



Town of Paradise Adjourned Town Council Meeting Agenda 6:00 PM – November 02, 2020

Town of Paradise Council Chamber – 5555 Skyway, Paradise, CA

Mayor, Greg Bolin
Vice Mayor, Steve Crowder
Council Member, Jody Jones
Council Member, Melissa Schuster
Council Member, Mike Zuccolillo

Town Manager, Kevin Phillips
Town Attorney, Mark Habib
Town Clerk, Dina Volenski
Community Development Director, Susan Hartman
Administrative Services Director/Town Treasurer, Brooke Kerrigan
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, Garrett Sjolund
Chief of Police, Eric Reinbold
Disaster Recovery Director, Katie Simmons

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item.

The meeting will be open to the public on a limited basis. This means there will be reduced seating capacity, social distancing will be practiced and face masks are required. (Please note, our limited capacity is 20 people and when that is reached, the doors will be closed.) Attendees may need to rotate seating positions to allow participation from those in attendance. Public speakers will be asked to complete speaker cards and may need to wait outside until they are called to speak.

Observers choosing not to attend in person may view the meeting livestreamed via the Town's website at <https://livestream.com/townofparadise>

Comments may be submitted via e-mail to dvolenski@townofparadise.com prior to 5:30 p.m. the day of the meeting. Comments will not be accepted via livestream.

- A. If you wish to address the Council regarding a specific agenda item, please complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the meeting. This process is voluntary and allows for citizens to be called to the speaker podium in alphabetical order. Comments and questions from the public must be directed to the Presiding Chair and Town Council Members (please do not address staff.) Town staff is available to address citizen concerns Monday through Thursday at Town Hall between the hours of 8am and 5pm.
- B. If you wish to address Council regarding an item not on the agenda, you may do so under Item 4, "Public Communication." Again, please fill out a card and give it to the Town Clerk before the meeting. State Law prohibits Council action on items not listed on a public agenda.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

1. OPENING

1a. Call to Order

1b. Pledge of Allegiance to the Flag of the United States of America

1c. Invocation

1d. Roll Call

1e. A moment of silence acknowledging the second anniversary of the November 8th, 2018 Camp Fire.

1f. Code Enforcement update- Community Development Director, Susan Hartman

2. CONSENT CALENDAR - None

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

5. CONTINUED PUBLIC HEARING

Public Hearing Procedure:

A. Staff Report

B. Mayor opens the hearing for public comment in the following order:

i. Project proponents (in favor of proposal)

ii. Project opponents (against proposal)

iii. Rebuttals – if requested

C. Mayor closes the hearing

D. Council discussion and vote

5a. p4 Consider continuing the Public Hearing to December 8, 2020 for future consideration of adopting Resolution 20-___, A Resolution of the Town Council of the Town of Paradise (1) declaring and determining a certain area with the Town as the Paradise Arterials & Collectors Underground District (Underground District 20-1), and (2) finding and determining that public necessity, health or safety require the removal of poles, overhead wires, and associated structures, and ordering removal of same (Underground District 20-1). (ROLL CALL VOTE)

6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

6a. p22 Consider approving the First Amendment to the Agreement between the Town of Paradise and Tetra Tech to provide professional arborist services to support the Private Hazard Tree Removal Program. The First Amendment to the Agreement will increase the budget by \$335,000. [75% of the amount in the Agreement is paid by FEMA, 18.75% by CAL OES and 6.25% by the Town of Paradise.] (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

7a1. p24 Consider authorizing a letter from the Town Council to PG&E requesting PG&E hold a Town Hall meeting explaining the Public Safety Power Shutoff to the community. (CROWDER)

7a2. Town Council discussion and consider adopting the “Daffodil” as the official flower of the Town of Paradise. (SCHUSTER)

