BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

February 13, 2019

The Honorable Daniel Alvarez Secretary of the Senate California State Senate California State Capitol, Room 3044 Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 44-19

Dear Secretary Alvarez:

On January 29, 2019, the Board of Supervisors for the City and County of San Francisco adopted Resolution No. 44-19 (City Position Regarding Liability for Utility Wildfire Costs), which was enacted on February 8, 2019.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

One certified copy of Resolution No. 44-19 (File No. 190076)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

Angela Calvillo Clerk of the Board

c. Supervisors Aaron Peskin, Sandra Lee Fewer, Hillary Ronen, and Vallie Brown Kanishka Karunaratne Cheng, Mayor's Legislative Liaison to the Board of Supervisors Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director



City and County of San Francisco Certified Copy

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

190076

[City Position Regarding Liability for Utility Wildfire Costs]

Sponsors: Peskin; Fewer, Ronen and Brown

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

1/29/2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

1/29/2019 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

2/8/2019 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

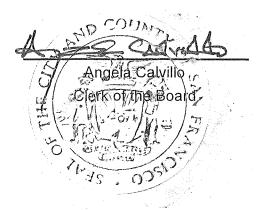
CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the offical seal of the City and County of San Francisco.

February 13, 2019

Date



[City Position Regarding Liability for Utility Wildfire Costs]

their actions.

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of

WHEREAS, The increasing danger posed by wildfires throughout California requires comprehensive changes, including improvements to vegetation and forest management practices, utility infrastructure and operations, emergency response systems, and disaster planning; and

WHEREAS, Successfully confronting the challenge of wildfires requires the engagement of all sectors, including public entities, utilities, insurers, developers and others; and

WHEREAS, Limiting the liability of one sector for wildfire costs is not a reasonable response and will not better prepare California to address wildfire disasters; and

WHEREAS, In 2018, Pacific Gas & Electric Company (PG&E) and other utilities made legislative proposals to amend the strict liability and inverse condemnation provisions of state law to shift responsibility for wildfire damages away from utilities and on to public entities, homeowners, and utility ratepayers, at great detriment to the general public; and

WHEREAS, Senate Bill 901 (2018) adopted Public Utilities Code, Section 451.2(b), limiting the amount of damages PG&E would pay for wildfires in 2017 and requiring PG&E's customers to pay the remainder of those costs, all in an effort to protect PG&E's financial health; and

WHEREAS, PG&E has filed for bankruptcy and seeks a bailout from its ratepayers who already enrich it by paying some of the highest electric rates in the nation; and

WHEREAS, PG&E's ratepayers bailed out the utility after its 2001 bankruptcy filing, when the California Public Utilities Commission (CPUC) required customers to pay about \$7 billion in rate increases to cover PG&E's debts, as confirmed in Green Tech Media (https://www.greentechmedia.com/articles/read/pge-questions-coming-bankruptcy); and

WHEREAS, For decades, PG&E's shareholders and management have continued to profit, despite the utility's infamous history of safety and reliability problems, including the shocking statistic that just in the last ten years, PG&E's shareholder equity increased from \$9.1 billion at the end of 2007 to \$ 19.7 billion at the end of 2017 (PG&E Annual Reports 2007-2017); and

WHEREAS, PG&E is currently developing new wildfire safety measures it will present to the CPUC, which are expected to cost ratepayers billions of dollars over the next few years; now, therefore, be it

RESOLVED, That legislators and regulators should not charge ratepayers the costs of wildfire damage caused by PG&E; and, be it

FURTHER RESOLVED, That Public Utilities Code, Section 451.2(b), should be repealed because PG&E's bankruptcy makes it irrelevant; and, be it

FURTHER RESOLVED, That San Francisco opposes updates to utility liability provisions that unfairly shift costs to public entities, homeowners, and ratepayers; and, be it

FURTHER RESOLVED, That updates to liability provisions should benefit all parties, incentivize utilities to prioritize safety over profit, and better prepare the state to address the impacts of climate change; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco do hereby direct the Clerk of the Board to send copies of this official city position to members of the CPUC and the State Legislature upon passage of this resolution.



