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SB-256 Electricity: electrical infrastructure: wildfire mitigation. (2025-2026)

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AMENDED IN ASSEMBLY JULY 17, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 256

Introduced by Senator Pérez
(Coauthors: Assembly Members Harabedian and Schultz)

February 03, 2025

An act to amend Sections 8386 and 8387 of, to add Sections 762.8 and 8387.6 to, and to add Chapter 8 (commencing with Section 8395) to Division 4.1 of, the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 256, as amended, Pérez. Electricity: electrical infrastructure: wildfire mitigation.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires electrical corporations, electrical cooperatives, and local publicly owned electric utilities to construct, maintain, and operate their electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire, as specified. Existing law requires electrical corporations to annually prepare and submit wildfire mitigation plans to the Office of Energy Infrastructure Safety for review and approval. Existing law also requires local publicly owned electric utilities and electrical cooperatives to annually prepare wildfire mitigation plans and submit the plans to the California Wildfire Safety Advisory Board, as specified. Existing law requires that each wildfire mitigation plan include, among other things, a description of the preventive strategies and programs to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, and a description of the appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, as provided.

This bill would require the commission, on or before January 1, 2027, to update a general order to require each electrical corporation to remove all permanently abandoned facilities, as specified. The bill would require an electrical corporation, for areas

affected by wildfire that require electrical distribution infrastructure to be rebuilt, to consider the undergrounding of electrical distribution infrastructure if it is determined to be cost effective compared to other wildfire mitigation strategies.

This bill would require an electrical corporation, for the description in the wildfire mitigation plan of the preventative strategies and programs to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, to include consideration of risks related to the wildland-urban interface. The bill would require an electrical corporation, for the description in the wildfire mitigation plan of the electrical corporation's appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, to include consideration of enabling residents within a household who are not the customer of record to subscribe to receive notifications related to deenergization events and of communications with public safety partners, as provided. The bill would require that an electrical corporation's wildfire mitigation plan also include a description of the processes and procedures that the electrical corporation use to coordinate communications with local governments within the service area of the electric corporation, and include an accounting of all transmission facilities, including permanently abandoned facilities, and include a plan for how and when each permanently abandoned facility will be removed and the wildfire mitigation measures that are being implemented to prevent hazards, as provided.

This bill would require local publicly owned electric utilities and electrical cooperatives, for the description in the wildfire mitigation plan of the preventative strategies and programs to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, to include consideration of risks related to the wildland-urban interface. The bill would require a local publicly owned electric utility or electrical cooperative's wildfire mitigation plan to include a description of the processes and procedures by which the local publicly owned electric utility or electrical cooperative coordinates communication with local governments within the service area of the local publicly owned electric utility or electrical cooperative, as specified.

Existing law, the California Emergency Services Act, establishes, within the office of the Governor, the Office of Emergency Services (OES) under the supervision of the Director of Emergency Services. Existing law requires OES to establish a standardized emergency management system for use by all emergency response agencies.

This bill would require certain electrical corporations and local publicly owned electric utilities, in cooperation with OES and other emergency service agencies, to establish procedures for the coordination of efforts between electrical corporations and local publicly owned electric utilities and their representatives and those of emergency response agencies. The bill would require these electrical corporations and local publicly owned electric utilities to assign *liaison* representatives to work within each ~~state regional~~ *local* operations ~~center when requested by the state regional operations~~ center, as provided.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing certain of this bill's requirements would be a crime, the bill would impose a state-mandated local program.

Additionally, by imposing new duties on local publicly owned electric utilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares both of the following:

(a) To ensure safety and affordability in the face of catastrophic wildfires in the State of California, it is the intent of the Legislature to find sustainable ways to finance mitigation strategies for ratepayers and Californians.

(b) It is the intent of the Legislature that fire risk mitigation capital expenditures, including the decommissioning of permanently abandoned facilities and the undergrounding of electrical distribution infrastructure after a wildfire event, be financed in ways that reduce the impact to ratepayers.

SEC. 2. Section 762.8 is added to the Public Utilities Code, to read:

762.8. (a) On or before January 1, 2027, the commission shall update General Order No. 95, as revised on December 19, 2024, by commission Resolution ESRB-12, to require each electrical corporation to remove all permanently abandoned facilities in order to prevent public nuisances or hazards to life or property.

(b) The commission shall ensure all applicable safety requirements, including wildfire mitigation measures, apply to permanently abandoned facilities until they are removed.

(c) This section does not, and the update required pursuant to subdivision (a) shall not, impact an electrical corporation's right to an easement.

(d) For purposes of this section, "permanently abandoned facility" means a facility that is out of service and the owner cannot demonstrate, with appropriate documentation, an intent to place the facility, or portions of the facility, into service within a time determined by the commission.

