



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: July 30, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Andrew Lockman PHONE: 624-8000

SUBJECT: Approve a Non-Disclosure Agreement with Pacific Gas & Electric Company

REQUEST(S):
That the Board of Supervisors:

1. Approve a Non-Disclosure Agreement with Pacific Gas & Electric Company to obtain confidential client information during Public Safety Power Shut-off events, at no cost to the County, effective upon signature by all parties and until terminated; and
2. Authorize the Chairman of the Board to sign three (3) copies of the agreement.

SUMMARY:

Background on Public Safety Power Shut-off

As a result of catastrophic wildfires in recent California history and in preparedness for the 2019 fire year (previously "fire season"), the California Public Utilities Commission (CPUC) has expanded the use of pre-emptive electrical system de-energizations, commonly referred to as Public Safety Power Shut-off (PSPS), for investor-owned utilities including both Pacific Gas & Electric Co. (PG&E) and Southern California Edison (SCE) which serve Tulare County. The CPUC describes PSPS as a "rapidly evolving tool" and a "measure of last resort," and is currently focusing its efforts on moving "towards a comprehensive, cohesive, and well-executed de-energization policy."

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The goal of PSPS is to mitigate the risk of wildfire – and by extension, the potential loss of life and property – ignited by electrical infrastructure serving or traversing High Fire Risk Areas based on then-current definitions. While the mapping continues to evolve, high tree mortality areas as identified by the California Department of Forestry and Fire Protection (CAL FIRE) represent Tier 1, while CPUC’s own mapping includes the Tier 2 (Elevated) and Tier 3 (Extreme) areas.

A utility will consider a possible PSPS 48-72 hours in advance of certain forecast hazardous weather conditions (high peak and sustained winds, high temperature, and low humidity) which when combined with adverse fuel conditions (high volume and low moisture) will create a high risk of fire ignition and rapid fire growth. The final decision to implement a PSPS will not be made until the time the hazardous conditions are observed by utility field observers and may be aborted at any time prior to implementation should the forecast improve.

While both PG&E and SCE anticipate that only 1-2 PSPS events may occur each year in their respective service territories, it is widely accepted that there is no way to accurately predict the actual quantity or frequency of occurrences of the conditions described above, especially as both the severity and frequency of extreme weather and resulting disasters are on the rise. A handful of PSPS events have occurred already in 2019 in both northern and southern California.

Prior to the CPUC’s Phase 1 PSPS Decision R18-12-005 adopted in May 2019, PSPS was limited to distribution level circuits which deliver power from substations to customers. As part of the ongoing evolution of PSPS, transmission level circuits – those carrying bulk high-voltage power between large segments of the electric grid – are also now subject to PSPS under the same criteria used for distribution level circuits.

As part of the same Phase 1 decision, the CPUC has determined that utilities have primary responsibility for notifying customers of PSPS events, which per their plans include automated notifications to all affected customers and follow-up in-person visits to non-responsive customers on critical care-type rate plans. Local government may play a supporting role in public outreach, and may further be required to respond with supportive services to address unmet needs of the PSPS-affected population. The CPUC deferred “[c]onsideration of cost responsibility for de-energization impacts/losses” in its Phase 1 decision, placing it on a long list “[p]reliminary Phase 2 Issues.” The Office of Emergency Services is developing a PSPS response plan with County departments and partners at this time.

PG&E Non-Disclosure Agreement

PG&E has recently created a PSPS portal and is utilizing other information sharing methods to provide general information such as circuit maps and statistical data on customers that would be affected by a PSPS. As part of the continued evolution of

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PSPS, PG&E and other local governments with recent PSPS experience have mutually identified a need to obtain customer-level detail for medical baseline / critical care customers, as well as other essential service customers including but not limited to healthcare, public safety, communications, and infrastructure facilities, to better assess impacts, coordinate with partners, and plan appropriate response actions.

The enclosed Non-Disclosure Agreement would allow the County's authorized users of PG&E's PSPS portal to obtain this additional level of information. It is important to note that PG&E will only make this information available via the portal in conjunction with a threatened or actual PSPS event, only for the time necessary to prepare for and respond to that event, and only for the area(s) threatened / impacted by the PSPS event.

This agreement deviates from County contract standards as follows:

1. The County is signing the agreement first
2. There is no payment for services
3. There is no term length to the agreement
4. There is no clearly outlined termination provision
5. There are no indemnification provisions
6. The agreement does not prohibit Attorney's Fees

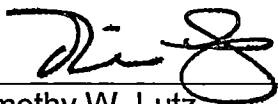
FISCAL IMPACT/FINANCING:

There is no cost and therefore no fiscal impact to this agreement

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security initiative, with a goal of providing coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. This agreement would allow the County to respond more effectively to specific needs of the community surrounding Public Safety Power Shut-off events.

ADMINISTRATIVE SIGN-OFF:



Timothy W. Lutz
Agency Director

cc: County Administrative Office

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Attachment(s) Agreement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE A)
NON-DISCLOSURE AGREEMENT WITH) Resolution No. _____
PACIFIC GAS & ELECTRIC COMPANY) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD July 23, 2019, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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