

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

Order Instituting Rulemaking to Consider
Strategies and Guidance for Climate
Change Adaptation.

Rulemaking 18-04-019

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) COMMENTS ON
COMMISSIONER LIANE M. RANDOLPH'S PROPOSED DECISION ON PHASE 1
TOPICS 4 AND 5**

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SUBJECT INDEX OF RECOMMENDED CHANGES

SCE recommends the following changes to certain Proposed Decision requirements:

- The Commission should provide 180 days, rather than 90 days, for utilities to complete the Community Engagement Plan in consultation with relevant stakeholders.
- The Commission should provide utilities structural and organizational flexibility on how best to meet the vulnerability assessment (VA), infrastructure and procurement planning, and customer outreach goals adopted by the Commission for climate adaptation, and not require any specific team structures, reporting relationships, or additional prescribed board responsibility.
- The Commission should not require utilities to communicate with operators of contracted facilities and ask them to report their facility's exposure to climate risk if the contract is scheduled to end before the start of the VA timeframe.

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I.

INTRODUCTION

Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Southern California Edison Company (“SCE”), hereby submits the following comments on the proposed decision of Commissioner Liane M. Randolph in the Climate Change Adaptation Rulemaking’s Phase 1, Topics 4 and 5, that was issued on July 6, 2020 (“PD”). The PD addresses how energy utilities should assess and adapt to vulnerabilities caused by climate change and how the utilities should engage with the most vulnerable and disadvantaged communities on climate adaptation. SCE supports the PD and its broad vision for enabling an assessment of crucial utility assets to address climate change, addressing the needs of vulnerable communities, and promoting community engagement. With that support in mind, SCE proposes modifications, as described below, to enhance its ability to meet the Commission’s goals for addressing climate change adaptation.

SCE's comments demonstrate that: 1) the utilities will need 180 days, rather than 90 days, to complete the Community Engagement Plan in consultation with relevant stakeholders. This additional time is imperative given the impact of COVID-19 and the other factors that impact both SCE resources and the availability of the communities and community-based organizations in SCE's service area to engage in the necessary dialogue and information sharing that will contribute to an effective Community Engagement Plan for climate adaptation; 2) the Commission's goals for oversight and attention to climate adaptation at the highest levels of the organization can best be met by providing utilities with structural and organizational flexibility; and 3) it is unnecessary for the utilities to ask operators of contracted facilities to report their facility's exposure to climate risk if the contract is scheduled to end before the start of the utility's VA timeframe set forth in the PD. SCE provides proposed revisions to the PD language in Appendix A.

II.

COMMENTS ON THE PROPOSED DECISION

A. Providing 180 Days to Submit the First Community Engagement Plan Will Ensure Appropriate Time for Stakeholder Input and IOU Development of Robust Plans

The PD states that IOUs are to develop their Community Engagement Plans (CEPs),¹ in consultation with the Disadvantaged Communities Advisory Group,² community-based organizations, communities, and other stakeholders in this proceeding,³ and that the initial CEP is due 90 days from the effective date of the decision.⁴ SCE supports the creation of a well-developed CEP as this would allow SCE to review prior engagements and training in Disadvantaged Communities, identify Disadvantaged Vulnerable Communities in its service area, and include best practices and lessons learned. However, the initial 90-day submittal

¹ See PD, Ordering Paragraph (OP) 4, at pp. 97-99.

² *Id.*

³ See PD, OP 5, at p. 99.

⁴ See PD, OP 4, at pp. 97-99.

timeline is too aggressive and likely infeasible for building out a robust plan given the current COVID-19 environment. As such, SCE requests a total of 180 days from the effective date of a decision to submit a comprehensive CEP.

Community-based organizations (CBOs) are experiencing severe, sudden and substantial funding and resource constraints on the delivery of critical and key programs and services due to the COVID-19 crisis. Many of these organizations have now ceased non-essential services due to limited funding and staffing and are focusing their efforts on providing direct support and service to low- and moderate-income communities, such as food insecurity, rent and mortgage relief, workforce, and economic development. A virtual work environment has also caused CBOs to deploy creative methods to disseminate information and engage with their stakeholders. For example, many CBOs are currently recalibrating engagement with Access and Functional Needs populations who may lack access to technology and broadband internet services. SCE will need additional time to work with these organizations in its service area to develop outreach plans for virtual engagements.