7b. Council reports on committee representation

7c. Future Agenda Items

8. STAFF COMMUNICATION

8a. Town Manager Report

9. CLOSED SESSION

9a. Pursuant to Government Code section 54956.8, the Town Council will hold a closed session to confer with the Town's negotiators about whether to accept an offer from the property owner to acquire the below identified real property:

Property location: 1181 Pearson Road, Paradise, CA 95969 (APN 054-152-077-000)

Town negotiators: Kevin Phillips, Town Manager and Mark Habib, Town Attorney

Property negotiator: Fred Hayden, Paradise Church of Christ

9b. Pursuant to Government Code section 54956.9(d)(4), the Town Council will consider initiation of litigation (2 potential cases).

10. ADJOURNMENT

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



**TOWN OF PARADISE
Council Agenda Summary
Date: November 2, 2020**

Agenda No. 5(a)

ORIGINATED BY: Marc Mattox, Public Works Director / Town Engineer

REVIEWED BY: Kevin Phillips, Town Manager

SUBJECT: Underground Utility District Continued Public Hearing

LONG TERM

RECOVERY PLAN: Yes – Tier One – Underground Utilities

COUNCIL ACTION REQUESTED:

1. Continue the Public Hearing to December 8, 2020 for future consideration of adopting Resolution 20-___, A Resolution of the Town Council of the Town of Paradise (1) declaring and determining a certain area with the Town as the Paradise Arterials & Collectors Underground District (Underground District 20-1), and (2) finding and determining that public necessity, health or safety require the removal of poles, overhead wires, and associated structures, and ordering removal of same (Underground District 20-1) (ROLL CALL VOTE)

November 2, 2020 Update:

At the October 13, 2020 Public Hearing for this item, Paradise Town Council agreed to provide additional time before a decision was made to form Underground District 20-1. Since this time, staff has learned that an agreement relating to undergrounding of utilities between PG&E, Comcast and AT&T is imminent. Given this information, staff is requesting an additional extension to allow for respective legal reviews between each organization to be completed and finalized. Staff has full confidence a timely resolution is feasible within this period and creation of the subject District may no longer be necessary. A full report of the status on this issue will be provided at the regular December 8, 2020 Paradise Town Council Meeting.

**AGENDA SUMMARY BELOW IS A COPY FROM
OCTOBER 13, 2020 TOWN COUNCIL MEETING**

Background:

During the 2018 Camp Fire, evacuation corridors in Paradise were adversely affected by burned wooden utility poles carrying electric and telecommunication lines which had fallen into the roadway, creating extremely hazardous and precarious situations for the evacuating general public, as well as first responders in their attempt to assist with evacuations, firefighting and saving lives and property.



A burned utility pole crossing a Paradise evacuation route during the Camp Fire. Source: AP/Getty Images

Immediately following the fire, temporary poles were erected to serve customers with standing homes.

In conjunction with the Town's preparation of a Long-Term Recovery Plan, PG&E announced in May 2019 that it would begin an unprecedented project of undergrounding all electric distribution infrastructure in Paradise. The goal of reducing wildfire risk, meeting the community's desire for unobstructed egress and the Town's community engagement process helped drive this decision.

In July 2019, Paradise Town Council adopted the community's Long-Term Recovery Plan which identified Underground Utilities as one of the highest priority Partner-led projects, a critical component to the rebuilding of Paradise. The Plan also reinforces the Town's expectation that communication companies, Comcast and AT&T, will also follow suit and underground their infrastructure as utility poles are combustible and can block egress routes in a fire. This plan was created and vetted by the residents immediately following the Camp Fire for the express purpose of guiding and directing the disaster recovery process.

