



October 13, 2023

Via Electronic Mail  
California Board of Forestry and Fire Protection  
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Per the [2023 Annual Call for Regulatory Review](#), PG&E respectfully submits the below items for consideration:

**1. Areas where questions exist on interpretation of the regulatory standards, including potential solutions.**

Board members and staff may recall that in the Spring of 2021, PG&E presented to the Management Committee of the Board of Forestry cases of conflicting interpretations of California Code of Regulations, Title 14, Section 1104.1 between CAL FIRE and PG&E. PG&E shared our disagreement with CAL FIRE's interpretation of 1104.1 and other Sections within Division 1.5. Chapter 4, which CAL FIRE believes require PG&E to acquire utility exemption permits prior to performing vegetation management in our utility right of ways (ROWs). PG&E continues to disagree with CAL FIRE's interpretations of the definitions of "Timberland" and "Commercial Purposes" (along with other sections of Chapter 4 of Division 1.5), and PG&E interprets these definitions to not apply to the areas where PG&E is performing work within and along its established ROWs.

For example, PG&E disputes that its existing ROWs are available for growing a crop of trees and that it removes trees in these areas for commercial purposes. Therefore, under the definitions of Timberland and Commercial Purposes, utility exemptions are not required for PG&E utility vegetation maintenance work. PG&E is willing to provide an expanded presentation on how and why these regulations do not apply to PG&E's vegetation maintenance work in its ROWs.

**2. Issues encountered in achieving compliance with the regulatory standards, including potential solutions.**

Not only do the requirements of 14 CCR § 1104.1 not apply to utility vegetation management work that PG&E performs in its existing ROWs, but this regulatory requirement creates direct conflicts with PG&E's required compliance with Public Resources Code §§ 4292, 4293, 4295.5, Public Utilities Code § 8386(a), Federal Energy Regulatory Commission Standard FAC-003-4, as well as California Public Utilities Commission General Order 95 Rule 35. PG&E must be able to perform vegetation maintenance around its energized overhead electric facilities at all times in order to comply with these codes and orders, and to minimize and mitigate risk of catastrophic wildfire posed by vegetation contact with utility lines.

**3. Suggested regulatory modifications which would either clarify existing rule language to better achieve the intended resource protection, or would reduce regulatory inefficiencies and maintain the same or better level of protection**

PG&E proposed regulatory modifications in 2021 to make clear that Regulation 1104.1 is not applicable to its vegetation management work. PG&E formally requests that the Board open a rulemaking as it previously directed to staff to do in June 2021. PG&E will participate in that rulemaking and propose amendments to the Board's proposed language to allow utilities to both comply with CPUC requirements and the Forest Practice Rules.

Alternatively, the Board could assemble a "Utility Vegetation Management Practice" (UVMP) working group of BOF representatives, CAL FIRE staff and public and investor-owned utility representatives to convene workshops to identify conflicts between laws, regulations and decisions governing utility wildfire risk reduction and Forest Practice Act and Forest Practice Rule provisions.

We appreciate the opportunity to provide feedback on these issues at the November BOF meeting and to collaborate with the Board and CAL FIRE on proposed solutions to these issues.