CBOs and communities have been scaling up activities in many areas for other reasons as well. Equity and social justice organizations in Southern California, for example, have been focusing on supporting communities around race and gender relations. Community organizations, especially in disadvantaged communities, are heavily engaged in civic participation for the upcoming 2020 elections and 2020 Census outreach, which has become more challenging for engagement and follow-up due to COVID-19.

SCE also faces capacity constraints on its ability to deploy the staffing needed to engage stakeholders on its CEP. Wildfire-related activities are heightened during the late summer and fall months. Under the current deadline, the timing of the CEP development would coincide with SCE's outreach during the fire season. When wildfire events occur, SCE personnel and CBOs in the affected communities are expected to pivot resources to support impacted communities and cities. Finally, SCE's experience has shown that organizing outreach based on climate adaptation takes significant research, planning and preparation to engage with communities on this topic.

With the added strain on existing resources, coupled with increasing demand for support from these organizations, CBOs are correctly focused on the immediate needs of their communities and may have less capacity in the near-term to focus on climate adaptation discussions. Similarly, utilities will be focused in the near-term on wildfire community engagement and outreach. SCE therefore respectfully requests that the Commission provide additional time to build out the CEP to allow for meaningful engagement with the CBOs.

B. IOU Commitment and Prioritization of Climate Change Activities Can Be Properly Reflected in the Vulnerability Assessment with an Officer Attestation, Rather Than Through Prescribed Climate Team Structure and Governance Requirements

The PD requires the IOUs to “create ‘climate change teams’ across departments, with cross-departmental responsibilities and that will report directly and independently to an executive at the senior vice president level or above.”⁵ The PD also says that, “[s]ince we envision that the senior level executive will brief the board regularly on climate change and associated planning, we expect all board members to take responsibility for climate adaptation planning for infrastructure, operations and services.”⁶ The PD further directs the IOUs to “file a Tier 1 advice letter with the Commission’s energy division listing both the individuals and their departments named to the climate change team. The advice letter should also name the senior level executive to whom the climate change team will directly report. This advice letter filing should be updated annually and when the senior level executive changes.”⁷

SCE supports the PD’s objective to ensure prioritization of, including senior-level focus on, utility planning for climate adaptation, and in fact is already doing so. As discussed below, however, this objective will be best served by retaining appropriate flexibility for the utilities to operate their climate teams with officer-level engagement and board oversight in its existing

⁵ PD, OP 12, at p. 105.

⁶ PD, at p. 76.

⁷ *Id.*

fiduciary capacity, and including an officer-level attestation with the VA, rather than narrowly prescribing internal structural and governance requirements in this PD.

SCE is committed at the highest levels of management to incorporate climate change impacts in the utility's forecasting and planning processes, and to identify and propose a wide range of climate adaptation actions and investments to the Commission in order to ensure safe and reliable electricity service to all Californians, including those that are most vulnerable and disadvantaged. SCE's management team is responsible for planning, investment and operational functions towards these objectives, while the company's board of directors is responsible for providing oversight of management's activities, consistent with board members' fiduciary duties as defined by the state's corporation law. SCE's board, which includes ten independent directors, takes its fiduciary and oversight responsibilities very seriously. As noted in Edison International and SCE's 2020 Joint Proxy Statement, among other oversight functions, the board oversees safety, climate change and other environmental, social & governance (ESG) risks and opportunities as an integral part of its oversight of the company's strategy.⁸ The board regularly monitors risk arising from climate-related events that impact SCE's business, such as wildfires, and provides direction and guidance to management on the mitigation of these risks.⁹ As noted in SCE's parent company Edison International's 2019 Sustainability Report, climate change and greenhouse gas emissions are material ESG issues and are regularly discussed at each board meeting as well as at the board's annual in-depth strategy meeting.¹⁰ At these forums, members of SCE's management team brief the board on these topics. Given Edison International's and

⁸ See 2020 Edison International & Southern California Edison Company Joint Proxy Statement issued March 13, 2020, at p. 25, *available at* <https://www.edison.com/content/dam/eix/documents/investors/corporate-governance/2020-eix-sce-proxy-statement.pdf>

⁹ *Id.*

¹⁰ See Edison International Sustainability Report 2019 issued May 30, 2020, at p. 11, *available at* <https://www.edison.com/content/dam/eix/documents/sustainability/eix-2019-sustainability-report.pdf>

SCE's corporate commitment to addressing climate issues, it is unnecessary for the Commission to further specify expected responsibilities for SCE's board on these issues in its oversight role.

