

**California Department of Forestry and Fire Protection
Title 14 of the California Code of Regulations**

[Notice Published March 30, 2005]

15 -Day Notice

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION AND
PUBLIC HEARING DATE**

FIRE PREVENTION STANDARDS FOR ELECTRICAL UTILITIES, 2004

PUBLIC HEARING DATE

Pursuant to the requirements of Government Code § 11346.8(c), and Title 1 of the California Code of Regulations § 44, the California Department of Forestry and Fire Protection (CDF) is providing notice of changes made to proposed regulations listed below which were the subject of a regulatory hearing on December 15, 2004. These changes are being proposed in response to comments received regarding the proposed changes to Fire Protection regulations. **CDF will hold a public hearing to adopt final rule language. The public hearing is to be held 10:00 a.m. on Monday, April 18, 2005, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California.**

MODIFICATIONS TO TEXT OF PROPOSED REGULATION

CDF is providing notice of changes made to the proposed regulations publicly noticed for a 45 Day review on October 22, 2004, affecting Title 14, Chapter 7. Fire Protection, Article 4. Fire Prevention Standards for Electrical Utilities, of the California Code of Regulations (14 CCR). The following sections are proposed for amendment:

§1251. Definitions

§1252. Locations Where PRC 4292, 4293 Apply.

§1252.1. Official Area Maps.

§1253. Time When PRC 4292-4296 Apply.

§1256. Minimum Clearance Provisions--PRC 4293

§1257. Exempt Minimum Clearance Provisions--PRC 4293.

ADDITIONAL RELEVANT DOCUMENTS RELIED UPON

Additional documents were provided for CDF consideration during the rulemaking process to supplement previous information submitted to CDF and referenced in the *Initial Statement of Reasons*. The documents are on file in the official rulemaking file located at California Department Forestry and Fire Protection, Room 1506-17, 1416 9th Street, Sacramento, CA.

PUBLIC COMMENTS

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the 15-Day Notice. CDF requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to CDF during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by CDF and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to CDF. **The written comment period ends at 5:00 P.M., on Thursday, April 14, 2005.** CDF will consider only written comments received at the Regulations Coordinator Office by that time (in addition to those comments received at the public hearing). CDF requests, but does not require, that persons who submit written comments to CDF reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

California Department of Forestry and Fire Protection
Resources Building
1416 9th St., Room 1517
Sacramento, CA 95818

Written comments may also be sent to CDF via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

chris.zimny@fire.ca.gov

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CDF held a public hearing on December 15, 2004 and a workshop on January 12, 2005 to provide the public an opportunity to provide input on the adoption of this regulation on a permanent basis. During these meetings, CDF received comments from the public both in writing and in testimony. CDF considered all written and oral comments before them. CDF staff discussed the comments received and determined they wished to consider adopting some of the proposed rule modification offered either in writing or orally at the hearing and workshop. CDF directed staff during the January 12, 2005 workshop to provide those potential changes to final regulatory language to the public in a 15-day notice (GC § 11346.8(c)). CDF may adopt any one individual proposed change, a selected group of the proposed changes, or all of the proposed changes. The means of identifying the proposed changes is stated later in this notice.

The revisions made to the originally proposed rules address several sections of the proposed regulation.

- Edits were made to definitions in section 1251 to improve the technical meaning of terms related to electrical utility equipment and fire protection requirements.
- Additions were made to subsection 1252.1 to address concerns for ensuring electrical utilities are notified when changes are made to maps affecting their compliance requirements.
- Under section 1253, dates for county-specific clearing compliance were deleted and replaced with a more flexible time requirement.
- Existing section 1254 was added and edits made to clarify terminology.
- Clarification were made to section 1256 in response to electric utility concerns for more flexible, yet definitive, minimum clearing standards.
- Reorganization of section 1257 was made to improve clarity of the language. Also, language was deleted that previously required leaning trees to conform to the clearing requirements of this section.

MODIFICATIONS TO TEXT OF PROPOSED REGULATION

Summarized changes to the originally noticed rules by subsection follows:

§ 1251 Definitions. Edits were made to definitions to improve the technical meaning of terms related to electrical utility equipment and fire protection requirements. The definition of “connector” was corrected to broaden the type of devices approved for electrical connections. Also, the definition of “firebreak” was modified to delete the term “ignition” as the term “spread of fire” adequately defines the purpose of a fire break.

§ 1252.1. Official Area Maps. The regulation currently specifies the location and availability of SRA maps where fire prevention standards apply. This revision improves

clarification of locations and availability of maps to ensure electrical utility company direct access to the most current SRA maps.

§1253. Time When PRC 4292-4296 Apply. This revision deletes the arbitrary calendar dates during which the clearing standards apply. It also eliminates any reference or use of Figure 2 that specified varying dates for each County. These changes provide a very flexible clearing compliance attainment period for electrical utilities. The revision establishes clearing requirement attainment during the period of CDF declared fire season. This declaration is made annually by the director and affects other fire prevention requirements beyond hazard reduction related to electrical utilities. Changing compliance date to conform to a declared fire season provides a better assessment of actual hazard conditions by having fuel moisture conditions/hazardous fire conditions assessed by a professional, instead of an arbitrary date.

§ 1254. Minimum Clearance Provisions--PRC 4292: Revisions to the section were made to clarify terminology related to fire spread. The term "propagate" was deleted as the term "spread of fire" adequately conveys the goal of vegetation clearing requirements.

§ 1256. Minimum Clearance Provisions--PRC 4293: Revisions were made to better describe, and provide direction for, clearing requirements for both conductors and vegetation. Additional language was added describing factors related to conductor and vegetation movement such as wind, climate, and temperature. The additional language provides known factors which are important for determining movement of vegetation or conductor equipment.

§ 1257. Exempt Minimum Clearance Provisions--PRC 4293. The revision deletes the terms "leaning trees" and "any other growth" from conforming to the clearing requirements of this section. The changes now effectively means that leaning trees and other growth can be used in situations stated in subsection (a) where conductors are insulated and dead or decant branches have been removed.

ADDITIONAL RELEVANT DOCUMENTS RELIED UPON

Additional documents were provided for CDF's consideration during the rulemaking process to supplement previous information submitted to CDF and referenced in the *Initial Statement of Reasons*. The documents assisted CDF in identifying potential alternative clearing criteria that would reduce compliance cost, reduce potential environmental effects from clearing, and provide consistency with other California Public Utility Commission clearing standards. The documents are on file in the official rulemaking file located at California Department Forestry and Fire Protection, Room 1506-17, 1416 9th Street, Sacramento, CA.

TECHNICAL DOCUMENTS

1. California Public Utility Commission Rule 37, January, 1997.
2. Utility Vegetation Management and Bulk Electrical Reliability Report From the Federal Energy Regulatory Commission, September 7, 2004.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone number (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CDF has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

CDF will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address.

California Department of Forestry and Fire Protection
Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

**All of the above referenced information is also available on the CDF website at:
<http://www.fire.ca.gov>**

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CDF may adopt the proposed regulations substantially as described in this notice. If CDF makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before CDF adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from CDF.

A copy of the express terms of the modifications of the originally proposed action using DOUBLE UNDERLINE to indicate an addition to the California Code of Regulations and ~~DOUBLE STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. CDF will accept written comments on the modified regulations for 15 days after the date on which they are made available.



Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection