



May 19, 2026

Dan Marsh

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## NOTICE OF NON-PERFORMANCE

Mr. Dan Marsh:

Pursuant to Government Code section 15472, et seq, the Office of Energy Infrastructure Safety (Energy Safety) conducted inspections of work completed by Liberty Utilities (Liberty) in accordance with its 2025 Wildfire Mitigation Plan (WMP). During the inspections, Energy Safety determined the existence of non-performance requiring correction. Energy Safety therefore issues Liberty a Notice of Non-Performance (NON).

On April 28, 2026, Energy Safety conducted an inspection of Liberty's WMP initiatives in the vicinity of South Lake Tahoe, California within High Fire Threat District (HFTD) Tier 2 and State Responsibility Area (SRA). The inspection report is enclosed herewith. Energy Safety found the following deficiency:

Deficiency 1. Energy Safety observed that Liberty failed to implement its 2025 WMP initiative 8.2.3.4, which requires compliance with Public Resources Code section 4293, by not removing a dead, declining or dying tree near coordinates 38.84969752545917, -120.02454878367814. Energy Safety considers this non-performance to be in the Moderate risk category. Liberty must complete a corrective action for this non-performance by six months from the date of this notice.<sup>1</sup>

Within 30 days from the issuance date of this NON, Liberty must provide a response advising Energy Safety of corrective actions taken or planned to remedy the identified deficiency.

This response shall be filed in the Energy Safety e-Filing system under the 2025 NON Docket<sup>2</sup> and the associated file name(s) must begin with the NON identification number.

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<sup>1</sup> Gov. Code section 15475.2(a)(2)

<sup>2</sup> <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2025%20NON>

Prior to its response, Liberty may request an informal conference with Energy Safety for the purpose of disputing any issues raised in this NON no later than 10 business days before the response deadline.<sup>3</sup> Requests for informal conference with Energy Safety must be e-mailed to [environmentalscience@energysafety.ca.gov](mailto:environmentalscience@energysafety.ca.gov), with a copy sent to me and Akiko Masuda, [Akiko.Masuda@energysafety.ca.gov](mailto:Akiko.Masuda@energysafety.ca.gov).

Sincerely,

*Elizabeth McAlpine*

Elizabeth McAlpine  
Supervisory Environmental Scientist | Environmental Science Division  
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<sup>3</sup> Energy Safety Performance Guidelines, p. 4



# INSPECTION REPORT

## Overview

The Office of Energy Infrastructure Safety (Energy Safety) conducts field inspections to verify the work performed by an electrical corporation as reported in an approved Wildfire Mitigation Plan (WMP), and to assess general conditions of electrical infrastructure that may adversely impact an electrical corporation’s wildfire risk. A Notice of Non-Performance (NON) is issued for any instances of non-performance identified during an inspection of its WMP initiatives.

Energy Safety has designated this finding of a deficiency as a “Moderate” risk. Liberty must correct the deficiency pursuant to the timeline provided in Table 1.<sup>4</sup>

**Table 1. Risk Category and Correction Timelines**

Risk Category	Deficiency correction timeline
Severe	<ul style="list-style-type: none"><li>• Immediate resolution</li></ul>
Moderate	<ul style="list-style-type: none"><li>• 2 months (in High Fire Threat District (HFTD) Tier 3)</li><li>• 6 months (in HFTD Tier 2)</li><li>• 6 months (if relevant to worker safety; not in HFTD Tiers 2 or 3)</li></ul>
Minor	<ul style="list-style-type: none"><li>• 12 months</li></ul>

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<sup>4</sup> Energy Safety Performance Guidelines, p. 4



# Inspection Summary

Energy Safety found a “Moderate” deficiency near coordinates 38.84969752545917, -120.02454878367814 in HFTD Tier 2. Liberty failed to remove the danger tree.<sup>5</sup>

The inspection location and WMP initiative summary are included in Table 2.

***Table 2: Inspection Location and Initiative Summary***

Electrical Corporation:	Liberty
Report Number:	NON_ESD_LU_KJO_20260428_1248
Inspector:	Kelsea Jones
WMP Year Inspected:	2025
Quarterly Data Report (QDR) Referenced:	Quarter 4 (Q4) 2025
Inspection Selection:	Energy Safety inspected the locations based on Liberty’s Q4 QDR.
Relevant WMP Initiative(s):	8.2.3.4 Fall-In Mitigation
Date of inspection:	April 28, 2026
City and/or County of Inspection:	South Lake Tahoe, California

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<sup>5</sup> Liberty “2023-2025 Base Wildfire Mitigation Plan” published September 3, 2024, page 227 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57297&shareable=true> accessed May 6, 2026).