Additionally, SCE believes that it is not necessary for the Commission to explicitly require that a climate change team report directly and independently to an executive at the senior vice president level or above, documented via advice letter notifications. The Commission's climate change adaptation vision is much better achieved by the Commission specifying what the energy utilities are required to accomplish—which the PD does—with the utility's management continuing to have responsibility for how to best deliver such results in a timely manner. SCE respectfully disagrees with the PD's assertion that its climate team requirements, including reporting relationship, do not reduce the flexibility of energy utilities to address climate change.¹¹ As SCE stated when this question was initially posed by the ALJ, climate change analyses and adaptation require the convergence of several disciplines, including climate modeling, risk analysis, load forecasting, system planning, grid design, asset management, and community outreach/education.¹² Such an effort requires collaboration among multiple organizations and diverse functions, that benefit from guidance by multiple executives, rather than requiring a cross-functional climate change team to independently report to one executive at the senior vice president level or above. In such a specified cross-functional team, key internal groups and stakeholders who comprise the team may periodically need to change as SCE tackles various aspects of planning and preparation for increased risks due to a variety of changing climate conditions and, likewise, there will at times be changes at the senior executive level.¹³ Hence, giving the IOUs the flexibility to appropriately form and manage cross-functional teams with sufficient expertise to address climate change over time is the best path forward to

¹¹ PD, at p. 76.

¹² See SCE's Comments on Administrative Law Judge's Ruling Regarding January 15, 2020 Working Group Report on Topic 5, Dated Feb 18, 2020, pp. 13-14.

¹³ In addition, the IOUs have different organizational structures and title conventions for executives and officers. For example, at SCE, Vice Presidents are elected officers and therefore are not required to have a "Senior" Vice President title to act on the company's behalf.

accomplish the Commission's goals. The Commission can receive confirmation of the involved departments and executive oversight via an officer-level attestation to be submitted with each VA, consistent with the practice used for other major submissions. For example, SCE's 2018 Integrated Resource Planning (IRP) filing in Rulemaking 16-02-007, the IRP proceeding, included a verification by a SCE officer as required by the Commission.¹⁴ In the same proceeding, the Commission subsequently required all Load Serving Entities (LSEs) to include an attestation in their IRPs from a senior executive if the LSE was electing to self-provide the capacity required.¹⁵ Similarly, SCE's 2020 Draft Renewables Portfolio Standard (RPS) Procurement Plan filed in Rulemaking 18-07-003 included a verification by a SCE manager.¹⁶ More recently, in Rulemaking 19-07-017 To Consider Authorization of a Non-Bypassable Charge to Support California's Wildfire Fund pursuant to AB 1054, respondents were required to include an officer verification when filing comments and reply comments.¹⁷ These examples illustrate that there is precedent for the Commission to require management verifications and attestations when the Commission desires express executive-level confirmation of information provided to the Commission.

For these reasons, SCE respectfully requests that the PD should be revised to remove the requirement that a climate change team be required to report to an executive at the senior vice president level or above, and to remove the statements regarding specific board responsibilities in this area. Instead of a specified team and reporting structure cemented through a separate Advice Letter filing, SCE recommends that the Commission adopt a requirement for the utilities

¹⁴ See Integrated Resource Plan of Southern California Edison Company, filed on August 1, 2018 in R.16-02-007, p. 156. Guidance provided by the ALJ on July 26, 2018 required such verification.

¹⁵ See Decision 19-11-016, Requiring Electric System Reliability Procurement For 2021-2023, Ordering Paragraph 12, p. 85.

¹⁶ See Southern California Edison Company's 2020 Draft Renewables Portfolio Standard Procurement Plan, filed on July 6, 2020, in Rulemaking 18-07-003.

¹⁷ See Assigned Commissioner's Scoping Memo And Ruling, R.19-07-017, Order Instituting Rulemaking to Consider Authorization of a Non- Bypassable Charge to Support California's Wildfire Fund, p. 1.

to submit an “officer attestation” with its VA. This attestation would be signed by a company officer who was involved in guiding and/or supervising the vulnerability assessment process and in maintaining senior-level oversight over the VA. With this officer attestation requirement and the existing fiduciary responsibilities of the SCE board, the Commission will have certainty of the engagement and commitment of the Company to assess and address climate change impacts.

