



March 15, 2024

Paul Marconi
President, Treasurer & Secretary
Bear Valley Electric Service, Inc.
42020 Garstin Dr.
Big Bear Lake, CA 92315

NOTICE OF VIOLATION

Mr. Paul Marconi:

Pursuant to Public Utilities Code section 326 and Government Code section 15475.1, the Office of Energy Infrastructure Safety (Energy Safety) has conducted an inspection of work completed by Bear Valley Electric Service, Inc. in accordance with its 2023 Wildfire Mitigation Plan (WMP) and determined the existence of one or more violations. Energy Safety therefore issues Bear Valley Electric Service, Inc. a Notice of Violation (NOV), identifying noncompliance with an approved WMP or any law, regulation, or guideline within the authority of the Office.¹

On October 26, 2023, Energy Safety conducted an inspection of Bear Valley Electric Service, Inc.'s WMP initiatives in the vicinity of the city of Big Bear Lake, California. The inspection report is enclosed herewith. Energy Safety found the following violation(s):

Violation 1. Energy Safety observed that in implementing 2023 WMP initiative 8.2.3.3 - Clearance, Bear Valley Electric Service, Inc. failed to adhere to a required protocol of ensuring vegetation maintains the 72-inch safe clearance distance from electrical equipment on pole ID 15809 at coordinates 34.2430496512049, -116.835088677895. Energy Safety considers this violation for failure to adhere to protocol to be in the Severe risk category.

Response Options

Energy Safety may prescribe a timeframe for resolution of a violation associated with the assigned risk category.² Within 30 days from the issuance date of this NOV, the electrical corporation must provide a response advising Energy Safety of corrective actions taken or planned to remedy the above identified violation(s) and prevent recurrence. Alternatively, the electrical corporation must advise Energy Safety that it

¹ Cal. Code Regs., tit. 14, section 29302(b)(2)

² Energy Safety Compliance Guidelines, pp. 5-6

will not correct the violation, including the reasoning or justification for inaction and all supporting documentation.³

This response shall be filed in the Energy Safety e-Filing system under the 2023 NOV Docket⁴ and the associated file name(s) must begin with the NOV identification number provided above.

Pursuant to Government Code section 15475.4, if the electrical corporation intends to request a hearing “to take public comment or present additional information,” it must also do so within the 30-day timeframe. If a petition for hearing is not received by the deadline, then the determination and conditions set forth in this NOV become final.

Prior to its response or request for hearing, the electrical corporation may also request an informal conference with Energy Safety’s Compliance Assurance Division for the purpose of disputing any issues raised in this NOV no later than five (5) business days before the response deadline.⁵ Requests for informal conference with Energy Safety must be e-mailed to compliance@energysafety.ca.gov, with a copy sent to all Energy Safety Compliance Assurance Division staff identified in the NOV.

Pursuant to Public Utilities Code section 8389(g), following receipt of the electrical corporation’s response to this NOV and resolution of any disputes, this matter may be referred to the California Public Utilities Commission for its consideration of potential enforcement action, as it deems appropriate.

Sincerely,



Patrick Doherty
Program Manager | Compliance Assurance Division
Office of Energy Infrastructure Safety
Patrick.Doherty@energysafety.ca.gov

Cc:

Jon Pecchia
Jon.Pecchia@bvesinc.com

Tom Tzu-Tong Chou
Tom.Chou@bvesinc.com

Jarred Hennen
Jarred.Hennen@bvesinc.com

Elizabeth McAlpine
Elizabeth.Mcalpine@energysafety.ca.gov

³ Energy Safety Compliance Guidelines, pp. 6-7

⁴ <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2023%20NOV>

⁵ Energy Safety Compliance Guidelines, p. 6

Edward Chavez

Edward.Chavez@energysafety.ca.gov

Compliance@energysafety.ca.gov

INSPECTION REPORT

Overview

Inspection Categories

The Office of Energy Infrastructure Safety (Energy Safety) conducts inspections to verify the work performed by an electrical corporation as reported in an approved Wildfire Mitigation Plan (WMP) or subsequent filing, and to assess general conditions of electrical infrastructure that may adversely impact an electrical corporation's wildfire risk.

A Notice of Violation (NOV) is issued for any instances of noncompliance discovered during an inspection related to an electrical corporation's execution of its WMP initiatives.

Correction Timelines

Violations must be corrected in a timely manner. Energy Safety may prescribe a timeframe for resolution of a violation. If Energy Safety assigns a risk category to a violation, an electrical corporation must correct the violation as required per the timelines provided in Table 1.⁶

Table 1. Risk Category and Correction Timelines

Risk Category	Violation and defect 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 Tier 3)
Minor	<ul style="list-style-type: none">• 12 months or resolution scheduled in WMP update

⁶ Energy Safety Compliance Guidelines, p. 5



Inspection Summary

Table 2 provides a summary of the selection of the WMP inspection location and initiative. Table 3 provides a summary of the violation(s) found during the inspection. Details regarding the inspection that identified the violation(s) are provided in the Inspections Details Section below.

