



March 22, 2024

Dan Marsh  
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Liberty Utilities  
701 National Ave  
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## NOTICE OF VIOLATION

Mr. Dan Marsh:

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 Liberty Utilities in accordance with its Wildfire Mitigation Plan (WMP) and determined the existence of one or more violations. Energy Safety therefore issues Liberty Utilities a Notice of Violation (NOV), identifying noncompliance with an approved WMP or any law, regulation, or guideline within the authority of the Office.<sup>1</sup>

On November 2, 2023, Energy Safety conducted an inspection of Liberty Utilities' WMP initiatives in the vicinity of the city of Coleville, California. The inspection report is enclosed herewith. Energy Safety found the following violations:

Violation 1. Energy Safety observed that in implementing WMP initiative number 8.2.3.3 - Clearance, Liberty Utilities failed to adhere to a required protocol of clearance near pole ID 128913 at coordinates 38.5532305947518, -119.502482688142. Energy Safety considers this violation for failure to adhere to protocol to be in the Moderate risk category.

Violation 2. Energy Safety observed that in implementing WMP initiative number 8.2.3.3 - Clearance, Liberty Utilities failed to adhere to a required protocol of clearance near pole ID 260086 at coordinates 38.5520217369178, -119.503151731416. Energy Safety considers this violation for failure to adhere to protocol to be in the Moderate risk category.

Violation 3. Energy Safety observed that in implementing WMP initiative number 8.2.3.3 - Clearance, Liberty Utilities failed to adhere to a required protocol of clearance near pole ID 293672 at coordinates

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<sup>1</sup> Cal. Code Regs., tit. 14, section 29302(b)(2)

38.5196868593662, -119.484202482983. Energy Safety considers this violation for failure to adhere to protocol to be in the Moderate risk category.

### Response Options

Energy Safety may prescribe a timeframe for resolution of a violation associated with the assigned risk category.<sup>2</sup> 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 will not correct the violation, including the reasoning or justification for inaction and all supporting documentation.<sup>3</sup>

This response shall be filed in the Energy Safety e-Filing system under the 2023 NOV Docket<sup>4</sup> 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.<sup>5</sup> Requests for informal conference with Energy Safety must be e-mailed to [compliance@energysafety.ca.gov](mailto: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*

Patrick Doherty  
Program Manager | Compliance Assurance Division  
Office of Energy Infrastructure Safety

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<sup>2</sup> Energy Safety Compliance Guidelines, pp. 5-6

<sup>3</sup> Energy Safety Compliance Guidelines, pp. 6-7

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

<sup>5</sup> Energy Safety Compliance Guidelines, p. 6

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# 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.<sup>6</sup>

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

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

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<sup>6</sup> 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:	Liberty Utilities (LU)
Report Number:	LU_CAC18_20231102_1208
Inspector:	CAC18
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 8.2.3.3)
Date of inspection:	November 2, 2023
City and/or County of Inspection:	Coleville, Mono County
Inspection Purpose:	Assess the accuracy of Liberty Utilities’ 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	128913	38.5532305947518, -119.502482688142	Tier 2	8.2.3.3 - Clearance	Adherence to Protocol	Moderate	Failure to achieve required clearance
Violation 2	260086	38.5520217369178, -119.503151731416	Tier 2	8.2.3.3 - Clearance	Adherence to Protocol	Moderate	Failure to achieve required clearance
Violation 3	293672	38.5196868593662, -119.484202482983	Tier 2	8.2.3.3 - Clearance	Adherence to Protocol	Moderate	Failure to achieve required clearance

# Inspection Details

## Violation 1:

### Relevant Requirement:

Liberty Utilities' WMP states the following regarding WMP initiative 8.2.3.3 – Clearance on primary conductors:

