

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

Order Instituting Rulemaking to Revise and Clarify
Commission Regulations Relating to the Safety of
Electric Utility and Communications Infrastructure
Provider Facilities.

Rulemaking 08-11-005
(November 6, 2008)

**PHASE 3 JOINT PARTIES' WORKSHOP REPORT
FOR WORKSHOPS HELD JANUARY – MARCH 2013**

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I. INTRODUCTION

Pursuant to Rule 1.8(d) of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission) and the March 15, 2013 Administrative Law Judge Ruling granting the Motion to Extend the Deadline to File the Workshop Report for Tracks 1 and 2, Sunesys, LLC submits this Joint Workshop Report on behalf of the following parties: AT&T California and New Cingular Wireless PCS, LLC (AT&T); Bear Valley Electric Service; a division of Golden State Water Company (Bear Valley); California Cable and Telecommunications Association (CCTA); California Department of Forestry and Fire Protection (CAL FIRE); California Municipal Utilities Association (CMUA); California Pacific Electric Company (CalPeco); California Public Utilities Commission's Safety and Enforcement Division (SED); Comcast Phone of California, LLC; County of Los Angeles Fire Department (LA County); Cox California Telecom, LLC and Cox Communications California, LLC (Cox); Crown Castle NG West, Inc. f/k/a NextG Networks of California, Inc.; CTIA-The Wireless Association® (CTIA); Extenet Systems; Frontier Communications (Frontier); Hans Laetz; Los Angeles Department of Water and Power (LADWP); Modesto Irrigation District; Mussey Grade Road Alliance (MGRA); Pacific Gas and Electric Company (PG&E); PacifiCorp d/b/a Pacific

Power (PacifiCorp); Sacramento Municipal Utility District (SMUD); San Diego Gas and Electric Company (SDG&E); the Small LECs;¹ Southern California Edison Company (SCE); Sprint Nextel; Sunesys, LLC; SureWest Telephone; The Utility Reform Network (TURN); Time Warner Cable; T-Mobile West Corporation, dba T-Mobile; tw telecom of california, lp; and Verizon.

II. PROCEDURAL HISTORY

On November 6, 2008, the Commission issued the Order Instituting Rulemaking (OIR) initiating this proceeding. The stated goal of the OIR was “to consider revising and clarifying the Commission’s regulations designed to protect the public from potential hazards, including fires, which may be caused from electric utility transmission or distribution lines or communications infrastructure providers’ facilities in proximity to the electric overhead transmission or distribution lines.”² Originally, this proceeding was divided into two phases. The purpose of Phase 1 was to adopt measures that could be implemented in time for the 2009 autumn fire season in Southern California. The purpose of Phase 2 was to adopt measures that required more time to consider and implement. Both of these phases culminated in final decisions that adopted new and revised General Order (GO) 95 rules. The Phase 2 Decision, Decision No. (D.) 12-01-032, established a new Phase 3 of this proceeding to consider eight issues enumerated in Ordering Paragraph 8 of that decision.

On June 1, 2012, a Scoping Memo was issued in Phase 3 and provided that the scope of Phase 3 was limited to those issues listed in Ordering Paragraph 8 of the Phase 2 Decision with some revisions. In brief, those issues are: (i) revising Section IV of GO 95 to reflect modern

¹ The Small LECs are the following carriers: Calaveras Telephone Company, Cal-Ore Telephone Co., Ducor Telephone Company, Foresthill Telephone Co., Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., Pinnacles Telephone Co., The Ponderosa Telephone Co., Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company and Winterhaven Telephone Company.

² Order Instituting Rulemaking, R. 08-11-005 (November 6, 2008) at 1.

materials and practices and to incorporate standards for wood structures and materials (Issues 1-2); (ii) revising Section IV of GO 95 to incorporate a new High Fire-Threat District, developing maps for such a district and related fire safety standards and assessing the applicability of those standards to existing structures (Issues 3 and 4); (iii) developing a plan for investor owned utilities (IOUs) to report data on power line fires (Issue 5); (iv) preparing a work plan for and developing fire threat maps (Issues 6 and 7); and (v) addressing implementation and cost issues (Issue 8).

In order to address these issues, Phase 3 was divided into three tracks: Track 1 was to focus on the proposed revisions to Section IV of GO 95 (Issues 1-4); Track 2 was to develop a plan for IOUs to report data to the SED regarding fires associated with overhead power line facilities (Issue 5); and Track 3 was to prepare a detailed work plan for and the creation of the fire-threat maps (Issues 6 and 7). Tracks 1 and 2 were two-stage processes that started with technical panels to develop technical recommendations (Stage 1) and were followed by facilitated all-party workshops to address the rule change proposals and the data collection proposal considered by the technical panels, and any other proposals within the scope of the proceeding (Stage 2).

