



August 28, 2024

Paul Marconi
President, Treasurer & Secretary
Bear Valley Electric Service, Inc
42020 Garstin Dr
Big Bear Lake, CA 92315

NOTICE OF VIOLATION

Mr. Marconi:

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 Bear Valley Electric Service, Inc. (BVES) in accordance with its 2024 Wildfire Mitigation Plan (WMP) and determined the existence of a violation. Energy Safety therefore issues BVES 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 August 6, 2024, Energy Safety conducted an inspection of BVES's WMP initiatives in the vicinity of the city of Sugarloaf, California. The inspection report is enclosed herewith. Energy Safety found the following violation:

Violation 1. Energy Safety observed that in implementing 2024 WMP initiative 8.2.3.3- Clearance (VM-9), BVES failed to adhere to its protocol of maintaining vegetation clearance along distribution lines near pole ID P_9919 at coordinates 34.2423475941069, -116.837331151718. Energy Safety considers this violation for adherence to protocol to be in the "Moderate" risk category.

Response Options

In accordance with Energy Safety Guidelines,² within 30 days from the issuance of this NOV, BVES must provide a response informing Energy Safety of corrective actions taken or planned to remedy the above identified violation and prevent recurrence. Alternatively, should BVES disagree with the NOV, BVES must submit to Energy Safety a response stating it disagrees with the violation, the reason or justification for the disagreement

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

² Energy Safety Compliance Guidelines, pp 6-7

and all supporting documentation.³ This response shall be filed in the Energy Safety e-Filing system under the 2024 NOV Docket⁴ and the associated file name(s) must begin with the NOV identification number provided above.

BVES may also request an informal conference with Energy Safety's Environmental Science Division for the purpose of disputing any issues raised in this NOV no later than five (5) business days before the 30-day response deadline.⁵ Requests for informal conference with Energy Safety must be e-mailed to environmentalscience@energysafety.ca.gov, with a copy sent to Elizabeth.McAlpine@energysafety.ca.gov. Pursuant to Government Code section 15475.4, if BVES 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.

Pursuant to Public Utilities Code section 8389(g), Energy Safety may refer this matter to the California Public Utilities Commission for consideration of potential enforcement action.

Sincerely,



Sheryl Bilbrey
Program Manager | Environmental Science Division
Office of Energy Infrastructure Safety
Sheryl.Bilbrey@energysafety.ca.gov

Cc:

Tom Tzu-Tong Chou
Tom.Chou@bvesinc.com

Jarred Hennen
Wildfire Mitigation and Reliability Engineer
Jared.Hennen@bvesinc.com

³ Energy Safety Compliance Guidelines, pp. 6-7

⁴ <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2024%20NOV>

⁵ Energy Safety Compliance Guidelines, p. 6



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 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:	Bear Valley Electric Service, Inc. (BVES)
Report Number:	NOV ESD_BVES_GCA_20240806_1158
Inspector:	Gary Candelas
WMP Year Inspected:	2024
Quarterly Data Report (QDR) Referenced:	Quarter 1 (Q1)
Inspection Selection:	Energy Safety inspected the locations based on BVES's Q1 QDR.
Relevant WMP Initiative(s):	8.2.3.3- Clearance (VM-9)
Date of inspection:	August 6, 2024
City and/or County of Inspection:	Sugarloaf, California
Inspection Purpose:	Assess the accuracy of BVES's QDR data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

Table 3: WMP Inspection Violation(s)

Violation #	Structure ID	VM P ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Violation Description
Violation 1	Near pole P_9919	I-12	34.2423475941069, -116.837331151718	Tier 2	Enhanced Vegetation Management Program	Adherence to Protocol	Moderate	Failure to achieve required clearance along distribution lines.

Inspection Details

Violation 1:

Relevant Requirement:

BVES's WMP states the following regarding initiative number 8.2.3.3 - Clearance (VM-09): "Radial Clearances: Vegetation that is within the minimum 72-inch safe clearance distance will be trimmed to at least 12 feet in accordance with Appendix E Guidelines to Rule 35 of GO-95. Considering vegetation species and growth rates and characteristics, BVES's contractor will even trim beyond 12 feet if necessary to help to ensure that the vegetation remains outside the minimum 72-inch safe clearance distance for the entire length of the vegetation management program cycle (3-years)."⁷

Finding:

BVES reported that work for clearing program (VM-09 WMP initiative number 8.2.3.3) in this area had been completed. BVES's Q1 QDR data indicated that the trees along the primary conductor span were trimmed in March 2024. At 0.2 span north from pole P_9919, near GPS coordinates 34.2423475941069, -116.837331151718, the inspector observed that an oak tree was growing directly under the conductors and had branches that were within the 72-inch (6 feet) clearance distance required by BVES's WMP. The inspector measured both the tree height and conductor height at the insulator on the pole with Nikon Forestry Pro II laser rangefinder. The oak tree measured 339.6 inches (28.3 feet) in height to the tallest branch, and the conductor height at the insulator measured 354 inches (29.5 feet). The difference between the highest branch and the conductor was no more than 14.4 inches (1.2 feet), which conflicted with the 72-inch (6 feet) maintenance requirement stated in BVES's WMP. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item1IG1Img1, Item1IA1Img1, Item1IA1Img2, Item1IA1Img3 depicts the tree branches that were within 72 inches of the conductors.

Energy Safety concludes that Violation 1 is "Moderate" because the vegetation encroaching into the minimum clearance requirements may contact the conductor before BVES next inspects and trims or removes the tree.



⁷ Bear Valley 2023 WMP Update, "Bear Valley Electric Service 2023-2025 Wildfire Mitigation Plan," November 16, 2023. p 205. [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55979&shareable=true>

Exhibits

Exhibit A: Photo Log

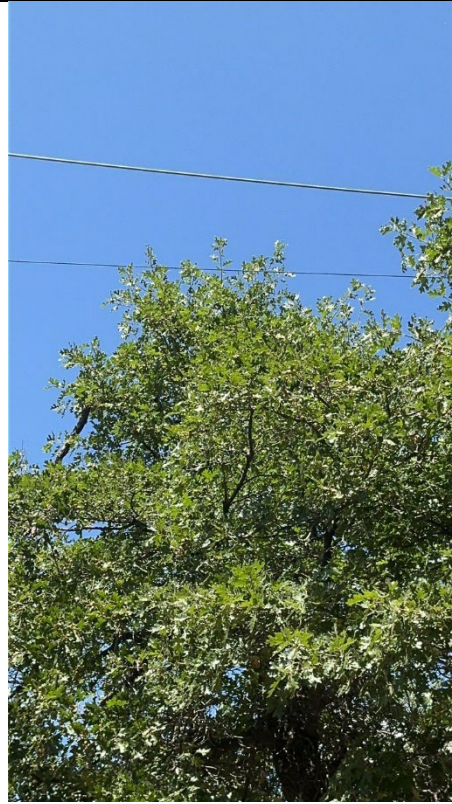
Structure ID: P_9919

Violation 1

	
<p>Item1Gimg1: Image of pole P_9919 from Inyo Avenue as reference point.</p>	<p>Item1IA1img1: View from pole looking north to oak tree branches within 72 inches of the conductor. Oak tree shows evidence of previous trimming for utility vegetation management.</p>



Item1IA1img2: Zoomed in image of oak tree branches of concern within 72 inches of the conductor. Inspector took the image 341.3 degrees north of the conductor.



Item1IA1img3: View of oak tree branches at 0.2 span looking west from Inyo Avenue at the base of the tree looking up. Secondary line and western covered conductor shown. Inspector took the image 266.9 degrees west of the conductor.