a de-energization event.”³³ DREDF agrees with CforAT that the IOUs should retain financial responsibility for the costs of notice and mitigation.³⁴

As previously discussed, DREDF has many concerns related to IOU utilization of Medical Baseline lists as the only means of meeting their de-energization requirements. Like other commenters, DREDF is concerned about the under-utilization of the Medical Baseline program and the subsequent consequences for people with disabilities and AFNs if IOUs rely too heavily upon the program as an exclusive “registry” for this population. Additionally, as other commenters have also relayed, DREDF is concerned that this program leaves out people with

Reform Network Proposals at 4; Utility Consumers’ Action Network Proposals at 4; California Community Choice Association Proposal at 12; City of San Jose Comments at 6.

²⁸ Rural County Representatives of California Comments at 6; Utility Consumers’ Action Network Proposals at 4; SB 821, Emergency Notification: County Jurisdictions, available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB821

²⁹ PG&E Opening Comments at 5.

³⁰ *Id.*

³¹ D.19-05-042, issued on May 31, 2019 (the Phase 1 Decision) at 77.

³² Utility Consumers’ Action Network Proposals at 4.

³³ Center for Accessible Technology Proposals at 7.

³⁴ *Id.*

disabilities and AFNs who do not meet the Medical Baseline criteria but who may nonetheless have a vital need for the same information and resources available to Medical Baseline customers. This is why IOU coordination with local governments and CBOs is so vital.

However, in order to help IOUs meet their responsibilities when utilizing their own program databases, DREDF recommends including people on or eligible for the IOUs “Vulnerable Customer” status,³⁵ both when an IOU already utilizes this program and for the Commission to consider requiring that a similar program be incorporated into IOU services for the IOUs that do not currently have one. PG&E’s “Vulnerable Customer” status allows people to self-certify that “they have a serious illness or condition that could become life threatening if their electric or gas service is disconnected for nonpayment receive” and triggers an “in-person visit from a PG&E representative before disconnection.”³⁶

Not only would the utilization of the “Vulnerable Customer” status program assist IOUs in meeting their de-energization responsibilities, but it would also increase the number of people with disabilities and AFN eligible for in-person notice and ultimately potential in-person mitigation resources. It is DREDF’s understanding that currently only Medical Baseline customers are eligible for in-person notifications as part of a de-energization event.³⁷ However, DREDF strongly supports increasing those eligible for in-person contact as this modality can be one of the only forms of alerting and communication available when all other communication methods lose power, while also being extremely relevant as IOU mitigation responsibilities are further defined.

- i. What policies or laws affect the sharing of information between the electric IOUs and state and local governments to facilitate the identification of AFN populations for public safety purposes? What, if any, changes should be considered, and which entity or entities has the authority to make such changes?**

Considering the life-threatening ramifications of de-energization events, DREDF encourages the Commission to look at this issue more robustly. If the Commission wants the

³⁵ “Learn About the PG&E Vulnerable Customer Program”, available at https://www.pge.com/en_US/residential/save-energy-money/help-paying-your-bill/longer-term-assistance/medical-condition-related/vulnerable-customer.page

³⁶ *Id.*

³⁷ Understand How a PSPS Works, “I Am a Medical Baseline Customer and/or I Have Special Medical Needs. Will My Power Be Shut Off?”, available at https://www.pge.com/en_US/safety/emergency-preparedness/natural-disaster/wildfires/public-safety-power-shutoff-faq.page

IOUs to retain ultimate alerting and communication responsibility, then the IOUs must expand their reach into the disability and AFN community because this is where the human consequences of de-energization are felt. As RCRC and UCAN recognize, SB 821 is a law that allows utilities to share their customer contact information with local governments in order to increase enrollment in local emergency warning systems.³⁸ However, although this law has very real utility as a way for local governments to implement an opt-out system instead of the more typical and less effective opt-in warning system model, it does not appear on its face to serve the objective of identification of people with disabilities and AFNs and it does not address information sharing in the opposite direction, from local governments to IOUs.