Consistent with the Scoping Memo, technical panels for both Tracks 1 and 2 convened to develop recommendations and file their reports.³ Notably the Panel 1 Report concluded that the GO 95 standards for a new High Fire-Threat District could not effectively be developed until new, high-fire maps are developed in Track 3 so that the critical information used as the basis for those maps is understood.⁴ Parties submitted comments on the Track 1 and 2 reports on

³ Technical Panel 1 Report, R.08-11-005 (Oct. 12, 2012) (Panel 1 Report) and Technical Panel 2 Report, R.08-11-005 (Sept. 28, 2012) (Panel 2 Report).

⁴ Panel 1 Report at 8.

October 23, 2012 and reply comments on November 6, 2012. The proceeding then moved forward to Stage 2, the Workshop Process.

In accordance with the Scoping Memo, a pre-workshop conference was held on November 13, 2012 for the purpose of agreeing on workshop process, prioritizing the issues to be considered and scheduling the workshops.⁵ At the pre-workshop conference, the parties agreed to a set of protocols that were designed to guide the manner in which proposed rule changes would be discussed, voted upon, and included in the workshop report. The protocols also detailed the manner in which the workshops would be documented and noticed. A final version of the protocols that guided the workshop process is attached hereto as Appendix D.⁶ At the pre-workshop conference, the parties also agreed that additional workshop days were needed due to the number and complexity of the issues, and that an extension of time was needed for submission of the workshop report. On November 20, 2012, the Administrative Law Judge (ALJ) issued a ruling increasing the number of facilitated workshop days to eight and revising the workshop schedule.

In total, nine days of workshops were held over a period of three months and included both non-facilitated and facilitated days.⁷ The workshop sessions were publicly noticed and open to the public. Thirty-four parties actively participated in the workshop process, including SED, IOUs, municipal utilities, telecommunications companies, cable providers, consumer groups, fire agencies and a variety of independent consultants. The list of parties represented at the workshops is provided as Appendix E.

⁵ Scoping Memo at Appendix B.

⁶ The protocols adopted are largely based on the protocols used in the Phase 2 workshops and are different from the ones attached to the Scoping Memo.

⁷ The parties augmented the limited number of facilitated workshop days with non-facilitated days to refine proposed rule changes and consider alternatives and associated rule changes. Final review of and voting on proposed rule changes occurred only on facilitated workshop days.

During the course of the workshop, the parties considered all of the rule change proposals to GO 95 included in the Panel 1 Report (a total of 39 proposed revisions) and the proposed template and guiding principles for the IOUs to report data on power line fires (IOU Fire Incident Data Collection Plan) included in the Panel 2 Report. Opportunities were provided to discuss and modify the recommendations in the technical panel reports and also to suggest additional associated rule changes. As a result of this process, a number of the GO 95 rule change proposals and the IOU Fire Incident Data Collection Plan were modified and several of the rule change proposals that originally started out as non-consensus items (Alternate Proposals or APs) ultimately became consensus proposed rule changes (PRCs). Other rule change proposals were withdrawn or deferred.

The consensus PRCs are discussed in Section III.A below and the full text of the PRCs is presented in Appendix A. The rule change proposals that did not receive consensus support were designated as Multiple Alternate Proposals (MAPs), and are discussed in Section III.B below; the full text of the MAPs is presented in Appendix B. The IOU Fire Incident Data Collection Plan is discussed in Section IV below and the full proposed template is attached hereto as Appendix C.

A draft of this filing was circulated to all of the workshop participants who are parties to the proceeding for review and comment⁸ prior to its submission.

III. TRACK 1 GO 95 PROPOSED RULE CHANGES

A. Consensus PRCs

A number of rule change proposals had received general support at the Technical Panel stage and achieved consensus at the workshops. Other proposed changes began as competing

⁸ Each party's review of Appendix B was limited to reviewing the portions of the Appendix that reflected their submissions; parties were not permitted to edit other parties' submissions in Appendix B.

APs, but ultimately became consensus items after discussion and refinement. Under the workshop protocols, consensus is defined as all of the parties present (or who provided their proxy to a party that was present) voting “yes” or “neutral” (or “abstain”).

After consensus was achieved on a PRC in a “straw vote,” the item was placed on the calendar for a confirmation vote. This mechanism provided the workshop participants with time to consider their vote and explore the potential impacts of the vote with additional persons at the participant’s company or institution. Any participant could decide to change its vote at any time up to the call of the confirmation vote, and cast a different vote during the confirmation voting workshop session. After call of the confirmation vote, no vote changes were allowed.

