



Liberty  
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June 18, 2026

***VIA OEIS E-FILING***

Sheryl Bilbrey  
Program Manager, Environmental Science Division  
Office of Energy Infrastructure Safety  
715 P Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814

Docket #2025 NON

**Subject:** Liberty's Response to Notice of Non-Performance –  
NON\_ESD\_LU\_AKM\_20260429\_1029

Dear Sheryl Bilbrey:

Liberty Utilities (CalPeco Electric) LLC ("Liberty") appreciates the opportunity to clarify the information contained in the Office of Energy Infrastructure Safety ("Energy Safety") "NON\_ESD\_LU\_AKM\_20260429\_1029" ("Notice of Non-Performance" or "NON"), dated on May 19, 2026, regarding Energy Safety's inspection of work completed by Liberty in accordance with its 2025 Wildfire Mitigation Plan ("WMP").

Liberty respectfully requests that the Notice of Non-Performance be withdrawn, as Energy Safety conflated two separate trees, and the tree identified in the NON is not the same tree previously identified as requiring mitigation.

As discussed in the enclosed response, Liberty completed a detailed inspection on July 30, 2025, during which a hazard tree (referred to herein as "Tree A") was identified and subsequently mitigated on October 18, 2025. On April 29, 2026, Energy Safety performed a field audit of the completed 2025 hazard tree mitigation work and identified a different white fir tree (referred to herein as "Tree B") that appeared to have declined in condition after Liberty's 2025 inspection and mitigation activities, and prior to Energy Safety's audit.

With respect to Tree A, Liberty completed the hazard tree mitigation work identified under the 2025 fall-in mitigation initiative. Tree B was not within the scope of the 2025 fall-in mitigation initiative at the time Liberty performed its detailed inspection because Tree B did not meet criteria for mitigation at the time. Tree conditions can change rapidly in Liberty's service territory due to environmental stressors, including drought conditions and insect activity. As such, Liberty diligently implements inspection protocols to identify hazard trees on an annual basis. Liberty has since inspected Tree B and created a work order to mitigate the hazard as part of its fall-in mitigation initiative for 2026.

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Liberty appreciates Energy Safety's continued efforts to identify, communicate, and resolve wildfire risks throughout California. If there are any questions, please contact me at:

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Manager of Regulatory Affairs  
Liberty Utilities (CalPeco Electric) LLC  
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## Liberty Response

### Energy Safety Finding:

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 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.

Notice	Deficiency #	Location
NON_ESD_LU_AKM_20260429_1029	Deficiency 1	Coordinates 39.033058, -120.116333

### Summary of Energy Safety Findings<sup>1</sup>:

Specifically, the NON describes that on April 28, 2026, Energy Safety conducted an inspection of Liberty’s WMP initiatives in the vicinity of the city of South Lake Tahoe, California in High Fire Threat District (Non-HFTD) Tier 2 within the State Responsibility Area (SRA), and 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.

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<sup>1</sup> Energy Safety NON\_ESD\_LU\_AKM\_20260429\_1029

**Liberty Response:**

Liberty respectfully requests that the Notice of Non-Performance (NON) be withdrawn, as Energy Safety conflated two separate trees, and the tree identified in the NON is not the same tree previously identified as requiring mitigation.

Liberty conducted a detailed inspection on July 30, 2025, during which a dead white fir tree (Tree ID W120116237N39033073) (referred to in this response as “Tree A”), measuring approximately 78 feet in height and 25 inches in diameter, was identified as a hazard tree. A work order was generated, and Tree A was mitigated on October 18, 2025.

On April 29, 2026 - more than eight months after Liberty’s inspection and over six months after completion of the associated work - Energy Safety identified a different white fir tree measuring approximately 54 feet in height and 16 inches in diameter (referred to in this response as “Tree B”). At the time of Liberty’s 2025 inspection, Tree B did not meet the criteria requiring mitigation. Therefore, no work order was generated.

Tree B is not Tree A. Tree B is a different tree that appears to have deteriorated after Liberty’s 2025 inspection. Tree conditions in Liberty’s service territory change rapidly due to environmental factors and stressors, including but not limited to drought conditions and insect activity. While Tree B did not meet the mitigation criteria in 2025, it did in 2026. Liberty has since inspected Tree B, generated a work order, and is addressing it as part of its 2026 fall-in mitigation initiative.

Picture 1: Tree A (ID W120116237N39033073)  
at time of detailed inspection on July 30, 2025



Picture 2: Tree B  
(picture from May 21, 2026; stump from Tree A (ID W120116237N39033073) visible)

