



October 31, 2024

Dan Marsh
Senior Manager, Rates and Regulatory Affairs
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 in accordance with its 2024 Wildfire Mitigation Plan (WMP) and determined the existence of a violation. Energy Safety therefore issues Liberty 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 8, 2024, Energy Safety conducted an inspection of Liberty's WMP initiatives in the vicinity of the city of Kings Beach. 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, Liberty failed to achieve completeness of clearance work near pole ID286848 at coordinates 39.242530, -120.023469. Energy Safety considers this violation for completeness to be in the "Minor" risk category.

Response Options

In accordance with Energy Safety Guidelines,² within 30 days from the issuance of this NOV, Liberty must provide a response informing Energy Safety of corrective actions taken or planned to remedy the above identified violation and prevent recurrence. Alternatively, should Liberty disagree with the NOV, Liberty must submit to Energy Safety a response stating it disagrees with the violation, the reason or justification for the disagreement and all supporting documentation.³ This response shall be filed in the Energy Safety e-Filing

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

² Energy Safety Compliance Guidelines, pp 4-5

³ Energy Safety Compliance Guidelines, pp. 4-5

system under the 2024 NOV Docket⁴ and the associated file name(s) must begin with the NOV identification number provided above.

Liberty 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 Liberty 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 an enforcement action.

Sincerely,



Sheryl Bilbrey
Program Manager | Environmental Science Division
Office of Energy Infrastructure Safety
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Cc:

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

⁵ Energy Safety Compliance Guidelines, p. 4



INSPECTION REPORT

Overview

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), 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.

Energy Safety has designated this violation as minor risk. SDG&E must correct violation pursuant to the timeline provided in Table 1.⁶

Table 1. Risk Category and Correction Timelines

Risk Category	Violation 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. 3



Inspection Summary

The inspection location and WMP initiative summary is included in Table 2. The WMP inspection violation is included in Table 3.

Table 2: Inspection Location and WMP Initiative Summary

Electrical Corporation:	Liberty Utilities
Report Number:	NOV ESD_LU_KJO_20241008_0823
Inspector:	Kelsea Jones
WMP Year Inspected:	2024
Quarterly Data Report (QDR) Referenced:	Quarter 2 (Q2)
Inspection Selection:	Energy Safety inspected the locations based on Liberty’s Q2 QDR.
Relevant WMP Initiative(s):	8.2.3.3 Clearance (WMP-VM-VFM-05)
Date of inspection:	October 8, 2024
City and/or County of Inspection:	Kings Beach, California
Inspection Purpose:	Assess the accuracy of Liberty’s QDR data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

Table 3: WMP Inspection Violation

Violation #	Structure ID	VMP ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Correction Timeline	Violation Description
Violation 1	Near Pole 286848	KBH4 202_1	39.242530, -120.023469	Tier 2	8.2.3.3-Clearance	Completeness	Minor	12 months	Failure to achieve "Maintenance Clearance Distance" as described in Liberty's WMP.

Inspection Findings

Violation:

Relevant Requirement:

Liberty's WMP states the following regarding initiative number 8.2.3.3 Clearance: "Clearances for Lines and Equipment Operating at 12kV to 25kV: The following clearances are to be achieved during VM work for these distribution voltage classes:

- Slow and medium growth potential – 12 feet
- Fast growth potential – 15 feet
- Removal of overhanging limbs that can contact facilities due to structural characteristics or due to snow/ice loading conditions."⁷

Finding:

Liberty's Q2 QDR reported that work to achieve a 12-foot radial clearance distance (WMP-VM-VFM-05 initiative number 8.2.3.3) for trees along this span was completed in May 2024. At 0.1 span north of pole ID 286848 (in front of 8465 Cutthroat Avenue in Kings Beach), near GPS coordinates 39.242530, -120.023469, the inspector observed a Jeffrey pine (*Pinus jeffreyi*) with limbs within 12 feet of conductors. The inspector measured the distance between the pine and the conductor with a Nikon Forestry Pro II laser rangefinder. One limb overhanging above the lines measured approximately 6.5 feet away from the covered conductors. The inspector observed clearance work along this span, including at the subject tree. However, this pine was not trimmed enough to achieve the "Maintenance Clearance Distance" as outlined in the WMP. The inspector's observations are documented in Violation 1 photographs, which are exhibits to this report. Photo numbers Item1IA1Img1, Item1IA1Img2, Item1IA1Img3 shows the limb violating maintenance clearance distances.