1. "When locations are identified that require vegetation management work, [Liberty Utilities (Liberty)] contractors perform the necessary work as described in Section 8.2.3.3 (Clearance). This includes following or exceeding the Rule 35 guidelines set forth in Appendix 'E' of [General Order (G.O.)] 95. Liberty has also implemented a Maintenance Action Threshold ("MAT"), which is a clearance distance that triggers the work scheduling process. The MAT is based on the regulation clearance with a safety margin multiplier of 1.5."<sup>7</sup>

**Table 8-23: Radial clearance requirements<sup>8</sup>**

Voltage	Regulation Clearance Distance (RCD)	Maintenance Action Threshold (MAT)	Maintenance Clearance Distance (MCD)
12kV-25kV	4'	6'	12'-15'
60kV	4'	6'	12'-15'
120kV	10'	15'	30'-35'

### Finding:

Near pole ID 128913 at 110520-111298 US Highway 395, Coleville, CA, 96107, USA, 38.5532305947518, -119.502482688142, the inspector observed cottonwood trees within Liberty Utilities' clearance distance of six feet. The inspector's observations are documented in Violation 1 photographs, which are attachments to this report. Photograph numbers Item2G1mg1, Item2G1mg2, Item2IA1mg1, and Item2IA1mg2 depict cottonwood trees approximately four to five feet from primary conductors. The radial clearance requirement from these primary conductors (12kV-25kV) is six feet, and Liberty Utilities failed to trim back to 12-15 feet, per Liberty Utilities' MAT shown in Table 8-23 above.

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

1. Liberty Utilities' WMP clearance work was identified as complete at this location.

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<sup>7</sup> Liberty Utilities, "2023 Wildfire Mitigation Plan Rev 2," October 6, 2023. p. 124. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>

<sup>8</sup> Liberty Utilities, "2023 Wildfire Mitigation Plan Rev 2," October 6, 2023. p. 228. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>. The relevant standard applied in this NOV is that vegetation found to be within six feet of a 12kV – 25kV conductor must be trimmed so that it is 12-15 feet from the conductor depending on the growth rate of the vegetation.

2. The cottonwood trees were within six feet of the primary conductors.
3. Liberty Utilities did not achieve vegetation clearance of between 12 and 15 feet from primary conductors.

**Violation 2:**

**Relevant Requirement:**

Liberty Utilities’ WMP states the following regarding the 8.2.3.3 – Clearance on primary conductors:

1. “When locations are identified that require vegetation management work, Liberty contractors perform the necessary work as described in Section 8.2.3.3 (Clearance). This includes following or exceeding the Rule 35 guidelines set forth in Appendix ‘E’ of G.O. 95. Liberty has also implemented a Maintenance Action Threshold (“MAT”), which is a clearance distance that triggers the work scheduling process. The MAT is based on the regulation clearance with a safety margin multiplier of 1.5.”<sup>9</sup>

**Table 8-23: Radial clearance requirements<sup>10</sup>**

Voltage	Regulation Clearance Distance (RCD)	Maintenance Action Threshold (MAT)	Maintenance Clearance Distance (MCD)
12kV-25kV	4’	6’	12’-15’
60kV	4’	6’	12’-15’
120kV	10’	15’	30’-35’

**Finding:**

Near pole ID 260086 at 110065-110499 US Highway 395, Coleville, CA, 96107, USA, 38.5520217369178, -119.503151731416, the inspector observed a cottonwood tree within Liberty Utilities’ clearance distance of six feet. The inspector’s observations are documented in Violation 2 photographs, which are attachments to this report. Photograph numbers Item4G1mg1, Item4G1mg2, Item4IA11mg1, and Item4IA11mg2 depict a cottonwood tree within approximately six feet from primary conductors. The radial clearance requirement from these primary conductors (12kV-25kV) is six feet, and Liberty Utilities failed to trim back to 12-15 feet, per Liberty Utilities’ MAT shown in Table 8-23 above.

Energy Safety concludes that Violation 2 is Moderate because of these facts:

1. Liberty Utilities’ WMP clearance work was identified as complete at this location.
2. The cottonwood tree was within six feet of primary conductors.