City and County of San Francisco **Tails**

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Resolution

File Number:

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Date Passed: January 29, 2019

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File No. 190076

I hereby certify that the foregoing **Resolution was ADOPTED AS AMENDED** on 1/29/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Unsigned

London N. Breed Mayor

2/8/2019

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Clerk of the Board

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February 13, 2019

The Honorable E. Dotson Wilson Chief Clerk of the Assembly California State Assembly California State Capitol, Room 3196 Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 44-19

Dear Chief Clerk Wilson:

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Sincerely,

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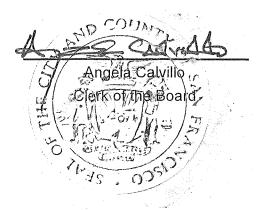
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WHEREAS, Senate Bill 901 (2018) adopted Public Utilities Code, Section 451.2(b), limiting the amount of damages PG&E would pay for wildfires in 2017 and requiring PG&E's customers to pay the remainder of those costs, all in an effort to protect PG&E's financial health; and

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FURTHER RESOLVED, That Public Utilities Code, Section 451.2(b), should be repealed because PG&E's bankruptcy makes it irrelevant; and, be it

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City and County of San Francisco **Tails**

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Angela Calvillo Clerk of the Board

Unsigned

London N. Breed Mayor

2/8/2019

Date Approved

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Clerk of the Board

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February 13, 2019

President Michael Picker California Public Utilities Commission 506 Van Ness Avenue San Francisco, CA 94102

Re: Board of Supervisors Resolution No. 44-19

Dear President Picker:

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c. Supervisors Aaron Peskin, Sandra Lee Fewer, Hillary Ronen, and Vallie Brown Kanishka Karunaratne Cheng, Mayor's Legislative Liaison to the Board of Supervisors Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director



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Resolution

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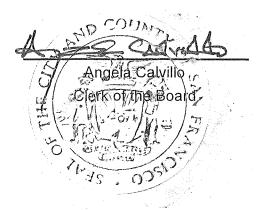
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FURTHER RESOLVED, That Public Utilities Code, Section 451.2(b), should be repealed because PG&E's bankruptcy makes it irrelevant; and, be it

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City and County of San Francisco **Tails**

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Angela Calvillo Clerk of the Board

Unsigned

London N. Breed Mayor

2/8/2019

Date Approved

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February 13, 2019

Commissioner Carla J. Peterman California Public Utilities Commission 506 Van Ness Avenue San Francisco, CA 94102

Re: Board of Supervisors Resolution No. 44-19

Dear Commissioner Peterman:

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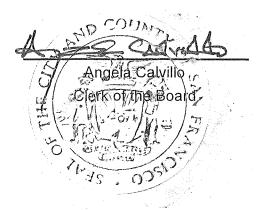
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Commissioner Martha Guzman Aceves California Public Utilities Commission 506 Van Ness Avenue San Francisco, CA 94102

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[City Position Regarding Liability for Utility Wildfire Costs]

Sponsors: Peskin; Fewer, Ronen and Brown

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

1/29/2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

1/29/2019 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

2/8/2019 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

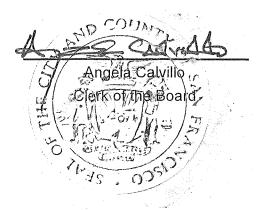
CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the offical seal of the City and County of San Francisco.

February 13, 2019

Date



[City Position Regarding Liability for Utility Wildfire Costs]

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

WHEREAS, The increasing danger posed by wildfires throughout California requires comprehensive changes, including improvements to vegetation and forest management practices, utility infrastructure and operations, emergency response systems, and disaster planning; and

WHEREAS, Successfully confronting the challenge of wildfires requires the engagement of all sectors, including public entities, utilities, insurers, developers and others; and

WHEREAS, Limiting the liability of one sector for wildfire costs is not a reasonable response and will not better prepare California to address wildfire disasters; and

