



Liberty
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Docket # 2021-ARC

July 19, 2024

Patrick Doherty
Program Manager, Compliance Assurance Division
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814

Re: Liberty's Comments on the Office of Energy Infrastructure Safety's Annual Report on Compliance re: Execution of 2021 Wildfire Mitigation Plan

Dear Mr. Doherty:

Liberty hereby provides comments to the Office of Energy Infrastructure Safety's ("Energy Safety") Annual Report on Compliance ("ARC") regarding Liberty's execution of its 2021 Wildfire Mitigation Plan ("WMP") released on June 21, 2024.¹

As Energy Safety noted, Liberty undertook significant efforts in 2021 to reduce its wildfire risk despite the unexpected setbacks from extraneous circumstances caused by the Tamarack and Caldor wildfires.² Yet the conclusion reached by Energy Safety is inconsistent with its finding that "Liberty was moderately successful in executing an actionable and adaptive plan for wildfire risk mitigation."³ As such, Liberty respectfully recommends that Energy Safety revise its report to more accurately record Liberty's significant efforts and successes and to credit Liberty for its timely and effective responses to the Tamarack and Caldor fires in its service territory. Liberty's responses to the Tamarack and Caldor fires are examples of successfully executing an adaptive plan to reduce wildfire risk and its potential consequence. For these reasons, Energy Safety should revise its conclusion to state: "Liberty was successful in executing an actionable and adaptive plan for wildfire risk mitigation."

¹ Pursuant to Public Utilities Code § 8386.3(c)(4), Energy Safety "shall complete its compliance review within 18 months after the submission of the electrical corporation's compliance report." Liberty notes that the Energy Safety 2021 ARC is after the 18-month statutory deadline, increasing the time before Liberty can review the report and incorporate Energy Safety findings into future wildfire mitigation planning.

² 2021 ARC, p.2.

³ 2021 ARC, p.2.



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The Significant Impact of Two Fires in Liberty's Service Territory

Liberty's responses to the Tamarack and Caldor fires in its service territory are the types of emergency response actions that are a significant part of Liberty's Emergency Planning and Preparedness WMP initiatives. Yet Energy Safety's findings fail to acknowledge the significance of Liberty's response to these events when evaluating Liberty's performance.

Liberty's Emergency Planning and Preparedness WMP initiatives include wildfire-specific emergency preparedness activities, which are part of Liberty's holistic emergency preparedness strategy. A utility's preparedness and response to a wildfire is a key component of a WMP. Liberty should not be penalized with a "moderately successful" rating in executing an actionable and adaptive plan for wildfire risk mitigation when, during that time, Liberty was implementing its WMP strategies and successfully navigating through *two* significant wildfires. These wildfires in Liberty's service territory necessitated Liberty to put several of its 2021 WMP initiatives on hold to secure the safety of Liberty's employees and customers and to timely and effectively respond to the wildfires.

In the last half of 2021, Liberty had two fires in its service territory: the Tamarack Fire (first reported July 2021 and fully contained October 2021) and the Caldor Fire (first reported August 2021 and fully contained October 2021).

The Caldor Fire. The Caldor Fire was the third largest and second-most-destructive of the 2021 season in California. The fire burned 221,835 acres. The Caldor Fire threatened the communities of Meyers and South Lake Tahoe, causing evacuations. The evacuation included Liberty's office and yard in South Lake Tahoe. Over 50,000 residents, including many of Liberty's own employees, were displaced at various points during the fire's progression.⁴ The evacuation orders required Liberty to expeditiously remove and relocate its equipment and materials from its South Lake Tahoe office. The air quality index ("AQI") resulting from the fire exceeded levels of 400-500 AQI at various points during the fire's progression. An AQI over 300 is considered hazardous.⁵ [For more information, see attachment: "Liberty Emergency Regulation on Protection from Wildfire Smoke".]

This fire damaged approximately three miles of Liberty's distribution lines, including 20 distribution poles and various other equipment. Liberty incurred \$164,000 in incremental O&M expenses and \$2.289 million in incremental capital expenditures in restoring power, rebuilding its facilities, and complying with governmental agency orders. These costs were incremental and not duplicative of costs already included in rates set forth in its last GRC.

⁴ [Lake Tahoe Residents Fleeing A Massive Fire Wonder What's Next: NPR](#)

⁵ [Caldor Fire Map, Update As Hazardous Air Quality Reported in California - Newsweek](#)



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Source: CBS News, "Satellite video shows the "explosive growth" of the Caldor Fire in California," [Satellite video shows the "explosive growth" of the Caldor Fire in California - CBS News](#)



Firefighters work to protect the Strawberry Station General Store on Hwy. 50 on Saturday, Aug. 28, 2021. Source: SF Gate, "Stunning Footage Emerges from the Caldor Fire as it Nears South Lake Tahoe," [Stunning footage emerges from the Caldor Fire as it nears South Lake Tahoe \(sfgate.com\)](#).



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A snow gun sprays water at the Sierra-at-Tahoe resort during the Caldor Fire on August 30, 2021. Source: SF Gate, "Stunning Footage Emerges from the Caldor Fire as it Nears South Lake Tahoe," [Stunning footage emerges from the Caldor Fire as it nears South Lake Tahoe \(sfgate.com\)](https://www.sfgate.com).

The Tamarack Fire. High winds caused this fire to spread northeast toward Markleeville, which is in Liberty's service territory. The Tamarack Fire resulted in evacuations of numerous communities in Alpine County, including Alpine Village, Markleeville, Mesa Vista and Woodfords. In total, the fire burned 68,637 acres. The fire damaged over 23 miles of Liberty's distribution lines, including 182 distribution poles and various other equipment. Liberty incurred \$126,000 in total incremental O&M expenses and \$9.165 million in incremental capital expenditures in restoring power, rebuilding its facilities, and complying with governmental agency orders. Liberty confirmed such costs were incremental and not duplicative of costs already included in rates set forth in its last General Rate Case ("GRC").



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Source: Wildfiretoday.com, Tamarack Fire as Seen From Tuttle Rock July 17, 2021, [Tamarack Fire as seen from Turtle Rock July 17, 2021 - Wildfire Today](#)



A huge cloud of fire and smoke seen over a house near Markleeville, California as the Tamarack Fire burns on July 16, 2021.
Source: SF Gate, "Highway 395 reopens as Tamarack Fire comes under control," [Highway 395 reopens as Tamarack Fire comes under control \(sfgate.com\)](#)



A spot fire from the Tamarack Fire in Nevada and California crossed Highway 395 Thursday and grew rapidly on July 22, 2021. Source: SF Gate, "Highway 395 reopens as Tamarack Fire comes under control," [Highway 395 reopens as Tamarack Fire comes under control \(sfgate.com\)](https://www.sfgate.com/news/article/Highway-395-reopens-as-Tamarack-Fire-comes-under-control-14677773.html)

Liberty's Actions in Response to the Fires. The Caldor and Tamarack fires that ravaged Liberty's service territory required Liberty to shift some of its focus and resources from WMP targets in 2021 to secure the health and safety of its customers and employees. With limited resources (as Liberty's office was closed and many of Liberty's employees displaced from their homes due to the mandatory evacuation orders), Liberty continued to work tirelessly to restore power and replace damaged infrastructure as quickly as possible. To be clear, Liberty shifted its resources from WMP initiative targets to emergency responses to two actual live wildfires.

Liberty's Completion of 2021 WMP Initiative Targets

Liberty Replaced 386 Poles in 2021. In the ARC, Energy Safety notes that Liberty completed 53% of its targeted pole replacements in 2021 (211 of 400 poles). This is inaccurate. As reported in its 2021 WMP Annual Report on Compliance, in 2021, Liberty replaced 386 poles, including 175 poles that were expediently replaced as part of Liberty's emergency responses to the Tamarack and Caldor fires.⁶ Energy Safety should note and credit these pole replacements in its assessment of Liberty's efforts to meet its targets. This pole replacement work was within the context of Liberty's WMP efforts even if it was not in the original WMP pole replacement initiative. Otherwise, Energy Safety's finding will have an adverse effect in the electric industry as it signals that utilities should prioritize planned WMP pole replacements over emergency response pole replacements (*i.e.*, fire damage, storm damage) in order to meet targets.

⁶ Liberty 2021 Wildfire Mitigation Plan Annual Report on Compliance, April 4, 2022, p.4.



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Liberty Has Advanced its WMP Initiative Tracking and Reporting. Liberty has made significant efforts in the last two years to identify and document its work within the context of Energy Safety WMP guidelines, requirements, and initiative categorization. In doing so, Liberty has made vast improvements in how it identifies, tracks, and reports both existing work prior to WMP planning and new WMP initiatives. As described in its WMPs, Liberty has improved its data consistency and efficiencies internally and for the WMP reporting process through the implementation and use of a large-scale system and software upgrades (*i.e.*, GIS, SAP).

Outcome Metrics Used by Energy Safety May Not Accurately Reflect WMP Compliance

Energy Safety notes that it accounts for many factors in its assessment of WMP compliance, including “wildfire risk reduction, including the performance of the electrical corporation’s infrastructure relative to its wildfire risk, as measured by changes in the occurrence of events that correlate to wildfire risk.”⁷ The outcome-based metrics used by Energy Safety do not accurately reflect Liberty’s overall compliance with its WMP, as the metrics are often influenced by factors outside of Liberty’s control, including weather conditions and fuel moisture.

Closing Remark

Liberty places tremendous importance on the quality of its service and the safety of the public and its employees. As such, Liberty values Energy Safety’s assessment and comments. Energy Safety’s evaluation would be even more effective if based on complete and accurate data, and thus Liberty provides Energy Safety this supplemental information. Please let me know if you have any questions or require additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Parrillo".

Jordan Parrillo
Manager, Regulatory Affairs
Liberty

Attachment 1: Liberty Emergency Regulation on Protection from Wildfire Smoke

⁷ 2021 ARC, p.5.



Attachment 1: Liberty Emergency Regulation on Protection from Wildfire Smoke

The following provides the North and South Lake Tahoe sites with additional guidance for the use of filtering face piece requirements in light of the ongoing COVID-19 pandemic, as well as work in areas affected by smoke from nearby wildfires.

1 Basic Guidelines

- In order to comply with CAL-OSHA Regulation 5141.1 for Protection from Wildfire Smoke, it is a requirement to reduce workers exposure to wildfire smoke by doing the following:
 - Where the current AQI for PM2.5 is from **151 to 500**, employers must provide NIOSH- approved particulate respirators, such as N95 masks, to all employees for **voluntary use**.
 - Where the current AQI for PM2.5 is **higher than 500**, employers must provide and **require** employees to use NIOSH-approved particulate respirators that will reduce employee exposure to PM2.5 to an equivalent of an AQI less than 151.
- Liberty provides NIOSH: The National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention- approved particulate respirators, such as N95 filtering face piece respirators. Contact your Supervisor/Manager or EHS for replacement PPE as needed.
- Liberty uses the Current Air Quality Index (AQI). The method used by the U.S. Environmental Protection Agency (U.S. EPA) to report air quality on a real-time basis to determine employee exposure to wildfire smoke (airnow.gov).
- Liberty will adhere to the procedures below depending on the following AQI ranges:
 - **0-150** – Normal work, no restrictions.
 - **151-200** – Normal work can continue, N95 masks are recommended.
 - **200-500** – Work restrictions follow inclement procedures. Urgent and/or emergency work only. N95 masks are highly recommended.
 - **> 500** – Work restrictions follow inclement procedures. Urgent and/or emergency work only. **N95 mask required**.
- Liberty encourages you to contact your supervisor/Manager or EHS if there is worsening of air quality and any adverse symptoms that may be the result of wildfire smoke exposure such as asthma attacks, difficulty breathing, and chest pain.



2 Respirator Use

- In order to utilize an N95 respirator:
 - Each employee must read, understand and sign the OSHA 1910.134 Appendix D
 - Be fit tested
 - Be trained in the respirators uses, limitations, inspection and care/storage.
- Do not alter, repair, wash, and abuse or misuse the respirator.
- Follow proper PPE donning and doffing techniques.
- Do not use respirators with beards or other facial hair or conditions that prevent a good seal between the face and the sealing edge of the respirator.
- Discard any respirator that is obviously damaged, becomes hard to breathe through, or after a maximum of 8 hours of continuous or intermittent use.

3 Visual Inspection Before and After Use:

- Always conduct an inspection of your respirator prior to use - examine all the respirator parts for signs of damage including the two straps, nose clip, nose foam and staples, etc. and perform a seal check.
 - Check strap integrity
 - Check for respirator for tears or cuts
 - Check for deformities
- Discard any respirator that is obviously damaged or becomes hard to breathe through.

4 Care and Storage

- Store in a manner that protects against damage and contamination (resealable storage bag).
- Store in a manner that protects the respirator against distortion or damage.