# Inspection Findings

## Deficiency 1

### **Relevant Requirements:**

Liberty's WMP initiative 8.2.3.4 Fall-In Mitigation states: "Liberty has developed a Hazard Tree Management Plan (VM-03) for the purpose of identifying, documenting, and mitigating trees that are located within the utility strike zone and are expected to pose a risk to electric facilities based on the tree's observed structural condition and site considerations. The plan includes an overview of tree risk associated with electric lines and equipment, inspection types, risk assessment levels, work priority levels, and mitigation actions."<sup>6</sup> Additionally, this initiative lists Public Resources Code section 4293 as a governing standard.<sup>7</sup>

Liberty's Hazard Tree Management Plan defines a Hazard Tree as a tree expected to pose a risk to electric facilities based on its structural condition. Liberty further defines the Utility Strike Zone (USZ) as the area containing electric facilities from which a tree can directly strike electric facilities.<sup>8</sup>

Liberty's WMP additionally states that Liberty "performs detailed inspections on every circuit every three years to comply with applicable regulations and governing standards. Detailed inspections are intended to be implemented on a three-year maintenance cycle schedule and typically target vegetation threats identified by a Level 2 Assessment [360-degree assessment of the tree] (see Section 8.2.3.4: Fall-In Mitigation) and removal of incompatible trees within the right-of-way."<sup>9</sup>

### **Findings:**

Energy Safety considers this deficiency as "Moderate" because Liberty has not removed the dying lodgepole pine tree located within striking distance of the conductors, consistent with the requirements of Public Resources Code section 4293. The existence of this tree presents an ongoing wildfire risk.

On April 28, 2026, Energy Safety conducted an inspection of Liberty's WMP's initiatives in the vicinity of South Lake Tahoe, California. During the inspection, Energy Safety identified a dying codominant lodgepole pine tree southeast of pole ID 259697 and near coordinates 38.84969752545917, -120.02454878367814 along Pomo Street. It is located within SRA. The tree is approximately 38 feet tall, with a combined diameter at breast height of 19 inches (one stem measuring 9 inches and the other 10 inches). The codominant lodgepole pine

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<sup>6</sup> Liberty "2023-2025 Base Wildfire Mitigation Plan" published September 3, 2024, page 227 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57297&shareable=true> accessed May 6, 2026).

<sup>7</sup> Liberty "2023-2025 Base Wildfire Mitigation Plan" published September 3, 2024, page 231 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57297&shareable=true> accessed May 6, 2026).

<sup>8</sup> Liberty "Hazard Tree Management Plan VM-03" published April 28, 2021, page 2 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=58852&shareable=true> accessed May 6, 2026).

<sup>9</sup> Liberty "2023-2025 Base Wildfire Mitigation Plan" published September 3, 2024, page 216 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57297&shareable=true> accessed May 6, 2026).

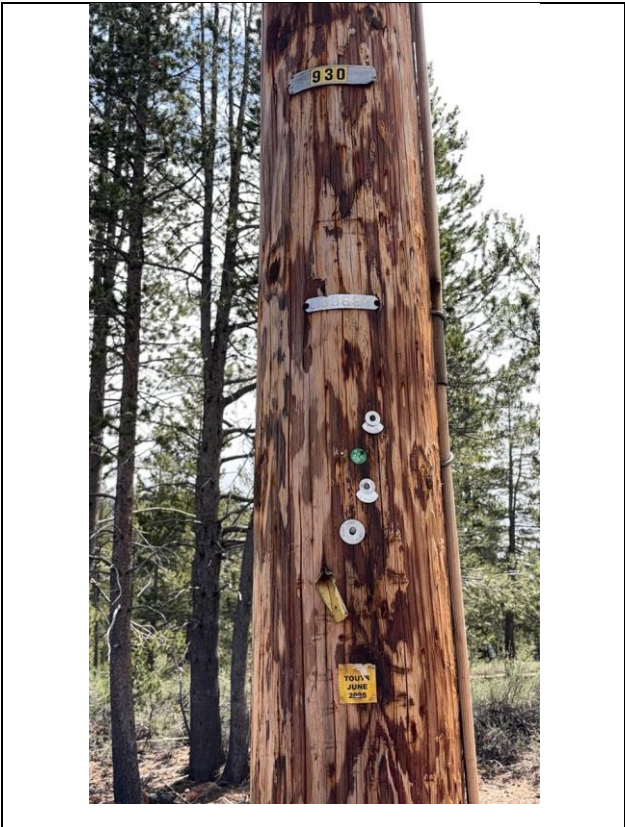
stands approximately 31.7 feet from the conductors. It exhibits yellowing needles throughout the canopy and visible crown dieback. The inspector's observations are documented in Exhibit A photographs, which are attached to this report. Photo 1 depicts pole ID 259697 and other markings on the pole. Photos 2, 3 and 4 depict the dying codominant lodgepole pine tree.

# Exhibits

Exhibit A: Photo Log

Structure ID: 259697

Deficiency 1



**Photo 1:** Photo of pole ID 259697.



**Photo 2:** Photo of the dying lodgepole pine located southeast of pole ID 259697.



**Photo 3:** Photo of the dying lodgepole pine with codominant trunks. The photo was taken from Pomo Street. It exhibits yellowing needles throughout the canopy and visible crown dieback.



**Photo 4:** Photo of the dying lodgepole pine southeast of pole ID 259697. The photo was taken from Pomo Street.