C. **Utilities Should Not be Asked to Approach Operators of Contracted Facilities if the Contracts Do Not Extend Beyond the Start of the Timeframes of the Vulnerability Assessment**

SCE agrees with the Commission’s observation that energy utilities have contracted for large amounts of energy and capacity from third-party facilities through purchased power agreements. SCE supports the Commission’s expectation that, going forward, the utilities should endeavor to include climate change considerations in their negotiations while contracting long term power purchase agreements with third parties, and should take steps to identify risks and obtain information from the facility operator when IOUs sign new contracts for power, capacity or reliability.¹⁸

However, the PD would also require energy utilities to identify facilities with which they already have contracts in their vulnerability assessments and, furthermore, require the utilities to communicate with those facilities’ operators and ask them to report their own facilities’ exposure to climate risk. The PD then appears to indicate that energy utilities’ risk assessments should include any exposure to climate risks that the facility operators report, and that the utilities’ VAs should discuss contingency planning if the third-party asset experiences failure due to climate change.¹⁹

SCE believes that the PD’s requirements regarding existing contracts should be revised and clarified. Specifically, utilities should not be asked to approach a contracted facility if the

¹⁸ See PD, OP 14, at p. 106.

¹⁹ See PD, Conclusions of Law (COL) 47, at p. 94.

underlying contract does not extend beyond the start of the timeframe of the VA. The earliest VA timeframe adopted in the PD is the intermediate timeframe of 10-20 years. Therefore, in order to make utility inquiries to contracted facility operators relevant and meaningful to utilities' VAs and contingency planning, the PD should be revised to clearly state that the facility operator outreach and exposure analysis is only necessary for any contracts that extend into the VA's intermediate time-frame of 10-20 years or beyond. Said differently, the utilities should not be required to communicate with the facility operators and ask them to report their facility's exposure to climate risk if the contract is scheduled to end before the start of the VA timeframe. Several of SCE's contracts are of a short-term duration and/or will terminate long before the start of the intermediate timeframe of its VA analysis. Inquiring and collecting climate risk exposure analysis for such contracts that do not extend into the VA analysis timeframe will not add value for the VAs. Utility resources should instead remain focused on the meaningful analysis and due diligence of facilities with existing or new contracts that extend into the applicable VA period.

For these reasons, the Commission should modify the PD language to make it clear that the utilities are not required to approach operators of contracted facilities if the underlying contract does not extend beyond the start of the timeframe of the VA.

III.

CONCLUSION

SCE thanks the Commission for its consideration of the comments above with respect to the timing of the Community Engagement Plan, climate team structure and governance, and the contracted facilities included in the IOU Vulnerability Assessment.

Respectfully submitted,

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/s/ Anna Valdberg

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July 27, 2020

Appendix A

SCE'S Proposed Modifications to the Proposed Decision

SCE'S Proposed Modifications to the Proposed Decision

Proposed text deletions are in bold and strikethrough (~~abcd~~)

Proposed text additions are in bold and underlined (abcd)

Reference	Proposed Modification
The IOUs will describe such engagement in a Community Engagement Plan due no later than 90 days from the effective date of this decision. (Summary, p. 3)	The IOUs will describe such engagement in a Community Engagement Plan due no later than <u>90180</u> days from the effective date of this decision.
We will require each IOU to prepare and file/serve a Community Engagement Plan. The Plan is due no later than 90 days from the effective date of this decision. (2.2.1.2. Discussion – Community Engagement Plans, at p. 23)	We will require each IOU to prepare and file/serve a Community Engagement Plan. The Plan is due no later than <u>90180</u> days from the effective date of this decision.
The IOUs' first Community Engagement Plans are due no later than 90 days from the effective date of this decision. Subsequent Community Engagement Plans are due every four years, 180 days before the due date of their vulnerability assessments. (Conclusions of Law (COL) 20, p. 90)	The IOUs' first Community Engagement Plans are due no later than <u>90180</u> days from the effective date of this decision. Subsequent Community Engagement Plans are due every four years, 180 days before the due date of their vulnerability assessments.
Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company (collectively "IOUs") shall each prepare, file and serve their first Community Engagement Plan in this proceeding no later than 90 days from the effective date of this decision. (OP 4, p. 97)	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company (collectively "IOUs") shall each prepare, file and serve their first Community Engagement Plan in this proceeding no later than <u>90180</u> days from the effective date of this decision.
IOUs will create "climate change teams" across departments, with cross-departmental responsibilities and that will report directly and independently to an executive at the senior vice president level or above. In addition, all board members will take responsibility for climate adaptation planning for infrastructure, operations, and services. (Summary, pp. 4-5)	<u>As part of their Vulnerability Assessment submission, IOUs will file an attestation signed by a senior company officer who was involved in guiding and/or supervising the vulnerability assessment process and in maintaining senior-level visibility</u> create "climate change teams" across departments, with cross-departmental responsibilities and that will report directly and independently to an executive at the senior vice president level or above. In addition, all board members will take