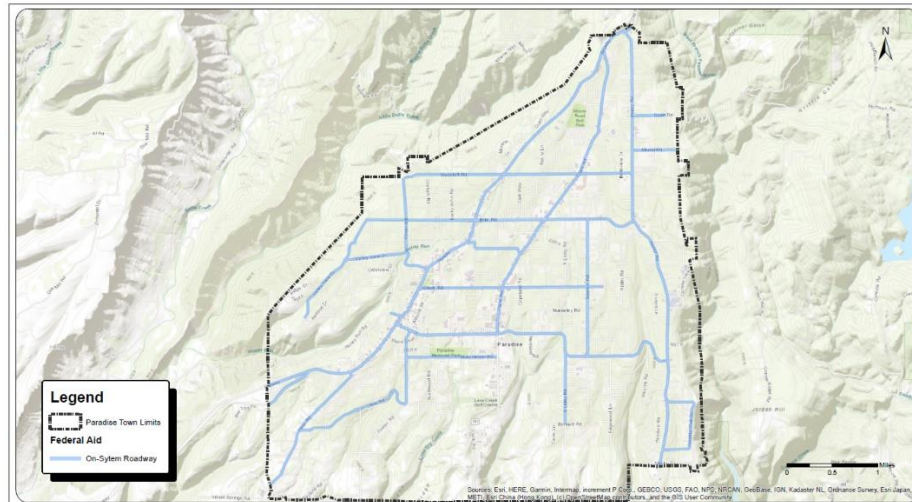
In late 2019, Paradise Town Council adopted and enacted a "Dig-Once" Policy, which states that the Town of Paradise and servicing utility companies must continuously communicate and coordinate relating to underground joint-trench opportunities. This policy, however, does not mandate any utility company to join underground trenches against their desires.

Since the adoption of the Long-Term Recovery Plan, PG&E has completed over 28 miles of undergrounding work in Paradise and is currently ramping up for an additional 20 miles to be installed by the end of 2020. At the time of this report, Comcast and AT&T have not installed **any** infrastructure in any of these trenches and have indicated to the Town of Paradise they have no intention to do so in the future.

On June 9, 2020 staff reported to Paradise Town Council that neither Comcast nor AT&T have indicated a willingness to participate in the joint trench opportunity with PG&E. Staff also reported

on two potential approaches which could encourage or cause these companies to help the Town fully realize its safety objectives:

1. Advance a competing service by exploring and undertaking a Broadband Feasibility Study (underway), and;
2. Create a formal Rule 20A Underground Utility District on all eligible federal-aid collectors and arterials (mapped below).



While the Underground Utility District would not include all roadways as is desired by the Council and Community, it would allow the framework of the established legal Rule 20A program to be utilized and create a mandate for telecommunications providers to participate in the joint trench on critical roadways at their own cost – even if PG&E was using traditional Rule 20A tariff apportionments for their respective work.

Council gave direction to staff to set a public hearing date of July 14, 2020 for the creation of this Underground Utility District and asked for a return report and action item for filing a formal complaint to the California Public Utilities Commission (CPUC).

Since the June 9, 2020 Paradise Town Council meeting, staff has been contacted by CPUC staff that suggested to hold off on issuing a Public Hearing Notice for quite possibly the largest Rule 20A Underground Utility District considered. Town staff complied with this request and received feedback from CPUC Rule 20A Program staff, not CPUC legal opinion, that they did not believe creation of this Underground Utility District would achieve desired results. Alternatively, CPUC staff further encouraged the Town to pursue the formal complaint process through the CPUC in an effort to engage all stakeholders at one time on this issue.

Based on advice from the CPUC staff, Town staff did not issue the Notice of Public Hearing, understanding a report on this development could be made at the next scheduled Council meeting and further action could be deliberated. Staff understands the CPUC stance on the creation of the district and concurs that there is risk in the effort (and mailing cost) may not be effective.

On July 14, 2020 Paradise Town Council directed staff to submit a formal complaint to the CPUC relating to the lack of participation by Comcast and AT&T in undergrounding their overhead infrastructure. Furthermore, Council gave direction to set a public hearing date for formation of the Rule 20A District if there was no agreement by Comcast, AT&T and PG&E to underground all utilities within 45 days.

