



## DIANNE JACOB

CHAIRWOMAN, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

July 16, 2009

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Debra L. Reed, President and CEO  
8330 Century Park Court  
San Diego, CA 92123-1530

Dear Ms. Reed:

It was with great dismay that I read your June 29, 2009 letter which criticized the County of San Diego Board of Supervisors for our 4-0 decision to oppose San Diego Gas and Electric's (SDG&E) controversial shutoff plan. I emphatically disagree that the region is safer under the shutoff plan. On the contrary, the County agrees with water districts, the County Office of Education, telecommunications companies, Indian tribal leaders and residents: the proposed shutoff plan is a poorly-crafted gamble that would greatly endanger lives and property in high risk fire areas and beyond.

Please be advised SDG&E's continued push for the shutoff plan in the face of such overwhelming opposition is being perceived by many as an adversarial, all-or-nothing approach to fire prevention on the part of the utility. This strained environment is counterproductive to the longstanding tradition of cooperation within the disaster preparedness community.

I implore the utility to respect the County's position, abandon the shutoff plan and redouble its efforts to facilitate proven fire prevention measures generally supported by all parties. These measures include underground wires in high-risk fire areas, increased inspections, swapping wood poles for steel poles, better vegetation management and wider spacing of lines to prevent arching.

What follows are corrections to the false and misleading information contained in your June 29 letter. It is my sincere hope that SDG&E will see to it that future public relations material and filings with the California Public Utilities Commission (CPUC) reflect the corrections below.

**SDG&E ASSERTION:** *"Other regional leaders, including cities and fire-fighting agencies, are working cooperatively with SDG&E to prepare for the upcoming fire season, and we hoped you would do the same."*

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**FACTS:** No fire agency has issued formal support for SDG&E's shutoff plan. The San Diego County Fire Chief's Association has not taken a position on the matter. Recently, Cal Fire reiterated its neutral position by declaring in documents provided to the CPUC: "...the criteria they [SDG&E] establish is theirs and theirs alone, Cal Fire makes no recommendations to it being a good or bad choice."

The insinuation that the County is not "working cooperatively with SDG&E to prepare for the upcoming fire season," is patently false. In no way does Board opposition to the shutoff plan translate into a refusal to work with our partners in preparedness. The Office of Emergency Services is the lead agency for coordinating regional disasters. Day in and day out, the County works collaboratively with all members of the disaster preparedness community, including SDG&E officials.

We appreciated SDG&E's presence in our Emergency Operations Center during the 2003 and 2007 wildfires and look forward to working with the utility on future drills and other important outreach efforts.

**SDG&E ASSERTION:** *"SDG&E has put forth a plan to reduce the potential for another devastating fire, which you chose to oppose. We are open to any and all suggestions... including that others beyond SDG&E participate in the decision-making process when the shut-off plan is activated."*

**FACTS:** In documents submitted to the CPUC, opponents of the shutoff plan have established that there is no conclusive evidence which shows the shutoff plan would have eliminated fires caused by SDG&E power lines in 2007. The community of Ramona would have been de-energized *after* the start of the devastating Witch Fire. Had the shutoff plan been in place, thousands of residents would have been in the dark and without access to Reverse 9-1-1, the County's critical evacuation alert system credited with saving thousands of lives in 2007.

SDG&E has demonstrated that it is not open to "any and all suggestions" to improve the plan, "including that others beyond SDG&E participate in the decision making process when the shut-off plan is activated." After County disaster officials concluded that SDG&E, not the County, was the appropriate entity to decide when a shut-off plan is activated, SDG&E did not accept this determination. Instead, SDG&E lobbyists requested meetings with members of the Board of Supervisors seeking political intervention to overrule a professional public safety decision.

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**SDG&E ASSERTION:** *“The San Diego County Grand Jury Report on the fires and emergency preparedness should concern all of us. Cited in the report were the following deficiencies: no County fire department, a fractured fire management system, poor brush management and no full-time, permanent aerial attack equipment.”*

**FACTS:** As previously called to the attention of SDG&E officials, the information cited from the Grand Jury report is woefully outdated. More distressing, your citations conveniently ignore the County’s formal response. As detailed in the County’s July 22, 2008 formal response, listed under recommendations 08-108 and 08-109, the County, under the auspices of the Local Agency Formation Commission, has since unified rural fire agencies. Thanks to this sweeping transformation of the rural fire protection network, more than 900,000 acres now fall under the San Diego County Fire Authority. More than half the geographic area of the region soon will fall under the Authority.

