

April 30, 2024

Mr. Patrick Doherty  
Program Manager | Compliance Assurance Division  
Office of Energy Infrastructure Safety  
715 P Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814

Reference: Energy Safety-ID: NOV\_PGE\_CAC18\_20231129\_0945  
Notice of Violation: Government Code § 15475.1 and the California Code of Regulations, Title 14,  
Division 17 § 29302(b)(2)

Dear Mr. Patrick Doherty:

This letter is in response to the above referenced Notice of Violation (NOV) dated March 20, 2024, (NOV Letter) regarding the Office of Energy Infrastructure Safety (Energy Safety) inspection of Pacific Gas and Electric Company's 2023 WMP initiatives in the vicinity of the city of Willits, California.

Energy Safety based its compliance assessment on the following statute and code sections:

**California Government Code Section 15475.2, "Notice of Defect or Violation"** states in part:

*"The office may issue a notice of defect or violation to direct the regulated entity to correct any defect or noncompliance with the approved wildfire mitigation plan or failure to comply with any laws, regulations, or guidelines within the authority of the office."*

**California Code of Regulations, Title 14, Section 29302(b)(2), "Investigations, Notices of Defect and Violation, and Referral to the Commission"** states in part:

*"The Director may designate a compliance officer to consider the findings of any investigation. The compliance officer may issue any of the following:*

...  
*(2) Notice of violation, identifying noncompliance with an approved Wildfire Mitigation Plan or any law, regulation, or guideline within the authority of the Office."*

The November 29, 2023 inspection performed by Energy Safety identified the following violations:

#### Violation 1

Energy Safety observed that in implementing 2023 WMP initiative 8.2.3.1 - Pole Clearing, Pacific Gas and Electric Company failed to adhere to a required protocol of pole clearing on pole number 121593291 at coordinates 39.4337627600458, -123.358669737352. Energy Safety considers this violation for failure to adhere to protocol to be in the Minor risk category.

#### Violation 2

Energy Safety observed that in implementing 2023 WMP initiative 8.2.3.1 - Pole Clearing, Pacific Gas and Electric Company failed to adhere to a required protocol of pole clearing on pole number 121469072 at coordinates 39.4156861011824, -123.348669453419. Energy Safety considers this violation for failure to adhere to protocol to be in the Moderate risk category.

#### Response

We respectfully disagree with the above violations asserting that PG&E failed to adhere to the protocol outlined in its 2023 WMP Initiative 8.2.3.1 - Pole Clearing. Initiative 8.2.3.1 describes PG&E's "removal/clearing of vegetation around select Transmission and Distribution poles and towers in accordance with PRC Section 4292, to maintain a firebreak of at least 10 feet in radius (out from the pole) up to 8 ft up from the ground per Title 14 CCR 1254. These requirements apply in the State Responsibility Area (SRA) during designated fire season." <sup>1</sup> In both instances described below, we have complied with and continue to comply with Initiative 8.2.3.1. Our response and, if applicable, corrective actions and recommendations for each of the two alleged violations are noted below.

#### Violation 1

**Energy Safety Findings:** *"On pole ID 121593291 at 24438-24798 N Highway 101, Willits, CA, 95490, USA, 39.4337627600458, -123.358669737352, the inspector observed that pole clearing was not completed per protocol. The inspector's observation is documented in Violation 1 photographs, which... depict customer-owned wood pallets inside the pole's 10 ft firebreak radius."*

**PG&E Response:** We inspected and properly cleared the subject location per the protocol described in PG&E's 2023 WMP Initiative 8.2.3.1. Per our Vegetation Control (VC) Utility Standard TD-7112S, we apply the relevant pole-clearing regulatory requirements and commitments, including PRC 4292 and Title 14 California Code of Regulations (CCR) Section 1254. PRC 4292 requires a firebreak within a 10' circumference from the pole in question. Title 14 CCR Section 1254 outlines firebreak clearances required by PRC 4292 and includes the removal of flammable materials such as "ground litter, duff and dead or desiccated vegetation," "trash, debris," "and "grass, herbaceous and brush vegetation," "limbs and foliage of living trees." The "customer-owned wood pallets" referenced in the violation is a pallet fence, which is used by the property owner to contain animals. We did not determine the fence to be in violation of the firebreak requirements, as it was actively maintained by the property owner and was neither litter, trash, nor debris. A reasonable interpretation of the