Analysis:

On August 21, 2020, staff submitted a formal complaint to the CPUC relating to undergrounding overhead lines in Paradise. A copy of this complaint is attached to this agenda summary as Attachment A.

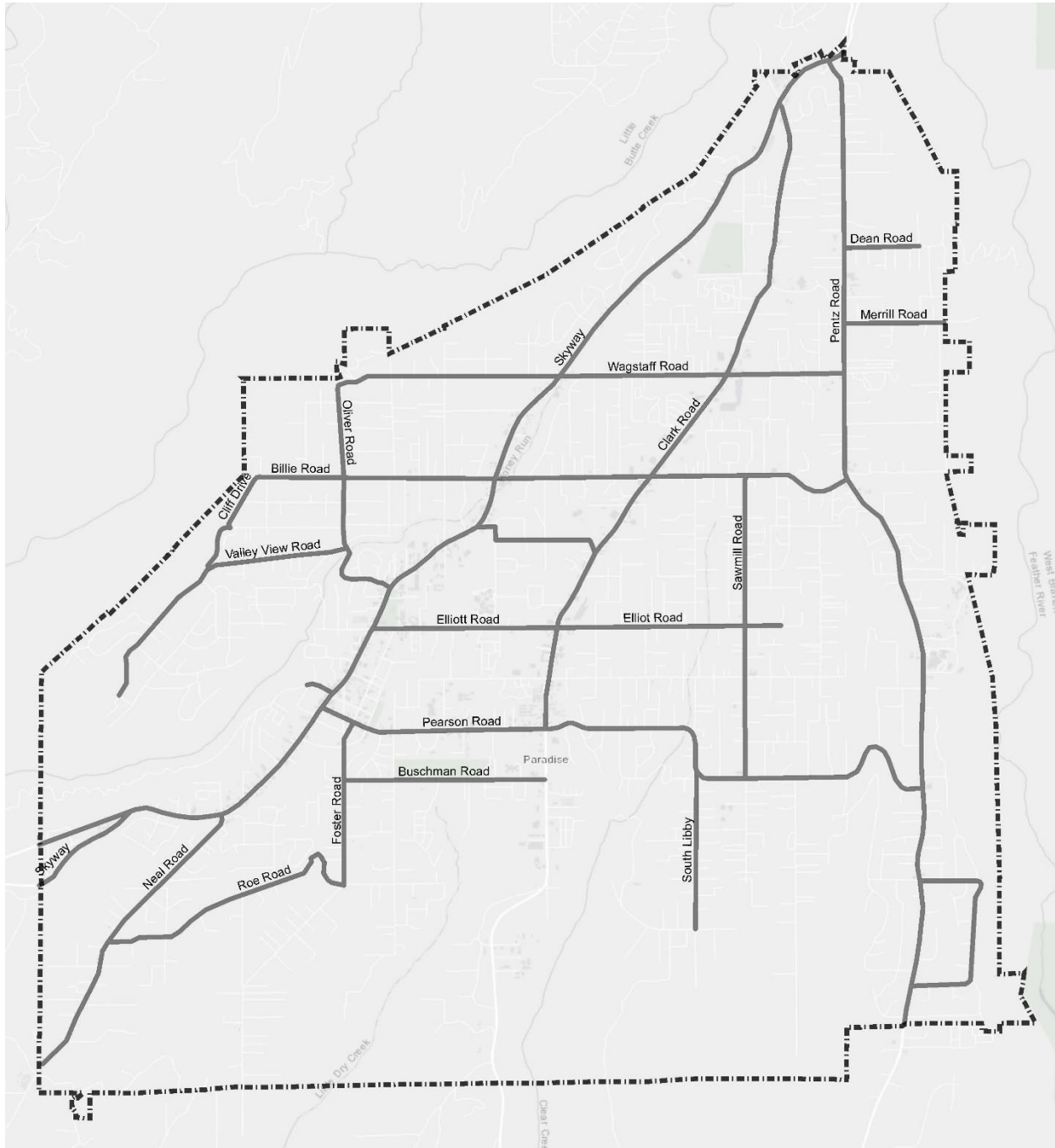
The Town mailed notices to property owners that the Town Council will hold a hearing on October 13, 2020 to consider adopting a resolution declaring and determining a certain area of the Town as an Underground District.