Because of the vital role SDG&E plays with regard to municipal services, it is imperative that the utility learn about the consolidation of rural fire agencies. An important blueprint that chronicles the lengthy consolidation process can be found on the LAFCO website at [www.sdlafo.org](http://www.sdlafo.org). It is titled: “Reorganization of Structural Fire Protection and Emergency Medical Services.”

In stark contrast to the inaccurate description painted by SDG&E, the County has invested more than \$180 million in improved fire preparedness since 2003, including two locally-owned and operated firefighting helicopters, 30 new engines, brush rigs and water tenders, more than \$50 million to clear dead and diseased trees from high-risk areas, an innovative defensible space outreach partnership with Cal Fire, a critical fuel break in the Alpine area in partnership with the Viejas Band of the Kummeyay Nation, standardized brush clearing regulations around structures in the unincorporated area and improved vegetation management efforts throughout the Backcountry.

**SDG&E ASSERTION:** *“Los Angeles County spends over \$850 million annually for fire preparedness; Orange County \$270 million, and, the City of San Diego, nearly \$200 million. Yet, the County of San Diego only spends \$15 million. Also, I understand that the County canceled its contract for the aerial water drop “super scooper” it had last year.”*

**FACTS:** Because the structures of the San Diego, Los Angeles and Orange County fire departments are vastly different from each other, an across-the-board funding comparison is not accurate. The San Diego region spends **\$450 million** on fire protection. Unlike Orange County, the region does not have a Joint Powers Authority. Also, unlike Orange County, Cal Fire does not contract with a local agency to provide wildland fire protection in rural communities.

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So you are aware, structural fire protection in our backcountry is provided by a network of individual fire agencies. As noted above, many of these agencies have been consolidated in the first phase of a larger effort. Separate from structural protection, Cal Fire and the U.S. Forest Service provide wildland fire protection. This is not the case in Orange County or Los Angeles County where those counties provide wildland protection.

Through a contract with Cal Fire, San Diego County government pays \$15.5 million annually to augment Cal Fire services in order provide 24-7 fire coverage at more than 50 fire stations throughout the Backcountry.

In addition, the County did *not* cancel its contract for the "Super Scoopers." The lease expired. The decision not to renew the contract was arrived upon following a recommendation from the Unified Disaster Council (UDC). The UDC is the governing body of the Unified San Diego County Emergency Services Organization. The Council is comprised of fire and disaster representatives from the 18 incorporated cities and the County.

On May 12, 2009, the Board of Supervisors supported a "call when needed" plan for aerial assets endorsed by the UDC that allows leased aircraft to be available throughout the year, unlike the "Super Scooper" lease which only covered September, October and November.

**SDG&E ASSERTION:** *"I observed some of the press reports and interviews you conducted after the Board vote. You commented that SDG&E should be focusing on replacing wood poles with steel ones, increasing vegetation management and undergrounding portions of our power lines. ... We have been broadly communicating the multitude of actions we have underway to reduce fire risk and I am pleased that you now recognize that these facets of our fire-safety plan are being implemented."*

**FACTS:** More than I recognize the "facets" of SDG&E's plan "now being implemented," I have long questioned why the utility did not implement these "facets" sooner. Please consider this letter additional criticism by me of SDG&E for its continuing failure to aggressively prioritize proven fire prevention measures already called for by the CPUC.

For example, after the 2003 Cedar Fire, the utility was encouraged to replace wood poles with safer steel poles in high-risk fire areas. Yet, according to the utility's own figures, SDG&E replaced a mere 84 poles between October 2003 and October 2007, the majority of which were replaced in Warner Springs. From October 2007 to the present, SDG&E replaced 862 poles in Palomar Mountain, Bonita, Escondido, Valley Center and Lakeside. I continue to question the criteria and pace of pole replacement efforts.