<sup>1</sup> PG&E's 2023-2025 WMP R3 p. 679

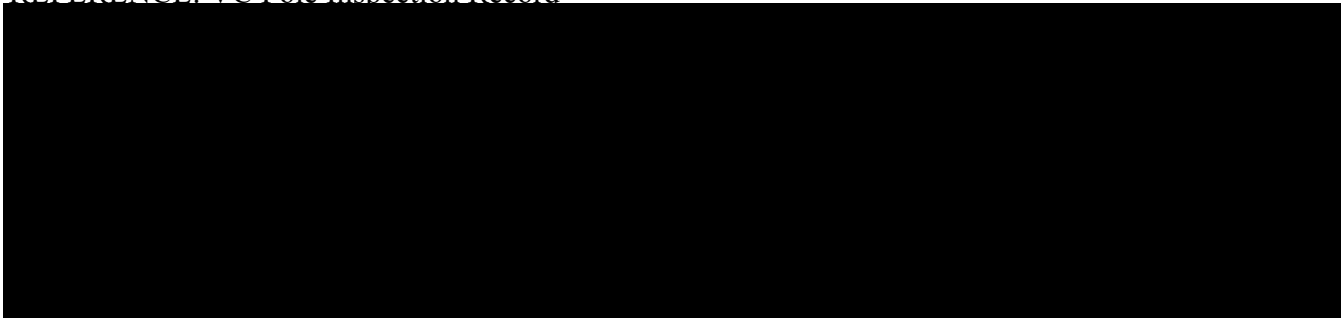
requirements above is to remove and mitigate readily flammable material that may propagate fire between inspection and maintenance cycles. This is generally material that grows in or may accumulate on the soil areas surrounding the pole, not fencing being actively used and maintained by the property owner.

**Energy Safety Findings, cont'd:** Additionally, Energy Safety concludes that Violation 1 is Minor, based on a series of facts. We respond to these facts, as follows:

1. *“The inspection point was reported as completed.”*

We inspected the PG&E Pole #121593291 (Vegetation Control (VC) Pole #185807) in question, on 8/31/2023 and work was completed pursuant to standard TD-7112S.

REFERENCE: VC Pole Inspection Record



2. *“Customer-owned wooden pallets are inside the 10 ft. firebreak radius.”*

A customer-owned pallet fence was within the 10-foot firebreak radius at the time of Energy Safety’s inspection. As noted in the “Directions” field of the VC Pole Inspection Record above, the subject pole was located within a goat pen. Since the time of Energy Safety’s inspection, the property owner agreed to relocate the fencing further from the pole. See below for a photo from a recent inspection.

3. *“The pallets are made of wood, a flammable material.”*

It is common for property owners to construct fences of wood materials. In this instance, we did not determine the fence to be in violation of the firebreak requirements outlined in 14 CCR Section 1254. Our inspectors must make reasonable interpretations of what constitutes a readily flammable material that may propagate fire between inspection and maintenance cycles.

We respectfully disagree that any corrective actions were required in this case, as no violation occurred. However, in an abundance of caution, we contacted the property owner in question about Energy Safety’s concern, and the pallet fencing was relocated outside the 10-foot firebreak radius.

REFERENCE: Image of recent re-inspection of the location and pallet fencing relocated outside the 10-foot firebreak radius.



## Violation 2

**Energy Safety Findings:** *“On pole ID 121469072 at Willits, CA, USA, 39.4156861011824, - 123.348669453419, the inspector observed that pole clearing was not completed per protocol. The inspector’s observation...depict[s] overgrown blackberry within the 10 ft firebreak radius.”*

**PG&E’s Response:** We inspected the subject location per the protocol described in PG&E’s 2023 WMP Initiative 8.2.3.1. Per Initiative 8.2.3.1, PRC 4292 applies to SRAs and USFS Region 5, but we also maintain firebreaks at certain other areas based on local agreements or through PG&E guidance (e.g., risk reduction work). Per standard TD-7112S, outside of SRAs and USFS-FRAs, and in the absence of agreements with specific entities or agencies or awareness that an area of other jurisdiction has adopted PRC 4292, we apply PRC 4292 clearing requirements, with exceptions, to additional areas as part of our risk reduction work, particularly in High Fire-Threat Districts (HFTDs) and High Fire Risk Areas (HFRAs). PG&E pole #121469072 (VC Pole # L243479) is located within an HFTD Tier 2 Local Responsibility Area (LRA), as noted in the “Fire Area” field of the VC Pole Inspection Record below and the assigned VC Pole Number starting with an “L.”

The pole itself has solid blade disconnects installed. Pursuant to standard TD-7112S, Section 7 “Expectations for Distribution Poles in LRAs,” Subsection 4, solid blade disconnects within LRAs are considered low risk and are an exception to our application of PRC 4292 pole clearing requirements within HFTDs. We did correctly inspect and inventory the subject pole in the VC database on

6/22/2023, consistent with standard, TD-7112S, Section 7.1, and consistent with the commitments made under WMP Initiative 8.2.3.1. We will continue to monitor and re-inspect the subject pole to assess for potential risk mitigation.