<sup>9</sup> Liberty Utilities, “2023 Wildfire Mitigation Plan Rev 2,” October 6, 2023. p. 124. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>

<sup>10</sup> Liberty Utilities, “2023 Wildfire Mitigation Plan Rev 2,” October 6, 2023. p. 228. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>. The relevant standard applied in this NOV is that vegetation found to be within six feet of a 12kV – 25kV conductor must be trimmed so that it is 12-15 feet from the conductor depending on the growth rate of the vegetation.



- Liberty Utilities did not achieve vegetation clearance of between 12 and 15 feet from primary conductors.

**Violation 3:**

**Relevant Requirement:**

Liberty Utilities’ WMP states the following regarding initiative number 8.2.3.3 - Clearance on primary conductors:

- “When locations are identified that require vegetation management work, Liberty contractors perform the necessary work as described in Section 8.2.3.3 (Clearance). This includes following or exceeding the Rule 35 guidelines set forth in Appendix ‘E’ of G.O. 95. Liberty has also implemented a Maintenance Action Threshold (“MAT”), which is a clearance distance that triggers the work scheduling process. The MAT is based on the regulation clearance with a safety margin multiplier of 1.5.”<sup>11</sup>

**Table 8-23: Radial clearance requirements<sup>12</sup>**

Voltage	Regulation Clearance Distance (RCD)	Maintenance Action Threshold (MAT)	Maintenance Clearance Distance (MCD)
12kV-25kV	4’	6’	12’-15’
60kV	4’	6’	12’-15’
120kV	10’	15’	30’-35’

**Finding:**

Near pole ID 293672 at Mile 108 US Highway 395, Coleville, CA, 96107, USA, 38.5196868593662, - 119.484202482983, the inspector observed an elm tree within Liberty Utilities’ clearance distance of six feet. The inspector’s observations are documented in Violation 3 photographs, which are attachments to this report. Photograph numbers Item5GIimg1, Item5GIimg2, Item5IA1img1, and Item5IA1img2 depict the elm tree approximately five feet from primary conductors. The radial clearance requirement from these primary conductors (12kV-25kV) is six feet, and Liberty Utilities failed to trim back to 12-15 feet, per Liberty Utilities’ MAT shown in Table 8-23 above.

Energy Safety concludes that Violation 3 is Moderate because of these facts:

- Liberty Utilities’ WMP clearance work was identified as complete at this location.
- The elm tree is within six feet of primary conductors.

<sup>11</sup> Liberty Utilities, “2023 Wildfire Mitigation Plan Rev 2,” October 6, 2023. p. 124. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>

<sup>12</sup> Liberty Utilities, “2023 Wildfire Mitigation Plan Rev 2,” October 6, 2023. P. 228. [Online] Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>. The relevant standard applied in this NOV is that vegetation found to be within six feet of a 12kV – 25kV conductor must be trimmed so that it is 12-15 feet from the conductor depending on the growth rate of the vegetation.

3. Liberty Utilities did not achieve vegetation clearance of between 12 and 15 feet from primary conductors.

# Exhibits

Exhibit A: Photo Log

Structure ID: 128913

Violation 1



Item2G1mg1: Pole ID.



Item2G1mg2: Overall pole.



**Item2IA1Img1:** View of cottonwood limbs approximately four to five ft from a primary conductor.



**Item2IA1Img2:** View of cottonwood limbs approximately four to five ft from a primary conductor.



**Structure ID: 260086**

**Violation 2**



**Item4Gimg1: Pole ID.**



**Item4Gimg2: Overall pole.**



**Item4IA1Img1:** View of cottonwood tree within six ft of a primary conductor.



**Item4IA1Img2:** Secondary view of cottonwood tree within six ft of a primary conductor.

**Structure ID: 293672**

**Violation 3**



**Item5GImg1: Pole ID.**



**Item5GImg2: Overall pole.**





**Item5IA1Img1:** Front view of elm tree within five ft from a primary conductor.



**Item5IA1Img2:** Side view of elm tree within five ft from a primary conductor.