



December 10, 2025

Dan Marsh
Senior Manager, Rates and Regulatory Affairs
Liberty Utilities
701 National Avenue
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) has conducted an inspection of work completed by Liberty Utilities (Liberty) in accordance with its 2025 Wildfire Mitigation Plan (WMP) and determined the existence of non-performance with its approved WMP requiring correction. Energy Safety therefore issues Liberty a Notice of Non-Performance (NON).

On November 24, 2025, Energy Safety conducted an inspection of Liberty's WMP initiatives in the vicinity of the city of Coleville, California in High Fire Threat District (HFTD) Tier 2. The inspection report is enclosed herewith. Energy Safety found the following deficiency:

Deficiency 1. Energy Safety observed that in implementing 2025 WMP initiative 8.2.3.1 Pole Clearing, Liberty failed to adhere to its protocol at pole ID 293554 near coordinates 38.541024, -119.498249, Vegetation Management ID e1060d7d-ec21-420e-893e-4a3507331842. 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 date of this notice.

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 Docket¹ and the associated file name(s) must begin with the NON identification number.

Prior to its response, the electrical corporation may request an informal conference with Energy Safety for the purpose of disputing any issues raised in this NON no later than five (5) business days before the response

¹ <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2025%20NON>

deadline.² Requests for informal conference with Energy Safety must be e-mailed to environmentalscience@energysafety.ca.gov, with a copy sent to me and Elizabeth McAlpine, Elizabeth.McAlpine@energysafety.ca.gov.

Sincerely,



Sheryl Bilbrey
Program Manager | Environmental Science Division
Office of Energy Infrastructure Safety
Sheryl.Bilbrey@energysafety.ca.gov

Cc:

Peter Stoltman
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² Energy Safety Compliance 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 related to an electrical corporation's execution of its WMP initiatives.

Energy Safety has designated this finding of deficiency as "Moderate" risk. Liberty must correct the deficiency pursuant to the timeline provided in Table 1.³

Table 1. Risk Category and Correction Timelines

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

³ Energy Safety Compliance Guidelines, p. 3



Inspection Summary

Energy Safety found a “Moderate” Adherence to Protocol defect at WMP-VM-VFM-01 at pole ID 293554 in HFTD Tier 2. Liberty did not perform its Pole Clearing program (WMP initiative number 8.2.3.1) as required in the WMP and Section 4.1.3 in Liberty’s Vegetation Management Plan, VM-02 Ver.3, which is documented in Exhibit B. This resulted in dry Russian thistle and yellow rabbitbrush vegetation present within 10-foot radius and 8-foot height clearance requirement of the pole.

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

Table 2: Inspection Location and Initiative Summary

Electrical Corporation:	Liberty Utilities
Report Number:	NON_ESD_LU_AKM_20251124_1309
Inspector:	Akiko Masuda
WMP Year Inspected:	2025
Quarterly Data Report (QDR) Referenced:	Quarter Q3
Inspection Selection:	Energy Safety inspected the locations based on Liberty’s Q3 QDR.
Relevant WMP Initiative(s):	2025 WMP initiative number 8.2.3.1 Pole Clearing WMP-VM-VFM-01
Date of inspection:	November 24, 2025
City and/or County of Inspection:	Coleville, California

Inspection Findings

Deficiency 1

Relevant Requirement:

Liberty's WMP under initiative number 8.2.3.1, Pole Clearing, states the governing standards and Liberty's standard operating procedures for this program include "Public Resources Code (PRC) § 4292, California Code of Regulations (CCR) §§ 1250-1255, Vegetation Management Plan (VM-02), [and] Vegetation Management Inspection Manual (VM-07)." ⁴

Liberty's Vegetation Management Plan VM-02 states the following regarding section 4.1.3 Title 14, California Code Regulations Section § 1254 – Minimum Clearance Provisions PRC § 4292:

"The firebreak clearances required by PRC § 4292 are applicable within an imaginary cylindrical space surrounding each pole or tower on which a switch, fuse, transformer or lightning arrester is attached and surrounding each dead-end or corner pole, unless such pole or tower is exempt from minimum clearance requirements by provisions of Title 14, CCR, § 1255 or PRC § 4296. The radius of the cylindroid is 3.1 m (10 feet).... Flammable vegetation and materials located wholly or partially within the firebreak space shall be treated as follows:

Transmission and distribution lines and equipment located in Fire areas where PRC § 4292 applies:

- a. At ground level - remove flammable materials, including but not limited to, ground litter, duff and dead or desiccated vegetation that will allow fire to spread...." ⁵

Findings:

Energy Safety considers this deficiency "Moderate" because of the presence of dry vegetation which provides a fuel bed of flammable vegetation.