SEC. 3. Section 8386 of the Public Utilities Code is amended to read:

8386. (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.

(b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the Wildfire Safety Division for review and approval. In calendar year 2020, and thereafter, the plan shall cover at least a three-year period. The division shall establish a schedule for the submission of subsequent comprehensive wildfire mitigation plans, which may allow for the staggering of compliance periods for each electrical corporation. In its discretion, the division may allow the annual submissions to be updates to the last approved comprehensive wildfire mitigation plan; provided, that each electrical corporation shall submit a comprehensive wildfire mitigation plan at least once every three years.

(c) The wildfire mitigation plan shall include all of the following:

(1) An accounting of the responsibilities of persons responsible for executing the plan.

(2) The objectives of the plan.

(3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks and risks related to the wildland-urban interface.

(4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) A description of the electrical corporation's protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety. As part of these protocols, each electrical corporation shall include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on all of the following:

(A) Critical first responders.

(B) Health and communication infrastructure.

(C) Customers who receive medical baseline allowances pursuant to subdivision (c) of Section 739. The electrical corporation may deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance for a customer who meets all of the following requirements:

(i) The customer relies on life-support equipment that operates on electricity to sustain life.

(ii) The customer demonstrates financial need, including through enrollment in the California Alternate Rates for Energy program continued pursuant to Section 739.1.

(iii) The customer is not eligible for backup electrical resources provided through medical services, medical insurance, or community resources.

(D) Subparagraph (C) shall not be construed as preventing an electrical corporation from deploying backup electrical resources or providing financial assistance for backup electrical resources under any other authority.

(7) (A) A description of the electrical corporation's appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, including procedures for those customers receiving medical baseline allowances as described in paragraph (6). The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of

potential deenergization for a given event. The procedures shall comply with any orders of the commission regarding notifications of deenergization events.

(B) The procedures shall include consideration of enabling residents within a household who are not the customer of record to subscribe to receive notifications related to deenergization events.

(C) The procedures shall include consideration of communications with public safety partners who have the ability to coordinate with the electrical corporation to provide broader messaging to affected communities.

(8) Identification of circuits that have frequently been deenergized pursuant to a deenergization event to mitigate the risk of wildfire and the measures taken, or planned to be taken, by the electrical corporation to reduce the need for, and impact of, future deenergization of those circuits, including, but not limited to, the estimated annual decline in circuit deenergization and deenergization impact on customers, and replacing, hardening, or undergrounding any portion of the circuit or of upstream transmission or distribution lines.

(9) Plans for vegetation management.

(10) Plans for inspections of the electrical corporation's electrical infrastructure.

(11) A description of the electrical corporation's protocols for the deenergization of the electrical corporation's transmission infrastructure, for instances when the deenergization may impact customers who, or entities that, are dependent upon the infrastructure. The protocols shall comply with any order of the commission regarding deenergization events.

(12) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of the commission's Safety Model Assessment Proceeding (A.15-05-002, et al.) and the Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(13) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(14) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulating of distribution wires, and replacing poles.

(15) A description of where and how the electrical corporation considered undergrounding electrical distribution lines within those areas of its service territory identified to have the highest wildfire risk in a commission fire threat map.

(16) A showing that the electrical corporation has an adequately sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the electrical corporation.

(17) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.

(18) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.

(19) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:

(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

(B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.

(20) A statement of how the electrical corporation will restore service after a wildfire.

(21) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(22) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(23) Any other information that the Wildfire Safety Division may require.

(24) A description of the processes and procedures that the electrical corporation uses to coordinate its communications with local governments within the service area of the electric corporation, including fire officials and emergency response officials, as part of the preparation of the wildfire mitigation plan and during a wildfire-related emergencies.

(25) (A) An accounting of all transmission facilities, including a list of facilities that are in service, facilities that are out of service, and permanently abandoned facilities that are transmission facilities. For permanently abandoned facilities that are transmission facilities, the accounting shall include a plan for how and when each facility will be removed and the wildfire mitigation measures that are being implemented to prevent hazards, including, but not limited to, induction.

(B) For purposes of this paragraph, "permanently abandoned facilities" has the same meaning as defined in Section 762.8.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website before July 1, 2021, and on the office's internet website beginning July 1, 2021, for no less than two months before the division's or office's decision regarding approval of the plan. The division or office shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

SEC. 4. Section 8387 of the Public Utilities Code is amended to read:

8387. (a) Each local publicly owned electric utility and electrical cooperative shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment.