Understanding that no agreements between Comcast, AT&T and PG&E relating to undergrounding utilities in Paradise occurred within the 45 days set forth by Council, staff has properly noticed and set a public hearing to formally consider creation of the Paradise Arterials & Collectors Underground District (Underground District 20-1).

Underground District 20-1 can be described as follows:

Paradise Arterials and Collectors: Skyway, Clark Road, Pentz Road, Wagstaff Road, Bille Road, Elliott Road, Pearson Road, Neal Road, Buschmann Road, South Libby Road, Oliver Road, Valley View Drive, Central Park Drive, Dean Road, Merrill Road, and portions of Maxwell Drive, Honey Run Road, Stearns Road, Roe Road, Foster Road, Elliott Road, and Sawmill Road.

A map of Underground District 20-1 is shown on the next page:



Proposed Underground District Roadways Are Shown as bold

A complete parcel listing of all properties included in the District is attached to this agenda summary as Attachment B.

This Underground Project the objective for the construction is in accordance with the provisions of the CPUC Rule 20A and Chapter 13.12 Overhead Utility Removal and Underground Installation.

This project is exempt from CEQA under the authority: Categorical Exemption (14 CCR 15300 et seq.) Class 2, 15302(d), Replacement or Reconstruction.

Financial Impact:

Town of Paradise Rule 20a Credits (secured and future) will contribute to the total project cost. It is expected the project will be largely unfunded due to Town credits shortfall for a project of this magnitude. PG&E has voluntarily agreed to fund the remaining balance of costs which are typically borne by Town Rule 20a credits. Under the Rule 20A program regulations, telecommunications facilities must be undergrounded at their own costs, regardless of the Town's standing in Rule 20a credits.

**TOWN OF PARADISE
RESOLUTION NO.20-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE (1) DECLARING AND DETERMINING A CERTAIN AREA WITH THE TOWN AS AN UNDERGROUND DISTRICT PARADISE ARTERIALS & COLLECTORS (UNDERGROUND DISTRICT 20-1), AND (2) FINDING AND DETERMINING THAT PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE THE REMOVAL OF POLES, OVERHEAD WIRES, AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME (PARADISE ARTERIALS & COLLECTORS UNDERGROUND DISTRICT 20-1).

WHEREAS, during the 2018 Camp Fire, utility poles caught fire and fell into roadways, blocking evacuation routes. Immediate utility restoration efforts by PG&E included the installation of temporary overhead power infrastructure. The undergrounding of utilities was identified as a priority in the Long-Term Recovery Plan created after the Camp Fire, and is an important step forward in recovery.

WHEREAS, in accordance with the Paradise Long-Term Recovery Plan, the Town Council has prioritized undergrounding of all utilities in Paradise. Currently, PG&E is voluntarily proceeding with this undergrounding work. The formation of this District is to explore all existing legal options and programs which would compel telecommunications companies such as Comcast and AT&T to also underground their infrastructure. This District along all Paradise collectors and arterials would be formed using the Rule 20A Program through PG&E.

