



June 14, 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 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 7.3.3.12 - 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.

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

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

² Energy Safety Compliance Guidelines, pp. 5-6

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_CAC17_20231116_0839 should be read to supersede the original NOV LU_CAC17_20231116_0839 and trigger a new response period.

Sincerely,



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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

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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:	Other corrective action/Tree attachments (WMP 7.3.3.12)
Date of inspection:	November 16, 2023
City and County of Inspection:	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	291897	39.2361242144599, -120.016292223114	Tier 2	7.3.3.12 - Other corrective action/Tree attachments	Completeness	Minor	Failure to remove tree attachment

Inspection Details

Violation 1:

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."⁷

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 1 photographs, which are attachments to this report. Photo numbers Item8GIimg1, Item8GIimg2, and Item8GIimg3 depict a tree attachment where the attachment was reported as removed.

Energy Safety concludes that Violation 1 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. Energy Safety understood Liberty Utilities' QDR submission to mean that all tree attachments would be removed from this location.
3. Liberty Utilities failed to remove the tree attachment and reroute the service line using a new pole.


⁷ 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>

Exhibits

Exhibit A: Photo Log

Structure ID: 291897

Violation 1

 A photograph showing a tall, dark utility pole standing in a residential area. The pole is surrounded by trees and houses. A yellow caution tape is visible around the base of the pole.	 A close-up photograph of the utility pole, showing a white band with the ID number '291 97' in blue text. The pole appears to be made of metal and shows signs of rust and wear.
<p>Item8GImg1: Overall pole.</p>	<p>Item8GImg2: Pole ID (damaged).</p>



Item8GImg3: Close-up view of tree attachment.