REFERENCE: VC Pole Inspection Record

Address: 330 E COMMERCIAL ST		City: WILLITS		Lat: 39.4157154	Long: -123.3489483	Rating: E	Fire Area: LRA	Area: AH114-J	Other: J	MBZ:	Inspector: Sac	Insp Date Time: 6/22/2023 5:58:15 PM
BMP Clear Type: Full Landscape	Circuit: WILLITS 1103 (0042661103)	SSD Rte #: 100	Routing #: 839	SSD #: 2619	Chem Perm: No	Work Status: Insp NoWrk	Non-Exempt Equipment: SB	Trans Line Name:	Tx #:	Pole #: L243479		
BMP Sub Type: NONE	Document #: X9999999	Owner: Private	How Notified: <input type="checkbox"/> Phone, <input type="checkbox"/> Person, <input checked="" type="checkbox"/> Door, <input type="checkbox"/> Permit			Notification: Inventory	Alerts: New Pole In Inventory (NI)					
Directions: P E T IN NORTH EAST CORNER OF LOT												
Comment: ROUTE B4 PL224173; 6/26/2023 KMLJ: Ok to clear - Standard AMMs/BMPs *Clearing required within 45 days* RISK REDUCTION WORK INW SOLID BLADE INVENTORY ONLY												
Customer Name:		Phone:	@ Loc: No									
Work Request: HBNC0000176W	Date Completed: 6/22/2023	VC Clear Type: J	WC Status: Insp NoWrk	Completed By: SAC	Herbicide Applied:							

**Energy Safety Findings, cont'd:** Additionally, Energy Safety concludes that Violation 2 is Moderate, based on a series of facts. We respond to these facts, as follows:

1. *“Pacific Gas and Electric Company reported pole clearing was completed at this location.”*

We include the scope of our “completed” pole clearing activities subject poles which are inspected but which may not require any work. This is generally indicated in our records with WC Status of “Insp NoWrk,” as shown in the VC Pole Inspection Record above. We appropriately inspected and inventoried the subject pole at this location on 6/22/2023. Since this was a newly added pole at the time (see the “Alerts” field in the VC Pole Record above) and is located within a HFTD, the location underwent a review for potential environmental constraints and was approved for future clearing work, if needed (see the “Comments” field in the record above – “Ok to clear – Standard AMMs/BMPs “Clearing required within 45 days”). At this time, however, the only equipment on the pole – solid blade disconnects – are exceptions to our practice of working LRA poles in HFTDs the same as SRA poles (see TD-7112S Section 7.4, first bullet). As such, the inspector noted this exception in both the “Non-exempt equipment” and “Comment” fields of the VC Pole Inspection Record, inspected the pole pursuant to PG&E Standard TD-7112S, Section 7.1, and marked the site as “Insp NoWrk”. This site was thus deemed “completed” for the purposes of the VC program.

2. *“Dense blackberry growth is inside the pole's 10 ft firebreak radius.”*
3. *“Blackberry bushes are a brush vegetation.”*
4. *“The vegetation density is moderate.”*

We agree that blackberry bushes were present within a 10-foot radius of the subject pole. We inspected and inventoried the pole, confirming that the solid-blade equipment located within an LRA makes this pole an exception to our practice of working LRA poles within HFTDs the same as SRA poles (see TD-7112S Section 7.4, first bullet). We did not identify safety or access concerns with the existing vegetation at the time of inspection. As part of our GO 165 periodic inspections and standard TD-7112S, we will continue to inspect the pole and if the equipment type changes, the pole may be brought within the scope of PRC 4292 work.

## Opportunities to Improve Reporting

Energy Safety's Data Guidelines provide a specific template and set of requirements that electrical corporations must adhere to. Our data is structured in our source systems to support daily operations. However, when transforming our data to fit into Energy Safety's standardized compliance templates, misinterpretation of critical information may result. To assist with Energy Safety's inspections, we will look to enhance the optional 'Description of Work' field with additional information that will help indicate where inspections took place, but clearance work was not required. This both aligns with our stated WMP commitment that we will inspect and perform work that is necessary, while also supporting Energy Safety in recognizing where "Complete" indicates inspection only work that is not deemed necessary to clear. Likewise, not all clearance work is completed at the same time as the inspection. Rather the inspection is complete and indicates where clearance work needs (or does not need to be completed) at a later time.

Additionally, our pole clearing projects are organized by a unique job number or project ID (identified under column "VmpID" of our Initiative Vegetation Management Project Point Feature Class) in the data leveraged by Energy Safety. As such, we request that Energy Safety please reference the project ID in future correspondence. This will assist us in identifying the site inspected by Energy Safety and referenced in an NOV.

We remain committed to and welcome continued discussions with Energy Safety to ensure we are providing the information required for successful field verifications.

Please contact me at [vincent.tanguay@pge.com](mailto:vincent.tanguay@pge.com) if you have any questions regarding this matter.

Sincerely,

Vincent Tanguay,  
Sr. Director, Regulatory Compliance and Quality Assurance

cc: Patrick Doherty, Program Manager, Office of Energy Infrastructure Safety  
Elizabeth McAlpine, Program and Project Supervisor, Office of Energy Infrastructure Safety  
Edward Chavez, Program and Project Supervisor, Office of Energy Infrastructure Safety  
Wade Greenacre, Regulatory Relations, PG&E  
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