DREDF agrees with CforAT that given the potentially complex nature of the privacy laws implicated in the context of all-way information sharing during de-energization events in the midst of California’s current fire season, partnerships are one valuable solution.³⁹ Additionally, given the potential complexity of the Health Insurance Portability and Accountability Act’s (“HIPAA”) privacy regulations, DREDF supports the Joint Local Governments recommendation “to have a workshop panel, or half-day workshop, to address the medical privacy framework” and that “Local Government Privacy Officers and other experts could be made available to present on HIPAA and the Commission’s customer information confidentiality rules.”⁴⁰ DREDF also supports CalCCA’s recommendation that the Commission could “adopt a single set of PSPS privacy and confidentiality rules that applies to all IOUs and PSPs...”⁴¹ Exploring the feasibility of these recommendations would be extremely valuable given the benefits of shared access and improved alerting, communications, mitigation, and education to the disability and AFN population.

a. Are different methods of notification needed before, during and after PSPS events depending on the needs of an individual AFN utility customer?

It is DREDF’s position that in the context of an emergency event, including intentional power outages, access to timely information saves lives. One of the most important

³⁸ Rural County Representatives of California Comments at 6; Utility Consumers’ Action Network Proposals at 4; SB 821, Emergency Notification: County Jurisdictions, available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB821

³⁹ Center for Accessible Technology Proposals at 6.

⁴⁰ Joint Local Governments Proposals at 14.

⁴¹ California Community Choice Association Proposal at 24.

ways to ensure mandatory disability access in all stages of an emergency event is to require IOUs to verify that they are using multiple accessible and repeated alerting formats and that people with disabilities and AFNs can specify the alerting and communication method that works for them. It is also essential that accessible alerting and communications are provided during all stages of de-energization as access to timely, up to date information can mean the difference between life and death for people who rely on electricity to sustain life.

As other commenters have pointed out, multiple alerting and communications methods are necessary because people with disabilities and AFNs receive communications that are effective for them in many different ways. For example, people who are blind or low vision may need a cell phone or landline voice message, a televised message that communicates information orally, a text message that has the capability of being transcribed out loud, website information that is accessible via a screen reader, and or radio alerts. People who are deaf or hard of hearing may need a text message, captioned televised messaging, website messaging, and/or ASL interpreters during televised informational events.

DREDF recommends that these alerting and communications methods be used during all stages of a de-energization event at least or until the Commission can confirm exactly which communications methods will not be available due to power loss. This is another reason why it is important to have a comprehensive list of Critical Facilities and for actions to be taken by the IOUs to help ensure that these facilities remain operable during de-energization so that people with disabilities and AFNs receive what can often be life-saving information and assistance.

As other commenters have pointed out, when the power is intentionally turned off, it is possible that many of these alerting and communications methods may not be functional, and in-person messaging and resourcing may be necessary. DREDF agrees with CforAT that IOUs should provide “in-person notification about the status of de-energization events to [people with disabilities and] AFN populations during de-energization at their homes, as well as at any shelters, cooling centers, or other locations where customers may gather during a PSPP event...”⁴² DREDF does not support PG&E’s proposal that the “door knock process should be reserved only for medical baseline customers, not for all AFN populations.”⁴³ This directly contravenes what the Commission has laid out in terms of IOU responsibilities to people with

⁴² Center for Accessible Technology Proposals at 11.

⁴³ PG&E Opening Comments at 6.

disabilities and AFNs.⁴⁴ DREDF notes that Southern California Edison Company (“SCE”) agrees that “further conversation and workshops are necessary to assess alternatives above and beyond what is currently being done.”⁴⁵

DREDF also wants to reiterate CforAT’s assertion that “[a]ll websites and web content must meet the standards set out in WCAG 2.0 AA, the generally accepted standard for web accessibility.”⁴⁶ Additionally, DREDF reminds the Commission that de-energization information made available by the IOUs in hard copy form should be available in alternative formats including large print, braille, and audio, including information provided at Community Resource Centers. Furthermore, DREDF strongly agrees with the City and County of San Francisco that Community Resource Centers (“CRCs”) must be prepared to have ASL interpreters.⁴⁷