Table 2: Inspection Location and Initiative Summary

Electrical Corporation:	Bear Valley Electric Service, Inc. (BVES)
Report Number:	BVES_CAC15_20231026_1009
Inspector:	CAC15
WMP Year Inspected:	2023
Quarterly Data Report (QDR) Referenced:	Quarter 2 (Q2)
Inspection Selection:	Energy Safety viewed the contents of the Q2 QDR and performed an analysis that resulted in the selection of the WMP initiatives and locations referenced in this report.
Relevant WMP Initiative(s):	Clearance (2023 WMP initiative number 8.2.3.3)
Date of inspection:	October 26, 2023
City and/or County of Inspection:	Big Bear Lake, San Bernardino County
Inspection Purpose:	Assess the accuracy of Bear Valley Electric Service, Inc.'s QDR data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

Table 3: WMP Inspection Violation(s)

Violation #	Structure ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Violation Description
Violation 1	15809	34.2430496512049, -116.835088677895	Tier 2	8.2.3.3 - Clearance	Adherence to Protocol	Severe	Failure to achieve required clearance

Inspection Details

Violation 1:

Relevant Requirement:

Bear Valley Electric Service, Inc.'s WMP states the following regarding the 8.2.3.3 - Clearance on primary conductors:

1. “[Bear Valley Electric Service, Inc. (BVES)] has a vegetation management plan in place that meets or exceeds the minimum requirements of the [California Public Utilities Commission’s] applicable [General Orders (GOs)]. Mowbray’s Tree Service Inc., a third-party contractor, executes the vegetation clearing efforts under the direction of BVES. The contractor’s work is subject to BVES [quality assurance] and [quality control] checks. The goal of this plan is to proactively maintain vegetation, so it does not contact electrical infrastructure, thereby preventing wildfires.”⁷
2. “Radial Clearances: Vegetation that is within the minimum 72-inch safe clearance distance will be trimmed to at least 12 feet in accordance with Appendix E Guidelines to Rule 35 of GO-95. Considering vegetation species and growth rates and characteristics, BVES’s contractor will even trim beyond 12 feet if necessary to help to ensure that the vegetation remains outside the minimum 72-inch safe clearance distance for the entire length of the vegetation management program cycle (3-years).”⁸

Finding:

Near pole ID 15809 at 435-499 Kern Ave, Big Bear Lake, CA, 92386, USA, 34.2430496512049, -116.835088677895, the inspector observed a tulip tree in contact with the primary covered conductor. The inspector’s observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item10IA1Img1 and Item10IA1Img2 depict a tulip tree in contact with electrical infrastructure (primary conductor) and within the minimum 72-inch safe clearance distance.

Energy Safety concludes that Violation 1 is Severe because of these facts:

1. The goal of Bear Valley Electric Service Inc. Initiative 8.2.3.3 – Clearance is to proactively maintain vegetation so it does not contact electrical infrastructure, thereby preventing wildfires.
2. The tree is within Bear Valley Electric Service, Inc.’s minimum 72-inch safe clearance distance.
3. Bear Valley Electric Service, Inc.’s WMP clearance work was identified as complete at this location.

⁷ Bear Valley Electric Service Inc., “2023-2025 Wildfire Mitigation Plan, Revision 2,” Nov. 16, 2023. p. 208-209. [Online]. Available: https://www.bvesinc.com/assets/documents/wildfire-mitigation-plan/392023wmp/2023-05-08_bves_2023_wmp_r0.pdf



⁸ Bear Valley Electric Service Inc., “2023-2025 Wildfire Mitigation Plan, Revision 2,” Nov. 16, 2023. p. 209. [Online]. Available: https://www.bvesinc.com/assets/documents/wildfire-mitigation-plan/392023wmp/2023-05-08_bves_2023_wmp_r0.pdf

Exhibits

Exhibit A: Photo Log

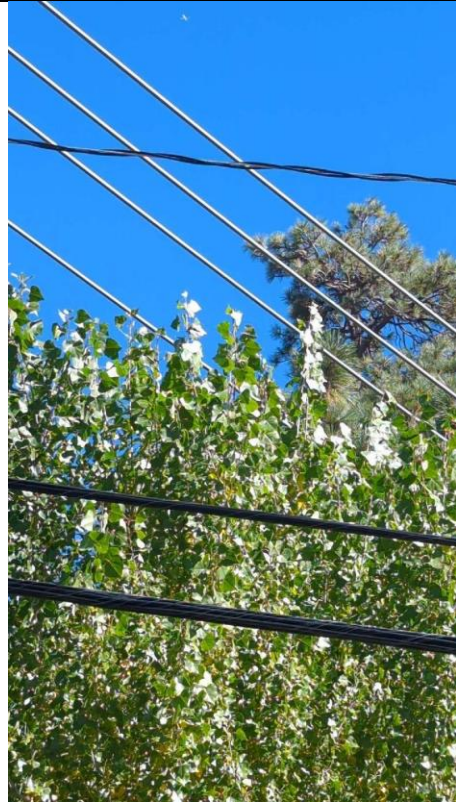
Structure ID: 15809

Violation 1

	
<p>Item10GImg1: Overall pole.</p>	<p>Item10GImg2: Pole ID.</p>



Item10IA1img1: Overall view of tulip tree in contact with covered conductor.



Item10IA1img2: Close up view of tulip tree in contact with covered conductor.