The following table lists those PRCs for which consensus was reached. Appendix A to this Workshop Report contains the original rule, ~~strikeout~~ and underline version and final proposed rule, as well as the rationale for each of these consensus PRCs and the detailed description of and justification for the PRC required by the Scoping Memo.⁹ In order to facilitate review and consideration, the PRCs are presented in GO 95 Rule order and multiple changes relating to the same rule have been combined; in addition each PRC has been assigned a new Workshop Report PRC number (WR-PRC). In addition, to show how the consensus PRCs would change Section IV of GO 95 in total, attached as Appendix F is a “Workshop Draft” of Section IV showing all of the consensus PRCs. Certain parties formed coalitions — most notably the Joint Utilities¹⁰ and the CIP Coalition¹¹ — with respect to sponsoring certain

⁹ Due to its length, PRC No. 32 for Appendix C only includes the ~~strikeout~~/underline and final version.

¹⁰ For the purposes of this Workshop Report, the Joint Utilities are comprised of Bear Valley, PacifiCorp, PG&E, SDG&E and SCE.

¹¹ For the purposes of this Workshop Report, the CIP Coalition is comprised of AT&T, CCTA, CTIA, Cox, Crown Castle NG West, Inc. f/k/a NextG Networks of California, Inc., Extenet Systems, Frontier, the Small LECs, Sunesys, LLC, SureWest Telephone, Sprint Nextel, T-Mobile West Corporation, dba T-Mobile, Time Warner Cable, tw telecom of california, lp, and Verizon.

proposed rule changes and providing the associated rationale/justification thereto, and/or offering support or opposition to various proposed rule changes.

WR-PRC#	GO 95 Rule	Rule Title	Original Proposal Number(s)
1	Rule 42	Grades of Construction	PRC 1
2	Rule 43	Temperature and Loading	PRC 2 & PRC 3
3	Rule 43.1C	Heavy Loading Temperature	PRC 3
4	Rule 43.2C	Light Loading Temperature	PRC 3
5	Rule 44	Safety Factors	PRC 20 (AP 1)
6	Rule 44.1	Installation and Reconstruction	PRC 4
7	Rule 44.1	Table 4 Minimum Safety Factors	PRC 5
8	Rule 44.2	Additional Construction	PRC 6
9	Rule 44.3	Replacement	PRC 7 & PRC 22 (AP 4)
10	Rule 45	Transverse Strength Requirements	PRC 8
11	Rule 46	Vertical Strength Requirements	PRC 9 (AP 5)
12	Rule 47	Longitudinal Strength Requirements	PRC 10
13	Rule 48, 48.7	Ultimate Strength of Materials	PRC 11
14	Rule 48.6	Tower or Pole Foundations and Footings	PRC 23 (AP11)
15	Rule 49.1A (1), (2) & (3)	Poles, Towers and other Structures	PRC 12 & PRC 24 (AP 12)
16	Rule 49.1B	Dimensions and Footnotes to Table	PRC 1 & PRC 25 (AP13)
17	Rule 49.1C	Setting of Poles and Table 6	PRC 13 & PRC 14
18	Rule 49.2A	Crossarms - Material	PRC 15
19	Rule 49.2C	Crossarms - Strength	PRC 9
20	Rule 49.2E	Crossarms – Guard Arm	PRC 9
21	Rule 49.4B	Table 8 - Minimum Conductor Sizes	PRC 26 (AP 16)
22	Rule 49.4C(5)	Sags and Tensions	PRC 16
23	Rule 49.7B	Strength	PRC 16
24	Rule 49.7C	Supports	PRC 16
25	Rule 49.8	Hardware	PRC 17
26	Rule 54.10E	Conductor Material and Strength	PRC 16
27	Rule 54.10H	Fastenings	PRC 16
28	Rule 81.3	Material and Strength	PRC 7 & PRC 22
29	Rule 84.5	Sags	PRC 26 (AP 16)
30	Rule 101.2	Spliced or Stub-Reinforced Poles	PRC 18
31	Rule 111.3	Spliced or Stub-Reinforced Poles	PRC 19
32	Appendix C	Conductor Sags and Table 25	PRC 26 (AP 16)
33	Appendix D	Typical Communication Line Construction	PRC 26 (AP 16)

B. MAP PRCs

When the workshop participants determined that achieving consensus for proposed change(s) to a rule was not feasible, then the proposed changes to the rule were designated as MAPs. Not all MAPs resulted in other competing MAPs being developed; however, in all cases the current rule or “no change” stands as a default to the MAP. Each of the MAPs was discussed

and debated at length, and the inability of the workshop participants to arrive at consensus was the result of genuine differences of opinion or need for deferred consideration, rather than a failure to expend adequate workshop time on the issues of concern.

