

## ASSEMBLY THIRD READING

AB 2070 (Bauer-Kahan)

As Amended May 19, 2022

Majority vote

**SUMMARY**

Permits a fire protection district to require electric utilities to provide 24 hour notice before performing specified work within the fire district's jurisdiction.

**Major Provisions**

- 1) Specifies work for which a fire protection district may require notification from an electric utility as non-emergency hot work in a high fire threat area; the deployment of a safety and infrastructure protection team in a high fire threat area; and the performance of prescribed or controlled burns.
- 2) Permits a civil penalty of \$500 for failure to notify a fire district and restates current law that the penalty is not eligible for rate recovery.

**COMMENTS**

The definition of hot work in this bill is intended to target work by electric utilities which could generate a spark or arc and create a fire ignition. Crews working on utility lines are designated as qualified electrical workers (QEWs or linemen). In the industry, the work is also referred to as "working hot" and is a constant for any electric utility.

Under this bill notice to a fire protection district may also be required if an electric utility deploys personnel to support work on overhead electric infrastructure in a high fire risk area regardless of the work that the personnel have been dispatched to perform.

The California Public Utilities Commission (CPUC) requires that Wildfire Mitigation Plans address crew-accompanying ignition prevention and suppression resources and services, and personnel work procedures and training in conditions of elevated fire risk. When utilities do this work, personnel and resources, which could be contracted for or be a safety team of utility employees, are deployed who are trained to perform fire prevention duties when at-risk work is performed.

The committee's research did not find any data on fire ignitions caused by "hot work" or by the dispatch of personnel to support work on overhead electrical infrastructure. The most common causes of utility-related ignitions are vegetation contact, contact with foreign objects, and equipment failure.

**According to the Author**

Climate change has made our fire season much less predictable, and has contributed to both the intensity and duration of wildfires that our state faces. California had its worst fire season in modern history in 2020, with over 10,000 wildfires burning over 4.2 million acres of land. It is past time for our state to take action in the face of these fires and natural calamities. AB 2070 will increase accountability and transparency by requiring all electrical utilities to notify local fire districts at least 24 hours before conducting mitigation or planned burns in a high fire risk area during fire season. This will ensure that local fire districts are aware and prepared when

utility companies conduct "hot work" or controlled burns within their jurisdiction. When fire districts know in advance that there is risky work being conducted in their area, they can be prepared by having fire personnel and equipment poised and ready. Without this critical notification from utilities, districts can be caught off guard and lose precious moments to stop the flames should a fire break out. It is essential we give fire districts all the tools they need, especially during fire season.

**Arguments in Support**

The California Fire Chiefs Association and the Fire District Association of California report that the "bill would expand a model of communication used in San Ramon and Orinda require notification of fire safety mitigation services in high fire zones...within 24 hours. Clear communication will enable better coordination and utility of emergency resources."

**Arguments in Opposition**

San Diego Gas & Electric, Southern California Edison and Pacific Gas & Electric opine that the hot work definition in the bill will create confusion, the notice requirements are overly burdensome for non-emergency work, and controlled burns are already regulated.

**FISCAL COMMENTS**

According to the Assembly Appropriations Committee, to the extent local fire districts require electric utilities to comply with the notification requirements of the bill, there may be costs over \$150,000 to the CPUC or those costs may be minor and absorbable.

**VOTES****ASM UTILITIES AND ENERGY: 9-0-6**

**YES:** Eduardo Garcia, Bauer-Kahan, Carrillo, Cristina Garcia, Muratsuchi, Quirk, Reyes, Santiago, Ting

**ABS, ABST OR NV:** Patterson, Chen, Cunningham, Holden, Irwin, Mayes

**ASM APPROPRIATIONS: 11-0-5**

**YES:** Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

**ABS, ABST OR NV:** Bigelow, Megan Dahle, Voepel, Fong, Eduardo Garcia

**UPDATED**

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