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the Town of Paradise has adopted Ordinance No. 156 authorizing the Town Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the Director of Public Works for the Town of Paradise has noticed affected public utilities and designated the Paradise Arterials & Collectors Underground District 20-1 and more particularly described in Exhibit "A" attached

hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, and
- that the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, and
- The street, road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines

WHEREAS, each year the Town of Paradise is notified by Pacific Gas and Electric (PG&E) regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Town of Paradise will utilize all available (secured and forecasted) Rule 20A credits towards the Paradise Arterials & Collectors Underground District 20-1 and remaining Rule 20a project costs which are typically funded by Town Rule 20a credits will be borne by PG&E voluntarily, and

WHEREAS, the Town of Paradise and the affected utilities will agree by letter that each utility shall complete the engineering of their respective portion of Paradise Arterials & Collectors Underground District 20-1 overhead to underground utility conversion, and

WHEREAS, the Town of Paradise and the affected utilities will agree by letter that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work, and

WHEREAS the Director of Public Works of the Town of Paradise and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, or costs for purposes of this project, and

WHEREAS, to the extent required, the Town of Paradise has agreed to provide easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities, and

WHEREAS, the Town Council of the Town of Paradise has now received the report from the Director of Public Works recommending that the area identified in Exhibit "A" should be designated as an underground utility district within which

all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Public Works, the Town Council of the Town of Paradise has determined that the proposed Paradise Arterials & Collectors Underground District 20-1 is categorically exempt from environmental review pursuant to the CEQA Guidelines section 15302(d), and

WHEREAS, the Town of Paradise has notified all affected property owners within the proposed Paradise Arterials & Collectors Underground District 20-1 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, on October 13, 2020, the Town Council of the Town of Paradise held a public hearing at which time the Council did receive and consider the recommendation of the Director of Public Works and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Paradise as follows:

Section 1. The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights and traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit “A”, attached hereto, with such area being designated as the Paradise Arterials & Collectors Underground District 20-1.

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Paradise Arterials & Collectors Underground District 20-1 and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines.

Section 3. PG&E shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Paradise Arterials & Collectors Underground District 20-1 a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and

conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the Town of Paradise.

Section 4. PG&E shall use such underground conversion allowance allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Paradise Arterials & Collectors Underground District 20-1.

Section 5. That upon notification as specified in Section 2, all property owners in Paradise Arterials & Collectors Underground District 20-1 shall have underground electrical entrance facilities installed and inspected pursuant to the Town of Paradise Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Public Works who shall, within thirty (30) days direct the electric utility in writing to discontinue electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements.

Section 6. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Paradise Arterials & Collectors Underground District 20-1, by November 1, 2024.

Section 7. The utility undergrounding activity authorized by this Resolution as Underground District 20-1 is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs §§15302.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 13th day of October, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

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

TOWN OF PARADISE,
A California Municipal Corporation,

Complainant,

vs.

Comcast Phone of California, LLC d/b/a
Comcast Digital Phone (U5698C), And AT&T
Corporation (U5002C),

Defendants.

Case (C.) _____

Complaint
(Rule 4.2)

COMPLAINANT	DEFENDANTS
<p style="text-align: center;">Town of Paradise, A California Municipal Corporation Attn: Marc Mattox, Public Works Director and Town Engineer 5555 Skyway Paradise CA 95969 T: 530-872-6262 E-mail: mmattox@townofparadise.com</p>	<p style="text-align: center;">Comcast Phone of California LLC d/b/a Comcast Digital Phone (U5698C) Attn: John Gutierrez, Director of Government Affairs 3055 Comcast Place Livermore CA 94551 T: 925-424-0164 E-mail: john_gutierrez@comcast.com</p>
	<p style="text-align: center;">AT&T Corporation (U5002C) Attn: Mark Berry, Director - Regulatory 430 Bush Street, 5th Floor San Francisco, CA 94108 T: 415-417-5033 E-mail 1: mark.berry@att.com E-mail 2: att-regulatory-ca@att.com</p>

ATTACHMENT A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A)

TOWN OF PARADISE,
a California Municipal Corporation

COMPLAINANT(S)

vs.

(B)

COMCAST CORPORATION and
AT&T CORPORATION

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with
the Commission's Consumer Affairs staff?

☐ YES ☒ NO

Has staff responded to your complaint?

