



April 26, 2024

Dan Marsh
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Liberty Utilities
701 National Ave
Tahoe Vista, CA 96148

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 22, 2023, Energy Safety conducted an inspection of Liberty Utilities' WMP initiatives in the vicinity of the city of Tahoe City, California. The inspection report is enclosed herewith. Energy Safety found the following violation:

Violation 1. Energy Safety observed that in implementing 2022 WMP initiative 7.3.3.7 – Expulsion fuse replacement, Liberty Utilities failed to complete an expulsion fuse replacement with a non-expulsion fuse alternative on pole ID 92081 at coordinates 39.1849205330682, -120.097887084118. 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 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

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

² Energy Safety Compliance Guidelines, pp. 5-6

³ Energy Safety Compliance Guidelines, pp. 6-7

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.

Sincerely,



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

⁵ Energy Safety Compliance Guidelines, p. 6



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_20231122_0834
Inspector:	CAC17
WMP Year Inspected:	2022
Quarterly Data Report (QDR) Referenced:	Quarter 3 and Quarter 4 (Q3 & 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 initiative number 7.3.3.7).
Date of inspection:	November 22, 2023
City and County of Inspection:	Tahoe City, 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	92081	39.1849205330682, -120.097887084118	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 92081 at 3306 Edgewater Dr, Tahoe City, CA, 96145, USA, 39.1849205330682, -120.097887084118, the inspector observed both an expulsion fuse and a non-expulsion fuse on the pole. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item3GImg1, Item3GImg2, Item3IA1Img1, and Item3IA1Img2 depict the installation of an expulsion fuse and a non-expulsion fuse on this pole.

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. Liberty Utilities' WMP initiative number 7.3.3.7 - Expulsion Fuse Replacement states expulsion fuses are replaced with non-expulsion fuse alternatives.
3. An expulsion fuse was observed on the pole.

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>

Exhibits

Exhibit A: Photo Log

Structure ID: 92081

Violation 1



Item3GImg1: Pole ID.



Item3GImg2: Overall pole.



Item3IA1mg1: View of one expulsion fuse (left) and one non-expulsion fuse (right).



Item3IA1mg2: Close-up view of installed non-expulsion fuse indicating half the reported initiative work was completed.