The following table lists the non-consensus MAPs. In order to facilitate review and consideration, the MAPs are presented in GO 95 Rule order and have been renumbered. Appendix B to this Workshop Report contains the original rule, strikeout and underline version and final proposed rule, as well as the rationale for each of these non-consensus proposals and the detailed description of and justification for the MAP required by the Scoping Memo. Unlike the rationales and justification for the consensus WR-PRCs that were agreed upon by all of the workshop participants, the rationales and justification for the MAPs were prepared solely by the MAP proponents. Appendix B also includes parties' comments in support or opposition of any non-consensus MAP¹² and the confirmation voting record for each MAP.

MAP #	GO 95 Rule	Rule Title	Proponent	Original Proposal Number
MAP 1	Rule 12.1E/ Rule 44.5	Addition of Facilities and (new) - Change in Grade (new)	CIP Coalition	AP 15
MAP 2	Rule 31.7	Hazards to Aviation (new)	Hans Laetz	AP 14
MAP 3A	Rule 44.2	Additional Construction	SED	AP 3A
MAP 3B	Rule 44.2	Additional Construction	Hans Laetz	AP 3B
MAP 4	Rule 46	Vertical Strength Requirements	Hans Laetz	AP 5
MAP 5A	Rule 48	Ultimate Strength of Materials	CIP Coalition	AP 6A
MAP 5B	Rule 48	Ultimate Strength of Materials	SDG&E	AP 6B
MAP 5C	Rule 48	Ultimate Strength of Materials	SED	AP 6C
MAP 6A	Rule 48.1	Wood	SDG&E	AP 7A
MAP 6B	Rule 48.1	Wood	SED	AP 7B
MAP 7A	Rule 48.2	Steel	SDG&E	AP 8A
MAP 7B	Rule 48.2	Steel	SED	AP 8B
MAP 8A	Rule 48.4	Fiber-Reinforced Polymer (new)	CIP Coalition	AP 9A
MAP 8B	Rule 48.4	Fiber-Reinforced Polymer (new)	SED	AP 9B
MAP 9A	Rule 48.5	Other Engineered Materials (Currently Rule 48.4 Other Structural Materials)	SDG&E	AP 10A
MAP 9B	Rule 48.5	Other Engineered Materials (Currently Rule 48.4 Other Structural Materials)	SED	AP 10B

¹² Parties were limited to submitting comments that were not inconsistent with their votes. The fact that no comment was provided in support of or opposition to a MAP is not indicative of the level of support for or opposition to a MAP. Parties also have the opportunity to comment on MAPs in their briefs.

IV. TRACK 2 FIRE INCIDENT DATA COLLECTION PLAN

Panel 2 was charged with developing a plan for the electric IOUs to collect and report data to SED regarding power-line fires, and for SED to identify and assess systemic fire-safety risks associated with overhead power-line facilities and aerial communications facilities in close proximity to power lines. A Fire Data Collection Plan was originally submitted jointly by SED and MGRA for consideration in Phase 2 of this proceeding. While the Commission found merit in requiring electric IOUs to report information on power-line fires, it directed parties to jointly develop a plan for SED to collect the data from the electric IOUs, as well as analyze the data and use the information to formulate measures to reduce the number of fires ignited by power lines. Consistent with this goal, Technical Panel 2 convened and developed a proposal that was submitted in the Panel 2 Report, filed on September 28, 2012. The Technical Panel 2 parties included SED, investor-owned electric utilities, communications companies, cable providers, fire agencies, consumer groups and a private intervener.

During the course of the all-party workshops, the proposal was further refined to address the concerns and suggestions of the parties. The final proposed Fire Incident Data Collection Plan attached as Appendix C, reached near-consensus vote, with one “no” vote. The confirmation voting record for the Fire Incident Data Collection Plan is also included in Appendix C. Parties agreed at the all-party workshops that additional matters on cost-benefit issues associated with this proposal may be addressed in parties’ briefs.

V. IMPLEMENTATION

Parties believe that the Commission should afford a reasonable period for implementation of any rule changes adopted in this Phase 3. Individual parties will discuss the appropriate implementation timeframes in their briefs.

VI. ACKNOWLEDGEMENTS

Finally, the Workshop Report chair wishes to thank ALJ Angie Minkin for her professionalism and facilitation of the Phase 3 workshops.

/s/

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