



April 19, 2024

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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 2022 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.¹

On November 16, 2023, Energy Safety conducted an inspection of Liberty Utilities' WMP initiatives in the vicinity of the city of Tahoe Vista and Kings Beach, California. The inspection report is enclosed herewith. Energy Safety found the following violations:

Violation 1. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.7 – Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of expulsion fuses with non-expulsion fuse alternatives on pole ID 292087 at coordinates 39.2426041412934, -120.048456796215. Energy Safety considers this violation for failure of completeness to be in the Minor risk category.

Violation 2. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.7 – Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of expulsion fuses with non-expulsion fuse alternatives on pole ID 292170 at coordinates 39.2384877574962, -120.027669287579. Energy Safety considers this violation for failure of completeness to be in the Minor risk category.

Violation 3. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.12 - Tree Attachment Removal, Liberty Utilities failed to complete a tree attachment removal on pole ID 291897 at coordinates 39.2361242144599, -120.016292223114. Energy Safety considers this violation for failure of completeness to be in the Minor risk category.

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

Violation 4. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.7 – Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of existing expulsion fuses with non-expulsion fuse alternatives on pole ID 292090 at coordinates 39.2369406983482, -120.027923542717. Energy Safety considers this violation for failure of completeness to be in the Minor risk category.

Violation 5. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.7 – Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of existing expulsion fuses with non-expulsion fuse alternatives on pole ID 290820 at coordinates 39.2371603131986, -120.028928803064. Energy Safety considers this violation for failure of completeness to be in the Minor 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 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 2022 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.

² Energy Safety Compliance Guidelines, pp. 5-6

³ Energy Safety Compliance Guidelines, pp. 6-7

⁴ <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2022-NOV>

⁵ Energy Safety Compliance Guidelines, p. 6

Sincerely,

Patrick Doherty

Patrick Doherty

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Office of Energy Infrastructure Safety

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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 1.⁶

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 violations found during the inspection. Details regarding the inspection that identified the violations are provided in the Inspections Details Section below.

Table 2: Inspection Location and Initiative Summary

Electrical Corporation:	Liberty Utilities (LU)
Report Number:	LU_CAC17_20231116_0839
Inspector:	CAC17
WMP Year Inspected:	2022
Quarterly Data Report (QDR) Referenced:	Quarter 3 and Quarter 4 (Q3 and Q4)
Inspection Selection:	Energy Safety viewed the contents of the Q3 & Q4 QDR and performed an analysis that resulted in the selection of the WMP initiatives and locations referenced in this report.
Relevant WMP Initiatives:	Expulsion fuse replacement (WMP 7.3.3.7) Other corrective action/Tree attachments (WMP 7.3.3.12)
Date of inspection:	November 16, 2023
City and County of Inspection:	Tahoe Vista and Kings Beach, Placer 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 Violations

Violation #	Structure ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Violation Description
Violation 1	292087	39.2426041412934, -120.048456796215	Tier 2	7.3.3.7 – Expulsion Fuse Replacement	Completeness	Minor	Failure to replace expulsion fuses
Violation 2	292170	39.2384877574962, -120.027669287579	Tier 2	7.3.3.7 – Expulsion Fuse Replacement	Completeness	Minor	Failure to replace expulsion fuses
Violation 3	291897	39.2361242144599, -120.016292223114	Tier 2	7.3.3.12 - Other corrective action/Tree attachments	Completeness	Minor	Failure to remove tree attachment
Violation 4	292090	39.2369406983482, -120.027923542717	Tier 2	7.3.3.7 – Expulsion Fuse Replacement	Completeness	Minor	Failure to replace expulsion fuses
Violation 5	290820	39.2371603131986, -120.028928803064	Tier 2	7.3.3.7 – Expulsion Fuse Replacement	Completeness	Minor	Failure to replace expulsion fuses

Inspection Details

Violation 1:

Relevant Requirement:

Liberty Utilities' WMP states the following regarding initiative number 7.3.3.7 – Expulsion Fuse Replacement on utility poles:

1. “The goal of the expulsion fuse replacement program is to mitigate ignition potential of traditional expulsion fuses by replacing them with non-expulsion alternatives. When a fault occurs on the distribution system, the fault is often isolated by an expulsion fuse, which, upon operation, discharges gas and particles that could ignite nearby vegetation. By replacing traditional fuses with non-expulsion fuses, the ignition potential is significantly reduced.”⁷
2. “The expulsion fuse replacement initiative installs [California Department of Forestry and Fire Protection (CAL FIRE)]-approved non-expulsion fuse hardware, which has shown reduced ignition potential compared to traditional fusing alternatives.”⁸

Finding:

On pole ID 292087 at 420 National Ave, Tahoe Vista, CA, 96148, USA, 39.2426041412934, -120.048456796215, the inspector observed a pair of expulsion fuses. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item1GImg1, Item1GImg2, Item1IA1Img1, and Item1IA1Img2 depict expulsion fuses instead of non-expulsion fuse alternatives.

