



May 19, 2026

Dan Marsh

[Dan.Marsh@libertyutilities.com](mailto:Dan.Marsh@libertyutilities.com)

Senior Manager, Rates and Regulatory Affairs

Liberty Utilities

701 National Ave,

Tahoe Vista, CA 96148

## 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 29, 2026, Energy Safety conducted an inspection of Liberty's WMP initiatives in the vicinity of the city of Tahoma, California in 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 39.033058, -120.116333. 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.

---

<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  
Office of Energy Infrastructure Safety  
[Elizabeth.McApline@energysafety.ca.gov](mailto:Elizabeth.McApline@energysafety.ca.gov)

Cc:

Peter Stoltman

[Peter.Stoltman@libertyutilities.com](mailto:Peter.Stoltman@libertyutilities.com)

Jordan Parrillo

[Jordan.Parrillo@libertyutilities.com](mailto:Jordan.Parrillo@libertyutilities.com)

Eric Oiler

[Eric.Oiler@libertyutilities.com](mailto:Eric.Oiler@libertyutilities.com)

---

<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**

<b>Risk Category</b>	<b>Deficiency correction timeline</b>
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>

---

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



# Inspection Summary

Energy Safety found a “Moderate” deficiency near coordinates 39.033058, -120.116333 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_AKM_20260429_1029
Inspector:	Akiko Masuda
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 29, 2026
City and/or County of Inspection:	Tahoma, California

---

<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 declining white fir tree located within striking distance of conductors, consistent with the requirements of Public Resources Code section 4293. The existence of this tree presents an ongoing wildfire risk.

On April 29, 2026, Energy Safety conducted an inspection of Liberty's WMP's initiatives in the vicinity of Tahoma, California. During the inspection, Energy Safety identified a declining white fir tree near pole ID 290027 and near coordinates 39.033058, -120.116333 along Meeks Bay Avenue. The white fir tree is located within the SRA. The white fir tree has a diameter at breast height of 16 inches and is approximately 54 feet tall. It is located approximately 26 feet southeast of pole ID 290027. It exhibits yellowing needles throughout the canopy and visible crown dieback. The inspector also observed sap exudation and

---

<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).


discolored bark on the trunk, which are signs of a physiological stress. The inspector's observations are documented in Exhibit A photographs which are attached to this report. Photo 1 depicts pole ID 290027. Photos 2 and 3 depict the declining white fir tree. Photo 4 depicts sap exudation and discolored bark on the trunk.

# Exhibits

Exhibit A: Photo Log

Structure ID: 290027

Deficiency 1

	
<p><b>Photo 1:</b> Photo of pole ID 290027 located approximately 26 feet northwest of the subject tree.</p>	<p><b>Photo 2:</b> Photo of the declining white fir tree (second tree from the right) in relation to the conductors.</p>



**Photo 3:** Photo of the declining white fir tree with yellowing needles throughout the canopy and visible crown dieback.



**Photo 4:** Photo showing sap exudation and discolored bark on the trunk.