



June 12, 2024

Dan Marsh
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Liberty Utilities
701 National Avenue
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 2021 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 October 19, 2022, Energy Safety conducted an inspection of Liberty Utilities' WMP initiatives in the vicinity of Hinton, California. The inspection report is enclosed herewith. Energy Safety found the following violations:

Violation 1. Energy Safety observed that in implementing 2021 WMP initiative 7.3.3.7 - Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of expulsion fuses with non-expulsion alternatives on pole ID 269464 at coordinates 39.3778635924797, -120.077769974398. Energy Safety considers this completeness violation to be in the Minor risk category.

Violation 2. Energy Safety observed that in implementing 2021 WMP initiative 7.3.3.7 - Expulsion Fuse Replacement, Liberty Utilities failed to complete the replacement of expulsion fuses with non-expulsion alternatives on pole ID 269462 at coordinates 39.3779225383708, -120.078023159941. Energy Safety considers this completeness violation to be in the Minor risk category.

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

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.

This first revision to NOV_LU_CAC9_20221019_1218 should be read to supersede the original NOV LU_CAC9_20221019_1218 and trigger a new response period.

Sincerely,



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

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

Cc:

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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_CAC9_20221019_1218_Revision 1 |
| Inspector: | CAC9 |
| WMP Year Inspected: | 2021 |
| Quarterly Data Report (QDR) Referenced: | Quarter 4 (Q4) |
| Inspection Selection: | Energy Safety viewed the contents of the Q4 QDR and performed an analysis that resulted in the selection of the WMP initiatives and locations referenced in this report. |
| Relevant WMP Initiative(s): | Expulsion Fuse Replacement (2021 WMP initiative number 7.3.3.7) |
| Date of inspection: | October 19, 2022 |
| City and/or County of Inspection: | Hinton, Nevada 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 | 269464 | 39.3778635924797, -120.077769974398 | Tier 2 | 7.3.3.7 - Expulsion Fuse Replacement | Completeness | Minor | Failure to replace expulsion fuses |
| Violation 2 | 269462 | 39.3779225383708, -120.078023159941 | Tier 2 | 7.3.3.7 - Expulsion Fuse Replacement | Completeness | Minor | Failure to replace expulsion fuses |

Inspection Details

Violation 1:

Relevant Requirement:

Liberty Utilities' 2021 WMP states the following regarding initiative number 7.3.3.7 - Expulsion Fuse Replacement:

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 269464 at 10301 Hirschdale Rd, Hinton, CA 96161, USA, 39.3778635924797, -120.077769974398, 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 Item1G1mg1, Item1G1mg2, and Item1IA11mg1 depict a pair of expulsion fuses instead of non-expulsion alternatives.

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

1. Liberty Utilities' 2021 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.

⁷ Liberty Utilities "2021 Wildfire Mitigation Plan Update," March 5, 2021. p. 91. [Online]. Available: https://energysafety.ca.gov/wp-content/uploads/docs/wmp-2021/liberty_2021_wmp.pdf

⁸ Liberty Utilities "2021 Wildfire Mitigation Plan Update," March 5, 2021. p. 91. [Online]. Available: https://energysafety.ca.gov/wp-content/uploads/docs/wmp-2021/liberty_2021_wmp.pdf

Violation 2:

Relevant Requirement:

Liberty Utilities' 2021 WMP states the following regarding initiative number 7.3.3.7 - Expulsion Fuse Replacement:

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."⁹
2. "The expulsion fuse replacement initiative installs CAL FIRE-approved non-expulsion fuse hardware, which has shown reduced ignition potential compared to traditional fusing alternatives."¹⁰

Finding:

On pole ID 269462 at 10315 Hirschdale Rd, Hinton, CA 96161, USA, 39.3779225383708, -120.078023159941, the inspector observed a pair of expulsion fuses. The inspector's observation is documented in Violation 2 photographs, which are attachments to this report. Photo numbers Item2GImg1, Item2GImg2, and Item2GImg3 depict a pair of expulsion fuses instead of non-expulsion alternatives.

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

1. Liberty Utilities' 2021 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.

⁹ Liberty Utilities "2021 Wildfire Mitigation Plan Update," March 5, 2021. p. 91. [Online]. Available: https://energysafety.ca.gov/wp-content/uploads/docs/wmp-2021/liberty_2021_wmp.pdf

¹⁰ Liberty Utilities "2021 Wildfire Mitigation Plan Update," March 5, 2021. p. 91. [Online]. Available: https://energysafety.ca.gov/wp-content/uploads/docs/wmp-2021/liberty_2021_wmp.pdf

Exhibits

Exhibit A: Photo Log

Structure ID: 269464

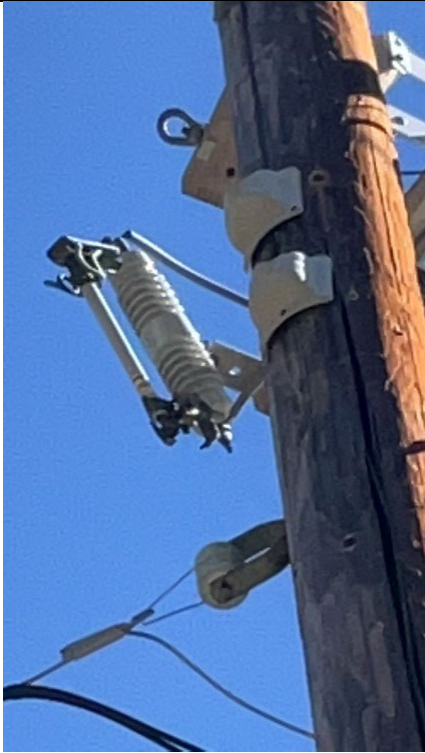
Violation 1



Item1Gimg1: Overall pole.



Item1Gimg2: Pole ID.



Item1IA1Img1: Close-up view of expulsion fuse.

Structure ID: 269462

Violation 2



Item2GImg1: Overall pole.



Item2GImg2: Pole ID not on the pole.



Item2GImg3: Close-up view of expulsion fuses.