☐ YES ☒ NO

Did you appeal to the Consumer Affairs Manager?

☐ YES ☒ NO

Do you have money on deposit with the
Commission?

☐ YES ☒ NO

Amount \$ _____

Is your service now disconnected?

☐ YES ☒ NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
Town of Paradise	5555 Skyway	(530) 872-6291 Ext. 125
	Paradise, CA 95969	

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
Comcast Corporation		
AT&T Corporation		

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

On November 8, 2018, the Town of Paradise was devastated by the Camp Fire, which destroyed approximately 14,000 residential and business structures. As a result, the replacement infrastructure (poles and wires) relating to PG&E, Comcast and AT&T need to be installed underground to prevent the hazardous conditions that made the evacuation of thousands of residents a terrifying ordeal. In fact, 86 persons died. Although PG&E is voluntarily undergrounding its infrastructure, Comcast and AT&T have refused to do so.

During the Camp Fire, one of the primary obstacles preventing the evacuation of persons was the burning of utility poles and wires adjacent to roadways. This caused a deadly health and safety situation when poles and wires fell across roadways, which resulted in impassible areas that trapped residents in an inferno. To prevent this from happening in the future, no poles and wires can be located above ground within the jurisdiction of Paradise, California.

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

☒ adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

☐ ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? ☒ YES ☐ NO

(3) ☒ Regular Complaint ☐ Expedited Complaint

(4) The issues to be considered are:

Comcast and AT&T should be required to install all above-ground infrastructure in underground trenches in coordination with Pacific Gas and Electric undergrounding of its infrastructure.

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.

Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	10/01/20
Hearing (Example: 7/1/09)	11/01/20

Explain here if you propose a schedule different from the above guidelines.

ATTACHMENT A

Rev: 09/12/14

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

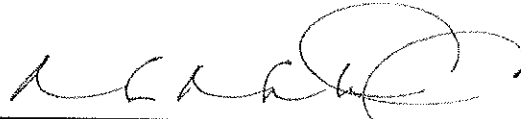
Comcast and AT&T are ordered to underground their above-ground infrastructure within PG&E trenches within the jurisdiction of the Town of Paradise.

(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

(J)

Dated Paradise, California, this 19th day of August, 2020.



By Town of Paradise Public Works Director/Town Engineer
Marc Mattox

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

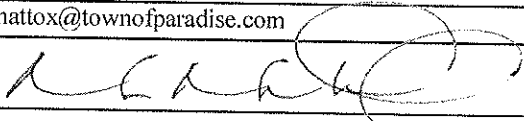
ATTACHMENT A

Rev: 09/12/14

(K)

REPRESENTATIVE'S INFORMATION:

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	Marc Mattox
Address:	5555 Skyway, Paradise, California 95969
Telephone Number:	(520) 872-6291 Ext. 125
E-mail:	mmattox@townofparadise.com
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on _____, at _____, California
(date) (City)

(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on August 19, 2020 at Paradise, California


Signature of Officer

Public Works Director/Town Engineer

Title

(N) NUMBER OF COPIES NEEDED FOR FILING:

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office

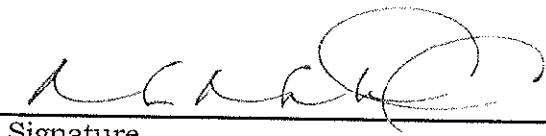
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

PRIVACYNOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.