WHEREAS, In 2018, Pacific Gas & Electric Company (PG&E) and other utilities made legislative proposals to amend the strict liability and inverse condemnation provisions of state law to shift responsibility for wildfire damages away from utilities and on to public entities, homeowners, and utility ratepayers, at great detriment to the general public; and

WHEREAS, Senate Bill 901 (2018) adopted Public Utilities Code, Section 451.2(b), limiting the amount of damages PG&E would pay for wildfires in 2017 and requiring PG&E's customers to pay the remainder of those costs, all in an effort to protect PG&E's financial health; and

WHEREAS, PG&E has filed for bankruptcy and seeks a bailout from its ratepayers who already enrich it by paying some of the highest electric rates in the nation; and

WHEREAS, PG&E's ratepayers bailed out the utility after its 2001 bankruptcy filing, when the California Public Utilities Commission (CPUC) required customers to pay about \$7 billion in rate increases to cover PG&E's debts, as confirmed in Green Tech Media (https://www.greentechmedia.com/articles/read/pge-questions-coming-bankruptcy); and

WHEREAS, For decades, PG&E's shareholders and management have continued to profit, despite the utility's infamous history of safety and reliability problems, including the shocking statistic that just in the last ten years, PG&E's shareholder equity increased from \$9.1 billion at the end of 2007 to \$ 19.7 billion at the end of 2017 (PG&E Annual Reports 2007-2017); and

WHEREAS, PG&E is currently developing new wildfire safety measures it will present to the CPUC, which are expected to cost ratepayers billions of dollars over the next few years; now, therefore, be it

RESOLVED, That legislators and regulators should not charge ratepayers the costs of wildfire damage caused by PG&E; and, be it

FURTHER RESOLVED, That Public Utilities Code, Section 451.2(b), should be repealed because PG&E's bankruptcy makes it irrelevant; and, be it

FURTHER RESOLVED, That San Francisco opposes updates to utility liability provisions that unfairly shift costs to public entities, homeowners, and ratepayers; and, be it

FURTHER RESOLVED, That updates to liability provisions should benefit all parties, incentivize utilities to prioritize safety over profit, and better prepare the state to address the impacts of climate change; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco do hereby direct the Clerk of the Board to send copies of this official city position to members of the CPUC and the State Legislature upon passage of this resolution.



City and County of San Francisco **Tails**

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

File Number:

190076

Date Passed: January 29, 2019

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

January 29, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

January 29, 2019 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190076

I hereby certify that the foregoing **Resolution was ADOPTED AS AMENDED** on 1/29/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Unsigned

London N. Breed Mayor

2/8/2019

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

February 13, 2019

Commissioner Liane M. Randolph California Public Utilities Commission 506 Van Ness Avenue San Francisco, CA 94102

Re: Board of Supervisors Resolution No. 44-19

Dear Commissioner Randolph:

On January 29, 2019, the Board of Supervisors for the City and County of San Francisco adopted Resolution No. 44-19 (City Position Regarding Liability for Utility Wildfire Costs), which was enacted on February 8, 2019.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

One certified copy of Resolution No. 44-19 (File No. 190076)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

Angela Calvillo Clerk of the Board

c. Supervisors Aaron Peskin, Sandra Lee Fewer, Hillary Ronen, and Vallie Brown Kanishka Karunaratne Cheng, Mayor's Legislative Liaison to the Board of Supervisors Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director



City and County of San Francisco Certified Copy

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

190076

[City Position Regarding Liability for Utility Wildfire Costs]

Sponsors: Peskin; Fewer, Ronen and Brown

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

1/29/2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

1/29/2019 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

2/8/2019 Mayor - RETURNED UNSIGNED

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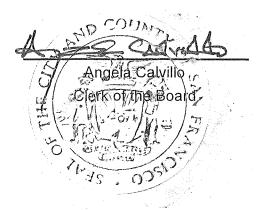
CLERK'S CERTIFICATE

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the offical seal of the City and County of San Francisco.

February 13, 2019

Date



[City Position Regarding Liability for Utility Wildfire Costs]

Resolution establishing the City's position regarding liability for utility wildfire costs and urging California legislators and regulators to protect California consumers by ensuring that investor-owned utilities are held responsible for the consequences of their actions.

