

Date of Hearing: June 28, 2021

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Freddie Rodriguez, Chair

SB 52 (Dodd) – As Amended April 12, 2021

SENATE VOTE: 36-0

SUBJECT: State of emergency: local emergency: planned power outage

SUMMARY: Defines a “deenergization event” as a planned power outage, as specified, and designates a deenergization event as a condition constituting a local emergency, with prescribed limitations. Specifically, **this bill:**

- 1) Defines a “deenergization event” as a planned power outage, undertaken by an electrical corporation, as defined, to reduce the risk of wildfires caused by utility equipment, as specified, and commences upon a notification from an electrical corporation to a relevant government entity of the potential need to initiate a planned deenergization of the electrical grid, and either ends when all electrical services are restored or when the electrical corporation cancels the deenergization event for some or all of the affected customers and rescinds the notification of a potential need for the planned deenergization event. a deenergization event does not included planned outages stemming from regular utility work.
- 2) Establishes a deenergization event as a condition qualifying of a local emergency.
- 3) Specifies that a proclaimed local emergency stemming from a deenergization event does not result in the electric utility obligations as determined by the California Public Utilities Commission (CPUC) Decision 19-07-015 or any succeeding decisions regarding deenergization events.
- 4) Specifies that proclaimed local emergency stemming from a deenergization event does not change the electric utilities’ CPUC approved cost-recovery mechanisms for their own costs associated with deenergization events.

EXISTING LAW:

- 1) Establishes the California Office of Emergency Services (Cal OES), under the office of the Governor, as the entity tasked with California’s emergency and disaster response services for natural, technological, or manmade disasters and emergencies.
- 2) Authorizes the Governor to proclaim a state of emergency, when specified disaster conditions are met.
- 3) Authorizes local officials and local governments to proclaim a local emergency, when specified disaster conditions are met.
- 4) Grants the Governor or local government who have proclaimed an emergency to exercise certain powers in response to that emergency.

- 5) Defines “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state or territorial limits of a local government.
- 6) Specifies that a sudden and severe energy shortage is a condition that may prompt a state of emergency or local emergency.
- 7) Defines “sudden and severe energy shortage” to mean a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and which has statewide, regional, or local impact.
- 8) Authorizes electric utilities to shut off electric power in order to protect public safety, with prescribed conditions.

FISCAL EFFECT:

According to the Senate Committee on Appropriations, there is not a significant fiscal effect.

COMMENTS:

Purpose of the Bill: According to the author, “In an era of climate change and enhanced wildfire prevention, public safety power shutoffs (PSPS) have become an all too frequent event. A PSPS has very significant impacts on various activities and populations in an effected region/county, including sustaining the needs of medically vulnerable residents, and continued and uninterrupted operations of critical public services (water, wastewater, traffic control, police and fire protection, etc.). In order for public services to continue, and in order to ensure vulnerable populations are protected, counties open emergency operation centers to coordinate and oversee the maintenance of public safety health and welfare. Activation of county emergency operation centers is expensive and a drain on county funds.”

Further, the author’s office states that “Currently, the Emergency Services Act recognizes a loss of electrical power as an emergency, but limits that definition of a loss of power to a sudden, unplanned event. Given the fact that a loss of power pursuant to a PSPS is planned, it is necessary to broaden the definition of a loss of power in the ESA. In this manner, counties will be able to seek reimbursement for the costs incurred by running the emergency operation centers.”

California Emergency Services Act: The California Emergency Services Act (ESA) was enacted in 1970, and established Cal OES within the Governor’s Office. The ESA gives the Governor authority to proclaim a state of emergency in an area affected or likely to be affected when: conditions of disaster or extreme peril exist; the Governor is requested to do so upon request from a designated local government official; or the Governor finds that local authority is inadequate to cope with the emergency. Local governments may also issue local emergency proclamations, which is a prerequisite for requesting the Governor’s Proclamation of a State of Emergency.

Emergency Preparedness and Response: Cal OES is responsible for addressing natural, technological, or manmade disasters and emergencies, and preparing the State to prevent, respond to, quickly recover from, and mitigate the effects of both intentional and natural disasters. As part of their overall preparedness mission, Cal OES is required to develop a State

Emergency Plan (SEP), State Hazard Mitigation Plan (SHMP), and maintains Standardized Emergency Management System (SEMS) and the Emergency Management Mutual Aid System (EMMA). Cal OES, in coordination with FEMA and local partners, has developed four Catastrophic Plans to augment the State Emergency Plan.

Ongoing and complex disasters are the new normal: In recent written testimony provided to the House of Representatives Committee on Appropriations, California's OES Director states, "the State of California arguably faces the most complex and severe disaster conditions in the nation and these challenges and complexities grow in magnitude each year. In the past decade, California has experienced every conceivable type of natural and manmade disaster including drought, earthquake, flood, catastrophic wildfire, mudslides, dam failure, cyber security attacks, oil spills, natural gas leak, civil unrest, terrorism, and tsunami. However, the COVID-19 pandemic has put our emergency management system to the test.