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

1. Liberty Utilities' WMP initiative number 7.3.3.7 - Expulsion Fuse Replacement work was reported as complete at this location.
2. Expulsion fuses were observed.
3. Non-expulsion fuses were not observed.

Violation 2:

Relevant Requirement:

Liberty Utilities' WMP states the following regarding initiative number 7.3.3.7 – Expulsion Fuse Replacement on utility poles:

1. “The goal of the expulsion fuse replacement program is to mitigate ignition potential of traditional expulsion fuses by replacing them with non-expulsion alternatives. When a fault occurs on the

⁷ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 114. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

⁸ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 115. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

distribution system, the fault is often isolated by an expulsion fuse, which, upon operation, discharges gas and particles that could ignite nearby vegetation. By replacing traditional fuses with non-expulsion fuses, the ignition potential is significantly reduced.”⁹

2. “The expulsion fuse replacement initiative installs [California Department of Forestry and Fire Protection (CAL FIRE)]-approved non-expulsion fuse hardware, which has shown reduced ignition potential compared to traditional fusing alternatives.”¹⁰

Finding:

On pole ID 292170 at 8270 Rainbow Ave, Kings Beach, CA, 96143, USA, 39.2384877574962, -120.027669287579, the inspector observed expulsion fuses. The inspector’s observation is documented in Violation 2 photographs, which are attachments to this report. Photo numbers Item4GIimg1, Item4GIimg2, Item4IA1img1, and Item4IA1img2 depict expulsion fuses instead of non-expulsion fuse alternatives.

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

1. Liberty Utilities’ WMP initiative number 7.3.3.7 - Expulsion Fuse Replacement work was reported as complete at this location.
2. Expulsion fuses were observed.
3. Non-expulsion fuses were not observed.

Violation 3:

Relevant Requirement:

Liberty Utilities’ WMP states the following regarding initiative number 7.3.3.12 - Other corrective action/Tree attachments:

1. “.... tree attachments have a potential to pose a wildfire threat in the event that arcing and sparking occurs at the tree attachment location. Rerouting service lines using new poles removes the service lines from being attached to trees and reduces the wildfire ignition potential.”¹¹

Finding:

On pole ID 291897 at 8899 Salmon Ave, Kings Beach, CA, 96143, USA, 39.2361242144599, -120.016292223114, the inspector observed a tree attachment. The inspector’s observation is documented in Violation 3 photographs, which are attachments to this report. Photo numbers Item8GIimg1, Item8GIimg2, and Item8GIimg3 depict a tree attachment where the attachment was reported as removed.

⁹ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 114. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

¹⁰ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 115. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

¹¹ Liberty Utilities, “2022 Wildfire Mitigation Plan Update.” May 6, 2022. pp. 117-118. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

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

1. Liberty Utilities' WMP 7.3.3.12 - Other corrective action: Tree attachment work was identified as complete at this location.
2. Liberty Utilities failed to remove the tree attachment and reroute the service line using a new pole.

Violation 4

Relevant Requirement:

Liberty Utilities' WMP states the following regarding initiative number 7.3.3.7 – Expulsion Fuse Replacement on utility poles:

1. “The goal of the expulsion fuse replacement program is to mitigate ignition potential of traditional expulsion fuses by replacing them with non-expulsion alternatives. When a fault occurs on the distribution system, the fault is often isolated by an expulsion fuse, which, upon operation, discharges gas and particles that could ignite nearby vegetation. By replacing traditional fuses with non-expulsion fuses, the ignition potential is significantly reduced.”¹²
2. “The expulsion fuse replacement initiative installs [California Department of Forestry and Fire Protection (CAL FIRE)]-approved non-expulsion fuse hardware, which has shown reduced ignition potential compared to traditional fusing alternatives.”¹³

Finding:

On pole ID 292090 at 8216 Brockaway Vista Drive, Kings Beach, CA, 96143, USA, 39.2369406983482, -120.027923542717, the inspector observed expulsion fuses. The inspector's observation is documented in Violation 4 photographs, which are attachments to this report. Photo numbers Item9GImg1, Item9GImg2, and Item9GImg3 depict expulsion fuses instead of non-expulsion fuse alternatives.

Energy Safety concludes that Violation 4 is Minor because of these facts:

1. Liberty Utilities' WMP initiative number 7.3.3.7 - Expulsion Fuse Replacement work was reported as complete at this location.
2. Expulsion fuses were observed.
3. Non-expulsion fuses were not observed.