Signature

August 19, 2020

Date

Marc Mattox

Print your name



Town of Paradise
Council Agenda Summary
Date: November 2, 2020

Agenda Item: 6(a)

ORIGINATED BY: Katie Simmons
REVIEWED BY: Kevin Phillips
SUBJECT: Contract Amendment for Tetra Tech
LONG TERM RECOVERY PLAN: Yes, Tier 1, Removal of Hazard Trees

COUNCIL ACTION REQUESTED:

1. Consider approving the First Amendment to the Agreement between the Town of Paradise and Tetra Tech to provide professional arborist services to support the Private Hazard Tree Removal Program. The First Amendment to the Agreement will increase the budget by \$335,000. [75% of the amount in the Agreement is paid by FEMA, 18.75% by CAL OES and 6.25% by the Town of Paradise.] (ROLL CALL VOTE)

Background:

On June 30, 2020, the Town of Paradise entered into an Agreement with Tetra Tech (Contractor) to provide professional arborist services to support the Private Hazard Tree Removal Program. The initial amount of the Agreement was not to exceed \$500,000 for arborist services by Contractor for the Town.

Analysis:

Town and Contractor have determined that the Agreement not-to-exceed amount needs to be increased by \$335,000 to \$835,000. This additional amount will extend contract services through an additional 90 working days from the date of the last billing on October 19, 2020, through the planned completion of the Private Program with the tree-felling deadline set by the Paradise Town Council of December 4, 2020. To achieve an increase not to exceed the additional \$335,000, Contractor has scaled back the data support hours as the processes and reports are established, at the request of the Town.

Financial Impact:

75% of the expenses related to the Private Hazard Tree Removal Program are reimbursable through FEMA Public Assistance, 18.75% by CAL OES and the remaining 6.25% is covered by the Town of Paradise.

**FIRST AMENDMENT TO AGREEMENT
BETWEEN THE TOWN OF PARADISE AND TETRA TECH, INC.**

This First Amendment to Agreement is made on November __, 2020, to the Agreement dated June 30, 2020 by and between the Town of Paradise, a California municipal corporation ("Town"), and Tetra Tech, Inc. ("Contractor").

RECITALS

A. The initial amount of the Agreement was not to exceed \$500,000 for arborist services by Contractor for the Town.

B. Town and Contractor have determined that the Agreement not-to-exceed amount needs to be increased by \$335,000 to \$835,000.

AGREEMENT

NOW, THEREFORE, Town and Contractor agree as follows:

The Agreement shall be amended as follows:

1. Notwithstanding any other provisions in the Agreement, the amount payable by Town to Contractor shall be increased by \$335,000 for a not-to-exceed amount of \$835,000.
2. All other provisions of the Agreement shall remain in full force and effect.
3. If there is a conflict between this First Amendment and the Agreement, this First Amendment shall be controlling.

Town of Paradise

Tetra Tech, Inc.

Kevin Phillips, Town Manager

By:_____

Approved as to Form:

Attest.

Mark A. Habib, Town Attorney

Dina Volenski, Town Clerk

Dan Blair
PG&E

October 22, 2020

Dear Dan

As you are aware we are now having our fourth PSPS shutdown since September 7th and the questions and concerns from our citizens are growing. Our schools are being greatly impacted. Our local businesses and every resident are suffering as well, as if they all haven't endured enough.

Rather than anyone from the Town of Paradise addressing these issues or give your timeline on these projects, the time has come that we must have a Town Hall meeting where you can directly address our citizens and explain why the PSPS happen even while there is no wind in town, and the timeline you have to rectify this problem.

We are the fifth largest economy in the world but we seem to have the power grid of a third world country and our citizens, rightfully so, are demanding answers.

It is already a challenge to rebuild Paradise and if we can't mitigate these PSPS's, it will affect both homes, businesses, schools AND residents choosing to return home.

I have contacted Tom Taylor, Paradise Unified School District Superintendent and have secured the use of one of their outdoor fields. Social distancing and facemasks will be required to help keep everyone safe.

I propose this happen on Thursday, November 12 at 6:00 p.m. The name of the school location will be announced later, based on school availability.

I will share this letter on Facebook so our community will be aware of the meeting and have the opportunity to attend. This WILL NOT be a blame game or bashing event, it is strictly to get information and ideas out that will help us all move forward.

Regards,

Steve Crowder
Vice Mayor
Town of Paradise