Energy Safety concludes that Violation 1 is "Minor" because the vegetation may contact the covered conductor during snow/ice loading conditions and cross phase before Liberty next inspects and trims the span, but limbs closer to the conductors were removed in this vegetation management cycle.

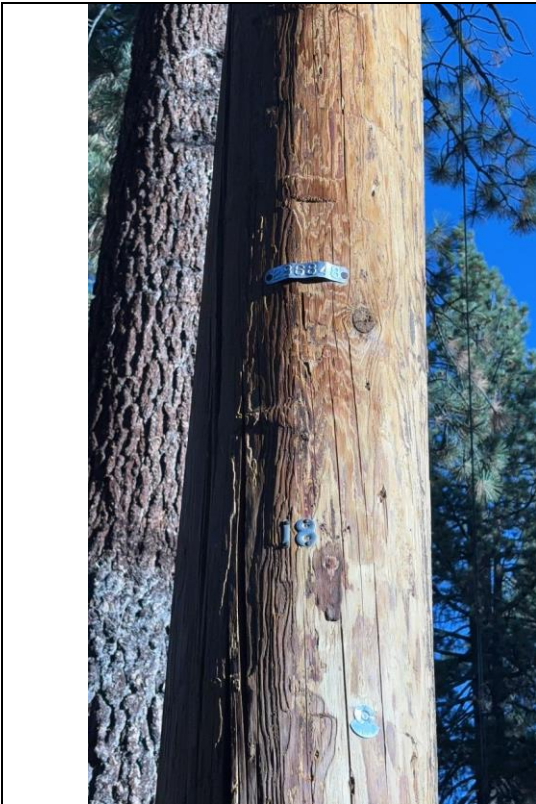
⁷ Liberty's 2023-2025 WMP (Rev. #3.1, Jul. 26, 2024), p. 228
(<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=57090&shareable=true>, accessed Oct. 16, 2024).

Exhibits

Exhibit A: Photo Log

Structure ID: 286848

Violation 1



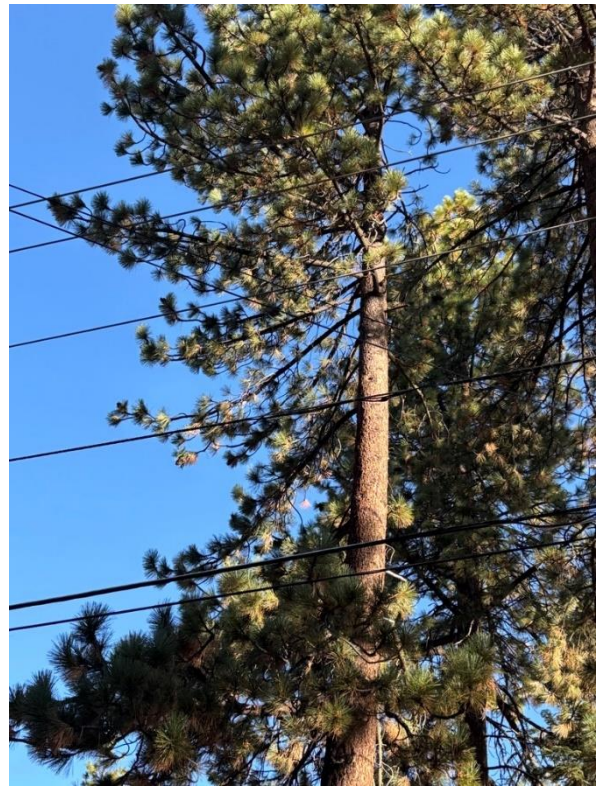
Item1G1mg1: Pole ID



Item1IA1mg1: View of Jeffrey pine with limb that could contact both conductors and cause arcing between the two phases. Evidence of previous vegetation work, including limb removal on the subject tree. Photograph taken from Cutthroat Avenue facing west. Tree is north of pole 286848. Zoomed.



Item1IA1mg2: Photograph taken from Cutthroat Avenue facing west. Tree is north of pole 286848. Zoomed.



Item1IA1mg3: Jeffrey pine with limb 6.5 feet away from the covered conductors. Photograph taken from Cutthroat Avenue facing north. Zoomed.