(b) (1) The local publicly owned electric utility or electrical cooperative shall, before January 1, 2020, prepare a wildfire mitigation plan. After January 1, 2020, a local publicly owned electric utility or electrical cooperative shall prepare a wildfire mitigation plan annually and shall submit the plan to the California Wildfire Safety Advisory Board on or before July 1 of that calendar year. Each local publicly owned electric utility and electrical cooperative shall update its plan annually and submit the update to the California Wildfire Safety Advisory Board by July 1 of each year. At least once every three years, the submission shall be a comprehensive revision of the plan.

(2) The wildfire mitigation plan shall consider as necessary, at minimum, all of the following:

(A) An accounting of the responsibilities of persons responsible for executing the plan.

(B) The objectives of the wildfire mitigation plan.

(C) A description of the preventive strategies and programs to be adopted by the local publicly owned electric utility or electrical cooperative to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks and risks related to the wildland-urban interface.

(D) A description of the metrics the local publicly owned electric utility or electrical cooperative plans to use to evaluate the wildfire mitigation plan's performance and the assumptions that underlie the use of those metrics.

(E) A discussion of how the application of previously identified metrics to previous wildfire mitigation plan performances has informed the wildfire mitigation plan.

(F) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.

(G) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines. The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

(H) Plans for vegetation management.

(I) Plans for inspections of the local publicly owned electric utility's or electrical cooperative's electrical infrastructure.

(J) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the local publicly owned electric utility's or electrical cooperative's service territory. The list shall include, but not be limited to, both of the following:

(i) Risks and risk drivers associated with design, construction, operation, and maintenance of the local publicly owned electric utility's or electrical cooperative's equipment and facilities.

(ii) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the local publicly owned electric utility's or electrical cooperative's service territory.

(K) Identification of any geographic area in the local publicly owned electric utility's or electrical cooperative's service territory that is a higher wildfire threat than is identified in a commission fire threat map, and identification of where the commission should expand a high fire-threat district based on new information or changes to the environment.

(L) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk.

(M) A statement of how the local publicly owned electric utility or electrical cooperative will restore service after a wildfire.

(N) A description of the processes and procedures the local publicly owned electric utility or electrical cooperative shall use to do all of the following:

(i) Monitor and audit the implementation of the wildfire mitigation plan.

(ii) Identify any deficiencies in the wildfire mitigation plan or its implementation, and correct those deficiencies.

(iii) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, that are carried out under the plan, other applicable statutes, or commission rules.

(O) A description of the processes and procedures by which the local publicly owned electric utility or electrical cooperative coordinates communication with local governments within the service area of the local publicly owned electric utility or electrical cooperative, including fire officials and emergency response officials, as part of the preparation of the wildfire mitigation plan and during a wildfire-related emergency.

(3) The local publicly owned electric utility or electrical cooperative shall, on or before January 1, 2020, and not less than annually thereafter, present its wildfire mitigation plan in an appropriately noticed public meeting. The local publicly owned electric utility or electrical cooperative shall accept comments on its wildfire mitigation plan from the public, other local and state agencies, and interested parties, and shall verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate.

(c) The local publicly owned electric utility or electrical cooperative shall contract with a qualified independent evaluator with experience in assessing the safe operation of electrical infrastructure to review and assess the comprehensiveness of its wildfire mitigation plan. The independent evaluator shall issue a report that shall be made available on the internet website of the local publicly owned electric utility or electrical cooperative, and shall present the report at a public meeting of the local publicly owned electric utility's or electrical cooperative's governing board.

SEC. 5. Section 8387.6 is added to the Public Utilities Code, to read:

8387.6. For areas affected by wildfires that require electrical distribution infrastructure to be rebuilt by an electrical corporation, the electrical corporation shall consider the undergrounding of electrical distribution infrastructure if it is determined to be cost effective compared to other wildfire mitigation strategies.

SEC. 6. Chapter 8 (commencing with Section 8395) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 8. ~~Regional~~ Emergency Operations

8395. (a) All electrical corporations and local publicly owned electric utilities that have a service area that overlaps with the boundaries of a ~~state regional emergency~~ *local* operations center, in cooperation with the Office of Emergency Services and other

emergency service agencies, shall establish procedures for the coordination of efforts between electrical corporations and local publicly owned electric utilities and their representatives and those of emergency response agencies.

(b) All electrical corporations and local publicly owned electric utilities subject to subdivision (a) shall assign a *liaison* representative to work within each ~~state-regional~~ *local* operations center that has boundaries that overlap with the electrical corporation's or local publicly owned electric utility's service ~~area when requested by the state-regional operations center.~~ *area*. The representative shall complete ~~the appropriate annual emergency management training, sufficient to enable them to perform their assigned role, that is provided under~~ the Standardized Emergency Management System ~~framework,~~ *and National Incident Management System trainings sufficient to enable them to assist activated emergency operations centers,* to the fullest extent possible.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.