At pole ID 293554, near GPS coordinates 38.541024, -119.498249, Liberty reported it mechanically cleared the pole on July 4, 2025 in its 2025 Q3 QDR. However, the inspector observed Liberty failed to adhere to its protocol of maintaining the required radial firebreak distance of 10 feet around the base of the pole. Dry vegetation was present from the base of the pole radiating in each direction within 10 feet. Additionally, the pole is located within HFTD Tier 2 and SRA and is equipped with non-exempt universal fuses. Therefore, it is subject to the WMP vegetation clearance requirement under initiative 8.2.3.1 Pole Clearing, which mandates the removal of flammable vegetation within 10 feet around the base of such poles. The inspector's observation is documented in Deficiency 1 photographs, which are attachments to this report. Photo 1 and Photo 2 depict

⁴ Liberty Utilities, 2023-2025 Base Wildfire Mitigation Plan, Published September 3, 2024, P. 223

(<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57297&shareable=true> accessed December 8, 2025)

⁵ Liberty Vegetation Management Plan VM-02, Published April 10, 2025, P 4

(<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=58852&shareable=true> accessed December 8, 2025)

pole ID 293554 and an overall view of the equipment on the pole. Photo 3 shows the non-exempt universal fuse on the pole. Photos 4, 5, and 6 depict vegetation present within 10 feet of the pole. Photos 7 and 8 depict a closer view of the dried vegetation, Russian thistle and yellow rabbitbrush.

Exhibits

Exhibit A: Photo Log

Structure ID: 293554

Deficiency 1

	
Photo 1: Pole ID 293554	Photo 2: Overview of the equipment on the pole



Photo 3: Close-up view of non-exempt universal fuse on the pole.

Photo 4: Dry vegetation within a 10-foot radius of the pole. The photo was taken looking north toward Highway 395 from the pole.



Photo 5: Dry vegetation within a 10-foot radius of the pole. The photo was taken looking south toward Highway 395 from the pole.

Photo 6: Dry vegetation within a 10-foot radius of the pole, shown with a tape measure.



Photo 7: Close-up view showing dried vegetation, primarily Russian thistle.

Photo 8: Close-up view of dried vegetation, primarily Russian thistle and a flowering yellow rabbitbrush.

Exhibit B: Liberty Vegetation Management Plan

Liberty CalPeco	Legal, Regulatory, and Compliance	Transmission & Distribution Vegetation Management Program	Methodology	Doc. No.	VM-02		
				Version	3		
	Effective Date	04/10/2025					
	Supersedes	VM-02 Version 2					
Vegetation Management Plan							

Vegetation Management Plan

VM-02

Liberty CalPeco	Legal, Regulatory, and Compliance	Transmission & Distribution Vegetation Management Program	Methodology	Doc. No.	VM-02			
				Version	3			
Effective Date		04/10/2025						
Supersedes		VM-02 Version 2						

Vegetation Management Plan

4.1.3 Title 14, California Code Regulations Section § 1254 – Minimum Clearance Provisions PRC § 4292

The firebreak clearances required by PRC § 4292 are applicable within an imaginary cylindrical space surrounding each pole or tower on which a switch, fuse, transformer or lightning arrester is attached and surrounding each dead-end or corner pole, unless such pole or tower is exempt from minimum clearance requirements by provisions of Title 14, CCR, § 1255 or PRC § 4296. The radius of the cylindroid is 3.1 m (10 feet) measured horizontally from the outer circumference of the specified pole or tower with height equal to the distance from the intersection of the imaginary vertical exterior surface of the cylindroid with the ground to an intersection with a horizontal plane passing through the highest point at which a conductor is attached to such pole or tower. Flammable vegetation and materials located wholly or partially within the firebreak space shall be treated as follows:

Transmission and distribution lines and equipment located in Fire areas where PRC § 4292 applies:

- (a) At ground level - remove flammable materials, including but not limited to, ground litter, duff and dead or desiccated vegetation that will allow fire to spread, and;
- (b) From 0 - 2.4 m (0-8 feet) above ground level remove flammable trash, debris or other materials, grass, herbaceous and brush vegetation. All limbs and foliage of living trees shall be removed up to a height of 2.4 m (8 feet).
- (c) From 2.4 m (8 feet) to horizontal plane of highest point of conductor attachment remove dead, diseased or dying limbs and foliage from living sound trees and any dead, diseased or dying trees in their entirety.

Strategy and Supporting Documentation

In order to prevent vegetation growth and maintain a firebreak at the base of poles that support non-exempt equipment, Liberty or its approved contractor will inspect and manage vegetation at the base of poles, in accordance with PRC 4292 where feasible and permissible.

Vegetation inspections and maintenance work should be completed annually or more often as deemed necessary. Liberty or its approved contractor will verify the completion of annual vegetation maintenance.

4.1.4 California Public Resources Code § 4293 – Power Line Clearance Required

Any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered