



June 14, 2024

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## NOTICE OF VIOLATION

Ms. McMillin:

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 San Diego Gas & Electric Company (SDG&E) in accordance with its 2023 Wildfire Mitigation Plan (WMP) and determined the existence of one or more violations. Energy Safety therefore issues SDG&E a Notice of Violation (NOV), identifying noncompliance with an approved WMP or any law, regulation, or guideline within the authority of the Office.<sup>1</sup>

On June 6, 2024, Energy Safety conducted an inspection of SDG&E's WMP initiatives in the vicinity of the city of Fallbrook, California. The inspection report is enclosed herewith. Energy Safety found the following violation(s):

Violation 1. Energy Safety observed that in implementing 2023 WMP initiative 8.1.2.10.1 - Avian Protection Program (WMP.972), SDG&E failed to complete the Avian Protection Installation on pole ID P218236 at coordinates 33.3911329330061, -117.232570455604. Energy Safety considers this completeness violation to be in the Minor risk category.

Violation 2. Energy Safety observed that in implementing 2023 WMP initiative 8.1.2.10.1 - Avian Protection Program (WMP.972), SDG&E failed to complete the Avian Protection Installation on pole ID P252330 at coordinates 33.3178905263497, -117.165591809892. Energy Safety considers this completeness violation to be in the Minor risk category.

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

This response shall be filed in the Energy Safety e-Filing system under the 2023 NOV Docket<sup>4</sup> 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.<sup>5</sup> Requests for informal conference with Energy Safety must be e-mailed to [compliance@energysafety.ca.gov](mailto: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

Program Manager | Compliance Assurance Division

Office of Energy Infrastructure Safety

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Cc:

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<sup>2</sup> Energy Safety Compliance Guidelines, pp. 5-6

<sup>3</sup> Energy Safety Compliance Guidelines, pp. 6-7

<sup>4</sup> <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2023%20NOV>

<sup>5</sup> 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.<sup>6</sup>

**Table 1. Risk Category and Correction Timelines**

Risk Category	Violation and defect correction timeline
Severe	<ul style="list-style-type: none"><li>• Immediate resolution</li></ul>
Moderate	<ul style="list-style-type: none"><li>• 2 months (in High Fire Threat District (HFTD) Tier 3)</li><li>• 6 months (in HFTD Tier 2)</li><li>• 6 months (if relevant to worker safety; not in HFTD Tier 3)</li></ul>
Minor	<ul style="list-style-type: none"><li>• 12 months or resolution scheduled in WMP update</li></ul>

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<sup>6</sup> 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 violation(s) found during the inspection. Details regarding the inspection that identified the violation(s) are provided in the Inspections Details Section below.

***Table 2: Inspection Location and Initiative Summary***

Electrical Corporation:	San Diego Gas & Electric Company
Report Number:	SDGE_YLO_20240606_0812
Inspector:	Yana Loginova
WMP Year Inspected:	2023
Quarterly Data Report (QDR) Referenced:	Quarter 3 & 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 Initiative(s):	Avian Protection Program (2023 WMP initiative number 8.1.2.10.1, WMP.972)
Date of inspection:	June 6, 2024
City and/or County of Inspection:	Fallbrook, San Diego County
Inspection Purpose:	Assess the accuracy of San Diego Gas & Electric Company’s QDR data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

**Table 3: WMP Inspection Violation(s)**

<b>Violation #</b>	<b>Structure ID</b>	<b>Lat/Long</b>	<b>HFTD</b>	<b>Initiative Number</b>	<b>Violation Type</b>	<b>Severity</b>	<b>Violation Description</b>
Violation 1	P218236	33.3911329330061, - 117.232570455604	Tier 2	8.1.2.10.1 - Avian Protection Program (WMP.972)	Completeness	Minor	Avian protection cover is dislodged
Violation 2	P252330	33.3178905263497, - 117.165591809892	Tier 2	8.1.2.10.1 - Avian Protection Program (WMP.972)	Completeness	Minor	Avian protection cover is missing on one side

# Inspection Details

## **Violation 1:**

### **Relevant Requirement:**

SDG&E's WMP states the following regarding initiative number 8.1.2.10.1 - Avian Protection Program (WMP.972) on poles:

1. "Involves installing avian protection equipment on distribution poles in the service territory to prevent electrocution of birds and to facilitate compliance with Federal and State Laws."<sup>7</sup>

### **Finding:**

Energy Safety arrived at the pole ID P218236 at 887 Hillcrest Ter, Fallbrook, CA, 92028, USA, 33.3911329330061, -117.232570455604, and observed that one of the avian protection covers was missing. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo number Item1IA1Img1 depicts that the avian protection cover is not covering clamps and instead it is loose and displaced.

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

1. The reported location provided by SDG&E indicated that work on the Avian Protection Program (WMP.972, 2023 WMP Initiative 8.1.2.10.1) was reported as completed.
2. The avian protection cover was missing on one side.

## **Violation 2:**

### **Relevant Requirement:**

SDG&E's WMP states the following regarding initiative number 8.1.2.10.1 - Avian Protection Program (WMP.972) on poles:

1. "Involves installing avian protection equipment on distribution poles in the service territory to prevent electrocution of birds and to facilitate compliance with Federal and State Laws."<sup>8</sup>

### **Finding:**

Energy Safety arrived at the pole ID P252330 at 4000-4098 Via San Thomas, Fallbrook, CA, 92028, USA, 33.3178905263497, -117.165591809892, and observed that the avian cover was missing from one side. The inspector's observation is documented in Violation 2 photographs, which are attachments to this report. Photo

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<sup>7</sup> San Diego Gas & Electric Company, "2023-2025 Wildfire Mitigation Plan," October 23, 2023. p. 172 [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55859&shareable=true>

<sup>8</sup>San Diego Gas & Electric Company, "2023-2025 Wildfire Mitigation Plan," October 23, 2023. p. 172 [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55859&shareable=true>

numbers Item5G1mg2, and Item5IA11mg1 depict that only one side has the avian protection cover and the avian protection cover is missing from the other side.

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

1. The reported location provided by SDG&E indicated that work on the Avian Protection Program (WMP.972, 2023 WMP Initiative 8.1.2.10.1) was reported as completed.
2. The avian protection cover was partially missing.



# Exhibits

Exhibit A: Photo Log

Structure ID: P218236

Violation 1



Item1GImg1: Pole ID



Item1GImg2: Overall Pole



Item1IA1Img1: Dislodged avian protection cover

**Structure ID: P252330**

**Violation 2**



**Item5GImg1:** Pole ID



**Item5GImg2:** Overall pole



**Item5IA1Img1:** Missing avian protection cover on one side