

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

AB 1410 (Garcia) – As Amended April 7, 2025

SUBJECT: Public utilities: service outages and updates: alerts

SUMMARY: Requires that all public utilities automatically enroll their customers in alerts for service outages and updates. Additionally requires public utilities to provide both an opt-out provision to decline alerts, with exceptions, and the ability for customers to update contact information.

EXISTING LAW:

- 1) Establishes the Wildfire Safety Division (WSD) within the CPUC and transfers, by July 1, 2021, all functions of the WSD to the Office of Energy Infrastructure Safety (OEIS) within the Natural Resources Agency. (Public Utilities Code § 326 and Government Code § 15470-15476)
- 2) Outlines how utilities should mitigate wildfires. This includes the formation of Wildfire Mitigation Plans that include appropriate and feasible procedures for notifying a customer who may be impacted by the de-energizing of electrical lines. (Public Utilities Code § 8386)
- 3) Requires an IOU to operate its electric distribution grid in its service territory and do so in a safe, reliable, efficient, and cost-effective manner. (Public Utilities Code § 399.2)
- 4) Requires the CPUC to develop formal procedures to incorporate safety in a rate case application by electrical or gas IOUs. (Public Utilities Code § 750)
- 5) Gives the electric IOUs authority to shut off the electric power to protect public safety. (Public Utilities Code §§ 451 and 399.2(a))

FISCAL EFFECT: Unknown. This bill is keyed fiscal and will be referred to the Assembly Committee on Appropriations for its review.

CONSUMER COST IMPACTS: Unknown. Impacts are likely minimal.

BACKGROUND:

De-energization Notification Protocols Implemented by the CPUC – Starting in 2012, the CPUC has released protocols for utilities to follow during de-energization events. The first Public Safety Power Shutoff (PSPS) guidance released by the CPUC was specifically for SDG&E and required notification of customers.¹ In 2018, the CPUC adopted Resolution ESRB-8, which extended the requirements of the 2012 guidance for SDG&E to all electric investor owned

¹ CPUC, Decision 12-04-024 April 19, 2012

utilities (IOUs).² Among other provisions, the resolution required customer notifications prior to a de-energization event, and required notification to the Safety and Enforcement Division once the de-energization decision is made, and within 30 minutes after the last service is restored.

In 2019, the CPUC implemented Phase 1 PSPS notification guidelines.³ The Commission stated that electric IOUs should, whenever possible, adhere to the following minimum notification timeline:

- 1) 48-72 hours in advance of anticipated de-energization: notification of public safety partners priority notification entities
- 2) 24-48 hours in advance of anticipated de-energization: notification of all other affected customers
- 3) 1-4 hours in advance of anticipated de-energization, if possible: notification of all affected customers
- 4) When de-energization is initiated: notification of all affected customers.
- 5) Immediately before re-energization begins: notification of all affected customers.
- 6) When re-energization is complete: notification of all affected customers.

In 2020, Phase 2 guidelines directed electric IOUs to provide enhanced customer-friendly communication during all phases of a PSPS event, minimize the impact on customers, and increase accountability with regional Working Groups and in reports. In 2021, Phase 3 guidelines were implemented and are ongoing. They require IOUs to take a results-based approach to improve notification and mitigate the impacts of PSPS events.

History of IOU Emergency De-energization Notification Problems –

As outlined in the protocols above, IOUs are required to send notifications to customers on a

Year	PG&E	SCE	SDG&E
2022	4,198	34,171	0
2023	4,738	82,212	0
2024	11,685	76,767	6,330
2025	657	385,588	12,266

Table 1 shows the total notification failures accumulated by PG&E, SCE, and SDG&E from 2022 to 2025 during PSPS events.⁴

specified schedule prior to the expected de-energization and until re-energization. These notifications are intended to give customers adequate warning to prepare in advance for a proactive de-energization, which the IOUs perform as a last resort when weather conditions could result in a devastating wildfire. Timely notification allow customers to prepare for potential outages and make necessary arrangements based on the information provided.