DREDF acknowledges that the Commission recommended that the IOUs follow the California Alert and Warning Guidelines⁴⁸ and that the Commission concluded that “it is reasonable to require [IOUs]...to deliver notifications to all customer groups in multiple formats and through multiple media channels including, but not limited to, telephonic notification, text message notification, [and] social media advisories...”⁴⁹ However, for the reasons outlined above, DREDF agrees with Western States Petroleum Association (“WSPA”) that the Commission needs to identify the exact methods to be used by IOUs for de-energization event notification.⁵⁰

DREDF recommends that the Commission ensure that the IOUs are meeting their multi-method alerting and communications responsibilities to the disability and AFN community and understands that one of the ways to accomplish this is to require a copy from the IOUs of “all notifications, the timing of notifications, the methods of notifications and who made the notifications (the utility or local public safety partners)” as well as “[f]or those customers where

⁴⁴ D.19-05-042, issued on May 31, 2019 (the Phase 1 Decision) at 99, “The utilities, in partnership with local and state public safety partners, must develop notification strategies for AFN populations up to and including in person notification...consideration should be given to medical baseline customers and customers requiring advanced notice in the event of power service disconnection.”

⁴⁵ SCE Comments at 4.

⁴⁶ Center for Accessible Technology Proposals at 11.

⁴⁷ City and County of San Francisco Proposal at 5.

⁴⁸ D.19-05-042, issued on May 31, 2019 (the Phase 1 Decision) at 93.

⁴⁹ *Id.* at 126.

⁵⁰ Western States Petroleum Association Comments at 8.

positive or affirmative notification was attempted, an accounting of the customers (which tariff and/or AFN 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.”⁵¹ Compliance with these reporting requirements will help ensure that IOUs are meeting their alerting and communications responsibilities to people with disabilities and AFNs.

4. Notification and Communication

a. What information should be communicated during a PSPS event as well as when power lines are being re-energized, and when (at what intervals) should that information be communicated?

DREDF understands that the timely provision of accurate information to the public is as important as the content of the information conveyed. DREDF strongly supports the conveyance of accurate and accessible information to people with disabilities and AFNs as far in advance of a de-energization event as possible, and then as necessary during the event and after to allow this population to make informed decisions about their lives. This information should include the timing, location, and length of the event as the information is available and as the information changes, as well as the resources that are available from the IOUs and PSPs including physically accessible shelters, alternative power resources, and physical accessible evacuation transportation assistance. As previously stated, this information must be considered within the context of the available communication methods considering the lack of electricity.

As some of the other commenters have recommended, DREDF strongly supports extending the advance notice timeline to people with disabilities and AFNs to the earliest possible time and at least 72 hours before a de-energization event. People with disabilities and AFNs need as much time as possible to prepare to potentially save their own lives, especially for a de-energization event that could last up to five days, and also considering that the IOUs and PSPs have unfortunately not yet developed mitigation strategies. People with disabilities and AFNs need time to plan for the types of medical equipment, supplies and medications they need to have in their homes or plan to take with them, they need time to plan for physically accessible evacuation transportation and assistance, they need time to locate physically accessible shelter

⁵¹ D.19-05-042, issued on May 31, 2019 (the Phase 1 Decision) at 107-108.

and/or lodging, and they need time to arrange for any personal assistance that they might need to both stay in or leave their location if necessary. It is DREDF's understanding that IOUs may have up to seven days of advanced knowledge of the environmental circumstances that are considered when de-energization events are activated.⁵² Therefore, it is possible that providing advanced notice to this population is within the IOUs capability.

IOU customers and especially people with disabilities and AFNs must be updated frequently about the location and duration of the outages. As CforAT points out “[t]hose whose homes have been de-energized need to be informed about how long they are likely to be without power so that they can attempt to make whatever arrangements are necessary for their health and safety.”⁵³ Furthermore, information must be provided indicating that the lines are re-energized so that those affected can return home as soon as possible. DREDF notes that Lancaster Choice Energy stated that SCE did not provide the information required in the Commission's Phase 1 Decision during SCE's June 17-22, 2019 de-energization event, including the estimated start time of the event, the estimated duration of the event, and the estimated time to full power restoration.⁵⁴ This is one of the many reasons why the Commission should require and enforce that this information is provided.

