



Oregon

Tina Kotek, Governor

Public Utility Commission

201 High St SE Suite 100

Salem, OR 97301-3398

Mailing Address: PO Box 1088

Salem, OR 97308-1088

503-373-7394

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House Bill 3666 – Safety Certification Bill
Supplemental Testimony from Letha Tawney, Commissioner



House Committee on Judiciary

Dear Chair Kropf, Vice Chair Chotzen, Vice Chair Wallan and Members of the House Committee on Judiciary – this written testimony is intended to supplement the oral testimony I offered on March 18, 2025. Below, I outline what we are doing now on wildfire mitigation briefly, then move to what is significant and additional about the safety certification legislation before the committee.

Current Safety Regulatory Construct – Standards Based Compliance

ORS 757.035 authorizes the PUC to adopt utility safety standards to protect Oregonians. Those standards, set out in OAR 860 Division 24, are minimum expectations based on the National Electric Safety Code (NESC). Unlike most other states, the PUC also conducts field audits to verify that a utility's vegetation or inspection and maintenance program is meeting those minimum standards.

Under SB 762 (2021), all electric utilities have and operate in compliance with a risk-based wildfire protection or mitigation plan. The PUC's Wildfire Protection Plan review recognizes that wildfire risk evaluation and response requires continuous adaptation to a changing risk. WPPs are never finished. The PUC does not currently verify through field audits whether utilities are taking actions in the field consistent with their WPPs.

Safety Certification – Additional Accountability and Verification

The Safety Certification process will add two new important elements to hold utilities accountable and help keep Oregonians safe.

First, the process will require the utilities to report on actions taken to implement their WPPs, and to allow for verification of those actions by the PUC's safety team. This will add accountability for plan implementation to ensure effective risk reduction and

effectively evaluate their performance in alignment with expected mitigation reduction standards.

Second, the process will require the utilities to demonstrate a culture of safety within their organizations. To effectively address safety in a rapidly changing risk environment – such as cybersecurity or wildfire – the utilities must adopt maturity standards that focus on building organizational risk mitigation capabilities and behaviors rather than check the box compliance. The Safety Certification allows the PUC to hold utilities accountable for their decision making throughout, with an emphasis on every employee's responsibility for safety and implementation of the intention of the wildfire mitigation plan in light of changed risk on the ground.

This addition to the existing standards-based compliance is critical to ensuring utilities are adopting practices that meet the changing risk. It also helps to clarify how utilities should evaluate tradeoffs between wildfire ignition risk and reliability or affordability. The Safety Certification concept mirrors the leading work on safety utilized in California currently.

The PUC has the ability to implement this safety approach and these additional tasks. Our expert safety team already perform NESC inspections of 30% of all electric operator systems annually. They also inspect vegetation compliance on 100% of high fire risk circuits and 50% of the overall IOU line miles annually. Our team has been leading in proactive programmatic audits, so much so that the California agency that performs proactive wildfire audits consulted with our team when designing their program.

We have supplemented this expertise with retaining industry-leading independent evaluators in our existing WPP review process and are well versed in California's experience with safety culture assessment best practices.