There has been a history of problems with PSPS notification systems across the IOUs since the initiation of these protocols. In 2021, the CPUC fined

Pacific Gas & Electric (PG&E) \$106 million for violating guidelines during PSPS events in the Fall

² CPUC, Resolution ESRB-8, Electric Safety and Reliability Branch July 12, 2018

³ CPUC, Decision 19-05-042, May 30, 2019

⁴ Comments of the Public Advocates Office on Southern California Edison Company's Public Safety Power Shutoff Post-Event Report - January 2 TO 17, 2025, Rulemaking 18-12-005, March 18, 2025

of 2019. These violations included failures notifying many customers and public safety partners. In 2023, PG&E was fined \$8 million as a result of failing to notify *any* of its impacted customers during its 2020 PSPS events.⁵ These failures are not limited to PG&E. In 2020, Southern California Edison (SCE) initiated sixteen PSPS events and failed to notify 25,573 customers, resulting in a \$7 million fine.⁶ This was followed by twelve PSPS events initiated by SCE in 2021, during which SCE failed to send 232,719 notifications.⁷ Table 1 shows the recent notification failures accumulated by PG&E, SCE, and San Diego Gas & Electric (SDG&E) during PSPS events. Table 1 shows SCE has consistently had an increasing number of notification failures over the years, compared to PG&E and SDG&E. These trends are made more clear in Figure 1 below, which shows the percentage of customers that PG&E, SCE, and SDG&E de-energized without 24-48 hour advance notifications, for each event since 2022. As shown in Figure 1, SCE has had more severe notification failures – where high percentages of impacted customers never received a notice – than the other utilities.



Figure 1: Percentage of de-energized customers who did not receive 24-48 hour advance notification for each IOU, for each PSPS event, from 2022 through January 2025⁸

According to the Public Advocates Office, in the 2023-2024 season, starting in October, SCE failed to meet customer notification requirements for as much as 79% of customers.⁹ In addition to the many fines implemented, many corrective actions have been required by all IOUs as a result of failed PSPS guideline compliance. The Center for Accessible Technology has suggested that few corrective actions have been effective at improving issues with SCE's notification systems.¹⁰

⁵ CPUC, Resolution ALJ-445, October 16, 2023

⁶ CPUC, Resolution ALJ-440, June 8, 2023

⁷ CPUC, Resolution SED-12, November 7, 2024

⁸ Comments of the Public Advocates Office on Southern California Edison Company's Public Safety Power Shutoff Post-Event Report - January 2 TO 17, 2025, Rulemaking 18-12-005, March 18, 2025

⁹ CPUC, Decision.19-05-042, May 30, 2019

¹⁰ Motion of Center for Accessible Technology for order to show cause against Southern California Edison for severe notification failures during the 2023 wildfire season. Rulemaking 18-12-005, August 6, 2024

Southern California Fires of 2025 – January 2, 2025, SCE initiated a PSPS event and de-energized 363,196 customer accounts.¹¹ These accounts include 11,740 Medical Baseline customer accounts, 90,632 Access and Functional Needs customer accounts, and 6,800 critical facilities accounts.¹² Fifteen days later, in the afternoon of January 17, 2025, SCE restored power to all customers.¹³ According to the Public Advocates Office, during the southern California fires in 2025, SCE failed to send 307,211 required notifications to Public Safety Partners, Critical Facilities and Infrastructure, and customers.¹⁴ Cal Advocates found the events in 2025 continued a pattern of failure of SCE to provide its customers with advance notification prior to de-energization.

COMMENTS:

- 1) *Author's Statement.* According to the author: “My office received hundreds of complaints from constituents, who had their power shutoff during the January wildfires, without receiving any notice. They were left without power and without any idea of how long the shutoff may last. Customers being automatically opted-in to receiving updates from their utility companies, is a common sense practice and should be the standard. Unfortunately, too many utilities are operating from a reverse approach, where customers have the responsibility to opt themselves in to receive updates. AB 1410 ensures that everyone is able to prepare for future shutoffs by automatically opting customers in and regularly updating their preferred contact method.”
- 2) *Changing notification guidelines from opt-in to opt-out.* All the large IOUs in the state of California have a notification system to contact account holders in the case of de-energization as outlined by the CPUC guidelines. As of April 12, 2025, PG&E automatically alerts its customers about outages that impact service and requires customers to opt-out of notifications.¹⁵ PG&E reports that its primary communications are regarding potential outages, active outages and when power is restored. Both SCE and SDG&E have opt-in notification programs.^{16,17} This bill would mandate that all IOUs and other utilities maintain an opt-out notification system.
- 3) *The problem maintaining accurate customer contact information.* One of the difficulties in establishing an effective notification system is having accurate contact information for customers. Problems with customer contact information, either inaccuracies or a lack of contact information, has been cited as a cause of failure to execute notifications for outages by all IOUs in their Public Safety Power Shutoff Post-Event Reports in the last

¹¹ Southern California Edison, January 2, 2025 to January 17, 2025, March 3, 2025 (SCE 25-1 Post-Event Data Workbook), Table 5.

¹² CPUC, Decision 19-05-042, May 30, 2019

¹³ SCE 25-1 Post-Event Data Workbook, Table 5.