Additionally, DREDF strongly recommends that the Commission require that IOUs provide frequent and up to date information on the location and availability of IOU and PSP resources for people with disabilities and AFNs that will help to mitigate the effects of a de-energization emergency. The resource information that should be provided by the IOUs includes the availability of and process for requesting physically accessible evacuation transportation assistance, the availability and location of physically accessible shelters and/or lodging, the availability and location of physically accessible cooling centers, the availability and location of physically accessible CRCs, the availability of alternative power resources and the acquisition process, and the contact information for the IOU and local AFN coordinators. DREDF looks forward to how the Commission will address this extremely vital piece of the de-energization process.

⁵² PG&E Progress Report at 15, “PG&E created a publicly available website at www.pge.com/weather showing PG&E meteorology's seven-day outlook on the relative chance of a PSPS event.”

⁵³ Center for Accessible Technology Proposals at 17.

⁵⁴ Comments of Lancaster Choice Energy on Southern California Edison Company's Public Safety Power Shutoff Post Event Report at 4.

6. Lessons Learned

a. Are there lessons learned from recent PSPS events (since adoption of D.19-05-042) that inform the topics under consideration in Track 1?

As the Commission knows, PG&E instituted an unprecedented de-energization event across California during the time these comments were being prepared. As DREDF is located in a county where over 30,000 people were affected, DREDF and our constituents have direct knowledge of many of the inequities, inadequacies, and inconsistencies of the de-energization process. These include inconsistent advanced warnings, inaccessible information on the PG&E website, and failures by PG&E and PSPs to have plans in place to provide evacuation transportation assistance, sheltering, or alternate power resources to people with disabilities and AFNs. DREDF made an effort to address each of these issues and others in the appropriate sections above.

DREDF further highlights a number of important issues that some of the other commenters discussed. DREDF shares similar concerns with the Joint Local Governments that PG&E's after-action report for its June 8, 2019 de-energization event lacked "substantive information" as to why it made the decision to de-energize. Like the Joint Local Governments and TURN, DREDF is worried, given the content of PG&E's report, that PG&E has too much discretion in the de-energization decision-making process considering the ramifications of de-energization for people with disabilities and AFNs.⁵⁵ DREDF supports the Joint Local Governments recommendation that "[d]e-energization after-action reports must contain a substantive discussion of the alternatives to shutting off the power that PG&E considered, and a substantive discussion of why those alternatives were deemed insufficient."⁵⁶

Additionally, DREDF echoes CforAT's recommendation that when it comes to deciding whether to notify customers in advance of a de-energization event that ultimately may not happen versus waiting for a more complete picture as to the dynamic nature of weather, IOUs "should err on the side of providing more notice than may be necessary to decrease risk factors as the event proceeds."⁵⁷ CforAT points out that during the June de-energization event, "PG&E

⁵⁵ Joint Local Governments Proposals at 18-19; The Utility Reform Network Proposals at 9.

⁵⁶ Joint Local Governments Proposals at 19.

⁵⁷ Center for Accessible Technology Proposals at 20.

gave less than a day’s notice due to rapidly changing weather conditions...”⁵⁸ The reasons why this is inadequate and completely inappropriate should be clear at this point.

DREDF supports the City of San Jose’s assertion that there is a “critical need for the CPUC to better define rules regarding the cost allocation for actions required to prepare and respond to these events.”⁵⁹ As the City of San Jose identifies, these costs include “(1) support costs for setting up and fueling backup generation, (2) costs related to activation of local emergency operations centers, cooling centers, and (3) costs related to supporting the needs of those with access and functional needs.”⁶⁰ DREDF notes that this list is not exhaustive but that this issue must be addressed in order for IOUs to meet their responsibilities to the disability community. As it stands, the process of resource allocation and coordination between and IOUs and PSPs must be improved if people are going to survive these emergencies.

III. Conclusion

The personal costs to the disability and AFN community associated with intentional power outages are too significant to go unaddressed and unplanned for. DREDF appreciates the opportunity to provide comments to the Commission.

Respectfully submitted,

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⁵⁸ *Id.* at 21.

⁵⁹ City of San Jose Comments at 16.

⁶⁰ *Id.*