WHEREAS, The increasing danger posed by wildfires throughout California requires comprehensive changes, including improvements to vegetation and forest management practices, utility infrastructure and operations, emergency response systems, and disaster planning; and

WHEREAS, Successfully confronting the challenge of wildfires requires the engagement of all sectors, including public entities, utilities, insurers, developers and others; and

WHEREAS, Limiting the liability of one sector for wildfire costs is not a reasonable response and will not better prepare California to address wildfire disasters; and

WHEREAS, In 2018, Pacific Gas & Electric Company (PG&E) and other utilities made legislative proposals to amend the strict liability and inverse condemnation provisions of state law to shift responsibility for wildfire damages away from utilities and on to public entities, homeowners, and utility ratepayers, at great detriment to the general public; and

WHEREAS, Senate Bill 901 (2018) adopted Public Utilities Code, Section 451.2(b), limiting the amount of damages PG&E would pay for wildfires in 2017 and requiring PG&E's customers to pay the remainder of those costs, all in an effort to protect PG&E's financial health; and

WHEREAS, PG&E has filed for bankruptcy and seeks a bailout from its ratepayers who already enrich it by paying some of the highest electric rates in the nation; and

WHEREAS, PG&E's ratepayers bailed out the utility after its 2001 bankruptcy filing, when the California Public Utilities Commission (CPUC) required customers to pay about \$7 billion in rate increases to cover PG&E's debts, as confirmed in Green Tech Media (https://www.greentechmedia.com/articles/read/pge-questions-coming-bankruptcy); and

WHEREAS, For decades, PG&E's shareholders and management have continued to profit, despite the utility's infamous history of safety and reliability problems, including the shocking statistic that just in the last ten years, PG&E's shareholder equity increased from \$9.1 billion at the end of 2007 to \$ 19.7 billion at the end of 2017 (PG&E Annual Reports 2007-2017); and

WHEREAS, PG&E is currently developing new wildfire safety measures it will present to the CPUC, which are expected to cost ratepayers billions of dollars over the next few years; now, therefore, be it

RESOLVED, That legislators and regulators should not charge ratepayers the costs of wildfire damage caused by PG&E; and, be it

FURTHER RESOLVED, That Public Utilities Code, Section 451.2(b), should be repealed because PG&E's bankruptcy makes it irrelevant; and, be it

FURTHER RESOLVED, That San Francisco opposes updates to utility liability provisions that unfairly shift costs to public entities, homeowners, and ratepayers; and, be it

FURTHER RESOLVED, That updates to liability provisions should benefit all parties, incentivize utilities to prioritize safety over profit, and better prepare the state to address the impacts of climate change; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco do hereby direct the Clerk of the Board to send copies of this official city position to members of the CPUC and the State Legislature upon passage of this resolution.



City and County of San Francisco **Tails**

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Resolution

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File No. 190076

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Angela Calvillo Clerk of the Board

Unsigned

London N. Breed Mayor

2/8/2019

Date Approved

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February 13, 2019

Commissioner Clifford Rechtschaffen California Public Utilities Commission 506 Van Ness Avenue San Francisco, CA 94102

Re: Board of Supervisors Resolution No. 44-19

Dear Commissioner Rechtschaffen:

On January 29, 2019, the Board of Supervisors for the City and County of San Francisco adopted Resolution No. 44-19 (City Position Regarding Liability for Utility Wildfire Costs), which was enacted on February 8, 2019.

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Sincerely,

Angela Calvillo Clerk of the Board

c. Supervisors Aaron Peskin, Sandra Lee Fewer, Hillary Ronen, and Vallie Brown Kanishka Karunaratne Cheng, Mayor's Legislative Liaison to the Board of Supervisors Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director



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Resolution

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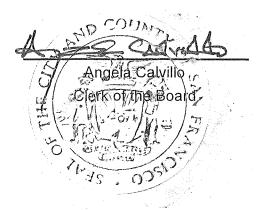
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City and County of San Francisco **Tails**

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Unsigned

London N. Breed Mayor

2/8/2019

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Clerk of the Board