Violation 5

Relevant Requirement:

¹² Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 114. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

¹³ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 115. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

Liberty Utilities' WMP states the following regarding initiative number 7.3.3.7 – Expulsion Fuse Replacement on utility poles:

1. “The goal of the expulsion fuse replacement program is to mitigate ignition potential of traditional expulsion fuses by replacing them with non-expulsion alternatives. When a fault occurs on the distribution system, the fault is often isolated by an expulsion fuse, which, upon operation, discharges gas and particles that could ignite nearby vegetation. By replacing traditional fuses with non-expulsion fuses, the ignition potential is significantly reduced.”¹⁴
2. “The expulsion fuse replacement initiative installs [California Department of Forestry and Fire Protection (CAL FIRE)]-approved non-expulsion fuse hardware, which has shown reduced ignition potential compared to traditional fusing alternatives.”¹⁵

Finding:

On pole ID 290820 at 8106 N Lake Blvd, Kings Beach, CA, 96143, USA, 39.2371603131986, -120.028928803064, the inspector observed expulsion fuses. The inspector's observation is documented in Violation 5 photographs, which are attachments to this report. Photo numbers Item10GIimg1, Item10GIimg2, and Item10IAimg1 depict expulsion fuses instead of non-expulsion fuse alternatives.

Energy Safety concludes that Violation 5 is Minor because of these facts:

1. Liberty Utilities' WMP initiative number 7.3.3.7 - Expulsion Fuse Replacement work was reported as complete at this location.
2. Expulsion fuses were observed.
3. Non-expulsion fuses were not observed.

¹⁴ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 114. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

¹⁵ Liberty Utilities “2022 Wildfire Mitigation Plan Update,” May 6, 2022. p. 115. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=52404&shareable=true>

Exhibits

Exhibit A: Photo Log

Structure ID: 292087

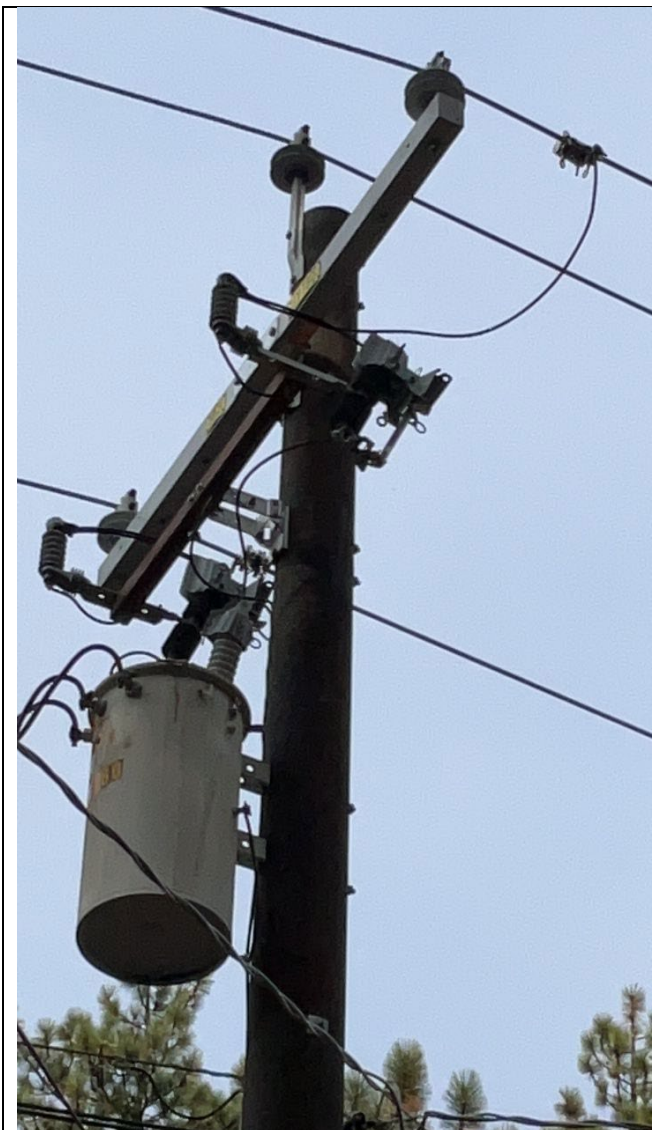
Violation 1



Item1GImg1: Overall pole.



Item1GImg2: Pole ID.



Item1IA1Img1: Close-up view of expulsion fuses.



Item1IA1Img2: Close-up view of expulsion fuses.

Structure ID: 292170

Violation 2



Item4GImg1: Overall pole.



Item4GImg2: Pole ID.



Item4IA1Img1: Close-up view of expulsion fuses.



Item4IA1Img2: Close-up view of expulsion fuses.

Structure ID: 291897

Violation 3



Item8GImg1: Overall pole.



Item8GImg2: Pole ID (damaged).



Item8GImg3: Close-up view of tree attachment.

Structure ID: 292090

Violation 4



Item9GImg1: Overall pole.



Item9GImg2: Pole ID.



Item9GImg3: View of two expulsion fuses (open).

Structure ID: 290820

Violation 5



Item10GImg1: Overall pole.



Item10GImg2: Pole ID.



Item10IAimg1: View of two expulsion fuses.