Unprecedented Wildfire Activity: In Cal FIRE's 2020 Fire Siege Report, the Director states, "at the end of 2020, we closed the book on, arguably, the worst fire year ever experienced on the west coast, and specifically in California. Since 2015, the term "unprecedented" has been used year over year as conditions have worsened, and the operational reality of a changing climate sets in. In California, the 2020 Fire Siege claimed the lives of 28 civilians and three firefighters, destroyed 9,248 structures and consumed 4.2 million acres. In August, the SCU and LNU Lightning Complexes were burning at the same time and at the time of containment, were the 3rd and 4th largest fires in California history. The Creek Fire grew to be the largest single fire in California history that did not originate as a complex of fires. Watersheds were eradicated, communities decimated, and the quality of life for 40 million Californians temporarily diminished."

Ongoing Threat of Wildfires led to public education campaign: According to Cal OES, the department partnered with private sector, investor-owned utilities in California on a PSPS public education campaign. The PSPS campaign focused on preparing Californians, especially vulnerable populations, for power shutoffs. It encouraged the public to have a personal safety plan in place, plan for their medical needs, build emergency supply kits, pre-identify backup charging methods for devices that require power, and other emergency preparedness activities for individuals and families.

Public Safety Power Shutoffs (PSPS): Over the last decade, California has experienced increased, intense, and record-breaking wildfires in Northern and Southern California. These fires have resulted in devastating loss of life and billions of dollars in damage to property and infrastructure. Electric utility infrastructure has historically been responsible for less than ten percent of reported wildfires; however, fires attributed to power lines comprise roughly half of the most destructive fires in California history.

With the continuing threat of wildfire, utilities may proactively cut power to electrical lines that may fail in certain weather conditions to reduce the likelihood that their infrastructure could cause or contribute to a wildfire. This effort to reduce the risk of fires caused by electric infrastructure by temporarily turning off power to specific areas is called a PSPS. An extended PSPS can leave communities and essential facilities without power, which brings its own risks and hardships, particularly for vulnerable communities and individuals.

In 2012, the CPUC ruled that California Public Utilities Code Sections 451 and 399.2(a) give electric utilities authority to shut off electric power in order to protect public safety. This allows

the energy companies (SDG&E, PG&E, SCE, Liberty, Bear Valley and PacifiCorp) to shut off power for the prevention of fires where strong winds, heat events, and related conditions are present.

In 2017, fires raged in Santa Rosa, Los Angeles, and Ventura making it one of the most devastating wildfire seasons in California's history. In response to the 2017 wildfires and SB 901 (Dodd), the CPUC revised earlier guidelines on the de-energization of power lines and ultimately adopted a new set of PSPS guidelines on June 5, 2020.

Public Utilities Commission Decision 19-07-015: In 2019, the CPUC approved an emergency disaster relief program for utility customers, as specified, including electric customers, which may be used once a disaster, that has a state of emergency declaration, causes either a loss or disruption of utility service or results in a lower quality of that utility service. This program was set up to ensure customers who face a housing or financial crisis from a qualifying disaster continue to receive utility services and maintain financial support. The customer protections last from the original date of the emergency declaration and last at least 12 months.

Arguments in support: Writing in support, the County of Napa states "While the intent of a PSPS is to limit the threat of wildfires during specific weather conditions, these events trigger many activities required by local agencies to protect public health and safety for the duration of the event. These activities are coordinated through and by local EOCs. Often, the local EOC is activated as soon as a utility company issues a notice of possible PSPS, and remains active until power is restored and/or the notice is rescinded. EOCs are expensive to operate. Current law allows local agencies to recover some costs if the emergency is covered by the ESA. However, it is unclear whether an EOC activation caused by a PSPS announcement is covered by the ESA. SB 52 will make that clear."

Related Legislation:

AB 1403 (Levine), of this Session. Would include a "deenergization event," as defined as a planned power outage, as a condition constituting a state of emergency. (Pending in the Senate Appropriations Committee)

AB 418 (Valladares), of this Session. Would establish the Community Power Resiliency Program grant at Cal OES. (Pending in the Senate Appropriations Committee)

SB 468 (Dodd), of this Session. Includes an electromagnetic pulse attack among the conditions constituting a state of emergency or local emergency. (Pending in the Assembly Rules Committee)

Prior Legislation:

AB 2178 (Levine) of the 2019-2020 Session. Would have included deenergization, defined as a PSPS, as specified within conditions constituting a state of emergency or local emergency. (Died in the Senate Governmental Organization Committee.)

SB 862 (Dodd), of the 2019-2020 Session. Would have added planned deenergization events, as defined, within the conditions that constitute a state of emergency; and, added new requirements of electrical corporations regarding protocols for these events, as specified. (Died in the Assembly Utilities and Energy Committee.)

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Water Agencies (ACWA)
California Association of Public Authorities for IHSS (CAPA)
California Fire Chiefs Association (CFCA)
California Foundation for Independent Living Centers
City of Thousand Oaks
City of Tustin
County of Napa
Disability Rights California
East Bay Community Energy (EBCE)
El Dorado Irrigation District
Elsinore Valley Municipal Water District
Fire Districts Association of California (FDAC)
League of California Cities
Rural County Representatives of California
San Diego Gas and Electric
Solano County Water Agency
State Council on Developmental Disabilities

Opposition

None on file.

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