

Published February 3rd, 2021

## MOFD and PG&E avoid litigation, settle company lawsuit

By Nick Marnell



Photo Nick Marnell

informed of that fact."

PG&E sued the fire district, seeking to invalidate the ordinance as the company believed the district exceeded its authority by attempting to regulate matters that fall under the jurisdiction of the California Public Utilities Commission.

"These requirements interfere with PG&E's ability to respond flexibly to changing conditions in order to protect public safety," the company stated in its complaint, filed Dec. 18. The company also maintains that its SIPTs are not first responders but utility workers whose primary role is to support PG&E work activities and support fire prevention at PG&E worksites.

Neither the fire district nor the company had the appetite for litigation, and the parties negotiated acceptable modifications to the ordinance. A revised district ordinance was passed unanimously by the MOFD board and enacted Jan. 22.

The negotiated revisions include changing the requirement of a 48-hour notice for SIPT deployment to no later than 9 a.m. on the day of deployment. The revised ordinance also changes the definition of an SIPT so that the ordinance does not apply to a company's normal utility crews, and bans only scheduled, non-emergency electrical work within the district during Red Flag warnings.

"PG&E appreciates that districts responsible for local fire response are concerned about the challenges of fire prevention and seek up-to-date information. PG&E would like to cooperate with those districts as we all have the desire and responsibility to mitigate fires," said Matt Nauman, PG&E spokesman.

"However, PG&E also has CPUC-jurisdictional obligations to maintain the electrical grid. PG&E needs to maintain flexibility in deploying electrical crews in order to effectively and efficiently keep the power flowing across Northern and Central California. PG&E and Moraga-Orinda were able to reach agreement on notification procedures that address the fire district's desire for information while limiting restrictions on PG&E's ability to deploy electrical crews."

PG&E filed a request with Superior Court the last week of January to dismiss its lawsuit against the fire district.

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