	<p>responsibility for climate adaptation planning for infrastructure, operations, and services.</p>
<p>All board members should take responsibility for climate adaptation planning for infrastructure, operations and services. (COL 61, at p. 96)</p>	<p>All board members should take responsibility for climate adaptation planning for infrastructure, operations and services.</p>
<p>Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company (collectively “IOUs”) shall create “climate change teams” across departments, with cross-departmental responsibilities and that will report directly and independently to an executive at the senior vice president level or above. All board members shall take responsibility for climate adaptation planning for infrastructure, operations, and services. IOUs shall file a Tier 1 Advice Letter with the Commission’s Energy Division listing both the individuals and their departments named to the climate change team and the name of the senior level executive to whom the climate change team will directly report. This Advice Letter filing shall be updated annually, or when the senior level executive changes. The IOUs shall serve a copy of this Advice Letter on the service list of this proceeding (or successor proceeding). (OP 12, p. 105)</p>	<p>Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company (collectively “IOUs”), <u>as part of their Vulnerability Assessment submissions, shall file an attestation signed by a senior company officer who was involved in guiding and/or supervising the vulnerability assessment process and in maintaining senior-level visibility.</u> create “climate change teams” across departments, with cross-departmental responsibilities and that will report directly and independently to an executive at the senior vice president level or above. All board members shall take responsibility for climate adaptation planning for infrastructure, operations, and services. IOUs shall file a Tier 1 Advice Letter with the Commission’s Energy Division listing both the individuals and their departments named to the climate change team and the name of the senior level executive to whom the climate change team will directly report. This Advice Letter filing shall be updated annually, or when the senior level executive changes. The IOUs shall serve a copy of this Advice Letter on the service list of this proceeding (or successor proceeding).</p>
<p>During the vulnerability assessment process, IOUs should communicate with the operators of facilities they have contracts with for power, capacity or reliability and ask them to report their own facility’s exposure to climate</p>	<p>During the vulnerability assessment process, IOUs should communicate with the operators of facilities they have contracts with for power, capacity or reliability, <u>if the contract period extends into the vulnerability assessment’s</u></p>

<p>risk. The risk assessment in the vulnerability assessment should include any exposure to climate risks that facility operators report and the IOUs' contingency planning in case the third-party asset experiences failure due to climate change. (COL 47, p. 94)</p>	<p><u>intermediate timeframe of 10 to 20 years or beyond</u>, and ask them to report their own facility's exposure to climate risk. The risk assessment in the vulnerability assessment should include any exposure to climate risks that facility operators report and the IOUs' contingency planning in case the third-party asset experiences failure due to climate change.</p>
<p>Identify facilities they have third-party contracts with for power, capacity, or reliability in their vulnerability assessments. (OP 8.2, p. 102)</p>	<p>Identify facilities they have third-party contracts with for power, capacity, or reliability in their vulnerability assessments <u>if the contract period extends into the vulnerability assessment's intermediate timeframe of 10 to 20 years or beyond.</u></p>

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) COMMENTS ON COMMISSIONER LIANE M. RANDOLPH'S PROPOSED DECISION ON PHASE 1 TOPICS 4 AND 5** on all parties identified on the attached service list(s) for **R.18-04-019**. Service was effected by one or more means indicated below:

- Transmitting the copies via e-mail to all parties who have provided an e-mail address.
- Placing the copies in sealed envelopes and causing such envelopes to be delivered by US Mail to the offices of the Commissioner(s) or other addresses(s).

**Liane M. Randolph
California Public Utilities Commission
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Executed this **July 27, 2020**, at Rosemead, California.

/s/ Sylvia Valdez

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