¹⁴ Comments of the Public Advocates Office on Southern California Edison Company's Public Safety Power Shutoff Post-Event Report - January 2 TO 17, 2025, Rulemaking 18-12-005, March 18, 2025

¹⁵ <https://www.pge.com/en/account/manage-my-account/online-account-preferences/outage-alerts.html>, Accessed April 12, 2025

¹⁶ <https://www.sce.com/outage-center/outage-alerts>, Accessed April 12, 2025

¹⁷ <https://www.sdge.com/notifications>, Accessed April 12, 2025

year.^{18,19,20} This bill mandates the IOUs implement mechanisms to allow customers to readily update their contact information by phone or email. SDG&E, writing in opposition to this bill, suggests that this mandate would result in additional cost because more cost effective digital options currently exist and would limit these options. The bill does not explicitly limit these digital avenues, it only mandates that the IOUs also provide opportunity to update contact information by email or by telephone. Many customers need an alternative to digital option due to technological limitations. This bill ensures those Californians retain the ability to adjust their preferences with their utility. The author may consider clarifying this language.

- 4) *Clarity on the definition of “public utility.”* AB 1410 identifies “Each public utility...” as the responsible party within this legislation. However, the designation of “public utility” is very broad in statute, and not specific to electric utilities. In Public Utilities Code § 216,

“Public utility” includes every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof.

As noted by the author, the goal of this measure is to improve communication of electrical utilities during power outages. The author may consider narrowing this legislation to electrical utilities.

- 5) *Related Legislation.*

AB 990 (Hadwick) authorizes and encourages a public water system, when updating an emergency notification plan, to provide notification to water users in their preferred language, if resources are available. Status: On the Assembly Floor Consent Calendar, after passage on April 8, 2025, in the Assembly Environmental Safety and Toxic Materials Committee on a 7-0-0 vote.

SB 593 (Hurtado) requires utilities, among many provisions, to notify ratepayers of power surges. Status: In the Senate Committee on Judiciary, following passage in the Senate Committee on Energy, Utilities and Communications on a 13-3-0 vote.

SB 559 (Stern) requires electrical corporations to provide specified real-time and other time interval notifications of deenergization events related to mitigating wildfire ignition risks, and requires specified reporting to, and oversight by CPUC. Status: In the Senate

¹⁸ R.18-12-005, San Diego Gas & Electric Company (U 902-E) Public Safety Power Shutoff Post-Event Group Report for January 20 – January 24, 2025,

¹⁹ Southern California Edison, SCE PSPS Post Event Report – January 17, 2025 to January 27, 2025, March 10, 2025

²⁰ Pacific Gas and Electric Company Public Safety Power Shutoff (PSPS) Report to the CPUC October 17 – 20, 2024 De-energization

Committee on Appropriations, following passage in the Senate Committee on Energy, Utilities and Communications on a 13-3-0 vote.

SB 332 (Wahab) of the current legislative session requires various actions and assessments regarding electric utility operations, including related to the use of deenergization events. Status: Pending hearing in the Senate Committee on Energy, Utilities and Communication on April 21, 2025.

6) *Prior Legislation.*

AB 3090 (Maienschein) authorizes and encourages a public water system, when updating its emergency notification plan, to provide notification to water users by means of various technology. Status: Chapter 68, Statutes of 2024.

SB 533 (Stern) required electrical corporations to identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken to reduce the need for future deenergization of those circuits, as specified. Status: Chapter 244, Statutes of 2021

SB 167 (Dodd) required electrical corporations to include impacts on customers enrolled in specified programs as part of the protocols for deenergizing portions of their distribution system within their wildfire mitigation plans. Status: Chapter 403, Statutes of 2019

SB 821 (Jackson) among many provisions, authorized each county to access contact information of residents through the records of a public utility for a county-operated public emergency warning system. It specifies residents must be able to opt-out of the emergency warning system, and requires counties to have a process to terminate the receiving agency's access to residents' contact information. Status: Chapter 615, Statutes of 2018

SB 901 (Dodd) addressed numerous issues concerning wildfire prevention, response and recovery, including funding for mutual aid, fuel reduction and forestry policies, wildfire mitigation plans by electric utilities, and cost recovery by electric corporations of wildfire-related damages. Status: Chapter 626, Statutes of 2018

SB 1028 (Hill) requires electric utilities to file annual wildfire mitigation plans and requires the CPUC to review and comment on those plans. Status: Chapter 598, Statutes of 2016

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Oppose Unless Amended

San Diego Gas and Electric Company

Analysis Prepared by: Kristen Koenig / U. & E. / (916) 319-2083