

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to )  
Consider Strategies and Guidance for )  
Climate Change Adaptation. )  
\_\_\_\_\_ )

R.18-04-019  
(Filed April 26, 2018)

**OPENING COMMENTS  
OF CALIFORNIA WATER ASSOCIATION  
ON DEFINITION OF ADAPTATION REPORT**

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February 8, 2019

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In accordance with Rule 6.2 of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”) and the schedule set forth in the *Administrative Law Judge’s Ruling Regarding January 25, 2019 Working Group Report on “Definition of Adaptation for Utilities”* issued on January 25, 2019 (“ALJ Ruling”), California Water Association (“CWA”) hereby submits its opening comments on the *Working Group Session Report on Item “Definition of Adaptation for Utilities”* (“Report”) in the above-captioned rulemaking proceeding.

**I. INTRODUCTION**

CWA is a statewide association representing the interests of investor-owned water utilities subject to the Commission’s jurisdiction. Although the investor-owned water utilities are not named as respondents to this initial phase of R.18-04-019, CWA appreciates the Commission’s invitation for the regulated water utilities to participate in this Phase I. On behalf of its water utilities members, CWA is concerned with how the Commission will define “climate change adaptation” for utilities and so participated in the two working group meetings on this topic.

## **II. COMMENTS**

The staff proposal circulated on December 7, 2018, “Defining Climate Adaptation in the Electric and Natural Gas Utility Context,” generated a helpful discussion regarding the concepts and concerns attendant to establishing a definition of “climate change adaptation” for utilities during the second working group meeting. CWA offers the following observations and comments in response to that discussion, as memorialized in the Report.

### **A. The CPUC’s Definition of “Adaptation” Should Be Specific to the Utility Industry**

Section D of the Report summarizes the differences of opinion about whether the Commission should use an “established” definition of adaptation, a “utility-specific” definition, or a hybrid definition that tailors an “established” definition to the utility industry.<sup>1</sup> CWA supports either of the latter two options. A definition should be specific to the utility industry (or industries) so that it reflects and promotes the goals of this proceeding, including especially, to integrate climate change adaptation matters into relevant Commission proceedings. Where terms and concepts vetted in other contexts by other organizations can properly be applied here, CWA supports building off that established body of work.

### **B. The Definition Should Be Precise and Meaningful**

Topic 1 stakeholders debated whether specific words and phrases contained in the staff-proposed definition of climate change adaptation<sup>2</sup> should be retained, with the goal being that the definition of “climate change adaptation” be as precise and meaningful as possible. CWA agrees with stakeholders that certain terms, including “likely” (describing future climate-driven risks) and “maintain” (referring to the utilities’ operations), add unnecessary ambiguity or

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<sup>1</sup> Report, at 7-8.

<sup>2</sup> The staff-proposed definition for discussion is as follows: “Climate adaptation for electric and natural gas utilities is: strategic and data-driven consideration and incorporation of current and likely future climate-driven risks into utility planning, operations, and communications, in order to maintain safe, reliable, affordable, and resilient operations, in alignment with state policy goals.” Report, at 10 (Appendix A).

create unintended assumptions and so should not be included in the definition.<sup>3</sup> However, CWA sees value in retaining certain other terms that were criticized by some as not being adequately defined. For example, California Environmental Justice Alliance (“CEJA”) and Natural Resources Defense Council (“NRDC”) suggested that the term “strategic” was too ambiguous. But CWA agrees with Pacific Gas and Electric Company (“PG&E”) that the term “strategic” helps to capture the concept that the utilities must balance costs, level-of-service and climate risks in developing and implementing adaptation approaches. CWA further agrees that retaining the concept of data, research or science as driving and measuring a utility’s adaptation strategy also is key, as deliberated among CEJA, PG&E, NRDC, and Bioenergy Association of California (“BAC”). These terms and concepts help root a Commission-adopted definition of adaptation in the goals of this proceeding and signal the purpose for which the definition has been established.

Finally, if the definition is further refined to utility-specific sectors, then the discussion of climate change adaptation for water utilities should be directed to the future reliability of water supply, as codified in the State Water Resources Control Board Resolution No. 2017-0012<sup>4</sup>, dated March 7, 2017. This resolution outlines the many climate change responses the Water Board and drinking water providers should undertake to ensure reliable service in the future.

### **C. The Distinction Between Climate Adaptation and Climate Resilience**

The single item of consensus among stakeholders and staff identified in the Report is that this proceeding should appropriately distinguish between the concepts of “adaptation” and “resilience” in the context of climate change planning.<sup>5</sup> To that end, CWA observes that the State Water Resources Control Board (“State Water Board”) describes adaptation vis-à-vis resilience as follows:

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<sup>3</sup> Report, at 8-9.

<sup>4</sup> [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2017/rs2017\\_0012.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf)

<sup>5</sup> Report, at 5.

*Adaptation, in the context of climate change, refers to actions taken to build resilience, and to adjust to the impacts of climate change on society and the environment.*<sup>6</sup>

This statement is useful for explaining how adaptation and resilience relate and is consistent with comments offered by PG&E and Southern California Edison (“SCE”) regarding the proper distinction between these concepts.<sup>7</sup>

### III. CONCLUSION

CWA appreciates the opportunity to help refine the definition of climate change adaptation for utilities. We look forward to working with the Commission, the respondent investor-owned energy utilities, environmental groups, consumer advocates and other stakeholders to consider climate change adaptation strategies in this and future phases.

Respectfully submitted,

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<sup>6</sup> State Water Resources Control Board Resolution No. 2017-0012, at 2 (Section 5) (available at: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2017/rs2017\\_0012.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf)).

<sup>7</sup> Report, at 5; see also Comments of PG&E on OIR, at 7-8.