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Also of note, the utility received a terrible wake-up call to the importance of undergrounding rural power lines after the destructive Pines Fire near Julian in July of 2002. At that time, the 60,000 acre inferno was the second largest fire in San Diego County history. It did *not* occur during Santa Ana wind conditions; it was caused when a National Guard helicopter struck a power line in the Banner Creek area. The impact of the "blade strike" caused the support pole to rattle which snapped a power line that, in turn, fell into trees.

On August 14, 2002, the County Board of Supervisors voted unanimously to work with SDG&E and others to underground the line that runs from the San Felipe Valley to the top of Volcan Mountain. I believe the Pines Fire should have been the impetus for the utility to place a very high priority on rural undergrounding.

As SDG&E is well aware, there are two separate proceedings before the CPUC having to do with reducing the potential for another devastating fire. The first is the more comprehensive "Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure," (OIR). The second is SDG&E's controversial shutoff plan.

It is my very strong belief that SDG&E continues to spend an inordinate amount of time and resources promoting its shutoff plan rather than bringing stakeholders together to find common ground on tested, trusted and less radical measures covered in the OIR, including undergrounding and swapping wooden poles for steel poles.

For example, at a CPUC public hearing for the OIR on March 17, 2009, I encouraged SDG&E to consider how fire agencies and community groups can be called upon to optimize limited funding for stepped up inspections. In addition, I urged the utility to work with regional fire officials to develop vegetation plans tailored to rural communities because, as I said to the Commission, vegetation management plans are best not approached with a cookie-cutter mentality. To my knowledge, SDG&E has not pursued these and other creative, community-based avenues toward better prevention.

Nevertheless, please know that I am always willing to help tackle measures identified in the more comprehensive OIR. Presently, I am especially interested in exploring rules governing the use of undergrounding funds.

**SDG&E ASSERTION:** *"During the past nine months, we have met with the community and proactively solicited feedback from key stakeholders and customers. We conducted more than 100 community meetings and presentations, including town hall meetings, community planning and sponsor groups and public workshops... we talked to many people in the community and continue to receive feed back on ways to improve the plan."*

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**FACTS:** Recent news articles in *The San Diego Union-Tribune* reveal that SDG&E is using ethically-questionable practices to give the Commission and the public a false impression that the community is in favor of the shut-off plan.

Among the questionable activities uncovered by the newspaper is the curious fact that a former SDG&E employee and several of her associates failed to disclose their existing business relationships with the utility while testifying in favor of the shutoff plan at a CPUC hearing in Alpine. The article described how several chambers of commerce and community groups who receive money from SDG&E traveled considerable distances to speak in favor of the plan ("Shut-off Plan's Vocal Backers Linked to SDG&E," June 21, 2009). I have also received information that representatives from these groups were prodded by SDG&E to attend the hearing and spoke from statements prepared by SDG&E public relations officials.

In addition, the newspaper uncovered that a number of elected officials who accepted campaign contributions from your company gave their support to the shutoff plan just minutes before the item came before the Board of Supervisors. According to the article, these letters were written by SDG&E public relations officials. I am in receipt of information which suggests that these elected officials were coaxed via e-mail to support the plan ("Officials' Support Scripted by SDG&E," June 28, 2009).

I question whether SDG&E violated Rule 1 of the CPUC's Rules of Practice and Procedure which deals with ethics. The language of Rule One appears below; the underline is mine.

#### **1.1. (RULE 1.1) ETHICS**

Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff **by an artifice** or false statement of fact or law.

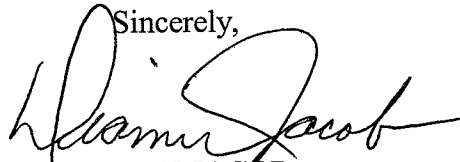
Note: Authority cited: Section 1701, Public Utilities Code, Reference: Section 1701, Public Utilities Code.

Lastly, in response to your most recent request that the Board direct County staff "to work with us to see if we can reach a mutually acceptable solution," as always, San Diego County government welcomes the opportunity to continue to work with the utility on proven prevention measures identified in the OIR.

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However, as reflected in the Board 4-0 vote, SDG&E's shutoff plan jeopardizes the County's most basic responsibility to the people we serve: public safety. The sooner SDG&E accepts this important public safety determination, the faster we can put to rest increasing community anguish over the horrific consequences posed by the plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Jacob". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

DIANNE JACOB

Chairwoman, Second District