



October 31, 2024

Allen Berreth
Vice President of Transmission & Distribution Operations
PacifiCorp
1700 NE Multnomah, Suite 2000
Portland, OR 97232

NOTICE OF VIOLATION

Mr. Berreth:

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 PacifiCorp in accordance with its 2024 Wildfire Mitigation Plan (WMP) and determined the existence of one or more violations. Energy Safety therefore issues PacifiCorp a Notice of Violation (NOV), identifying noncompliance with an approved WMP or any law, regulation, or guideline within the authority of the Office.¹

During the week of September 9th, 2024, Energy Safety conducted inspections of PacifiCorp's WMP initiatives in the vicinity of the cities of Dunsmuir and Weed, California. The inspection report is enclosed herewith. Energy Safety found the following violation(s):

Violation 1. Energy Safety observed that in implementing 2024 WMP Initiative 8.2.2.1 Detailed Inspections and Management Practices around Distribution Electrical Lines and Equipment (VM – 01), PacifiCorp failed to adhere to WMP Initiative 8.2.3.1.1 Wood and Slash Management protocol near pole ID 247140, at coordinates 41.2185600599993, -122.27200591999792. Energy Safety considers this violation to be in the "Minor" risk category.

Violation 2. Energy Safety observed that in implementing 2024 WMP initiative 8.2.2.3 Patrol Inspections of Vegetation around Distribution Electric Lines and Equipment (VM -03), PacifiCorp failed to adhere to its 8.2.3.2 Clearance protocol in achieving the required clearance near pole ID 038701, at coordinates 41.43164017, -122.40271051. Energy Safety considers this violation to be in the "Minor" risk category.

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

Response Options

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

PacifiCorp may also request an informal conference with Energy Safety's Environmental Science Division for the purpose of disputing any issues raised in these NOVs 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 PacifiCorp 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
Sheryl.Bilbrey@energysafety.ca.gov

Cc:

californiadockets@pacificorp.com

Pooja Kishore, PacifiCorp

pooja.kishore@pacificorp.com

Josh Hooley

Josh.Hooley@pacificorp.com

Tim Clark, PacifiCorp

tim.clark@pacificorp.com

² Energy Safety Compliance Guidelines, pp. 4-5

³ Energy Safety Compliance Guidelines, pp. 4-5

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

⁵ Energy Safety Compliance Guidelines, p.4

Johnathan Moulton, PacifiCorp
Jonathan.moulton@pacificorp.com

Bruce Dao, PacifiCorp
Bruce.Dao@pacificorp.com

Melissa Swenson, PacifiCorp
Melissa.Swenson@pacificorp.com

Babak Asgharian
Babak.asgharian@pacificorp.com

Brian King
Brian.King@pacificorp.com



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 these violations as minor risks. PacifiCorp must correct the 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:	PacifiCorp
Report Number:	NOV ESD_PC_CAC23_20240912_0738
Inspector:	CAC23
WMP Year Inspected:	2024
Data Request Referenced	Data Request 258
Inspection Selection:	Energy Safety inspected the locations based on PacifiCorp's response to DR 258
Relevant WMP Initiative(s):	8.2.2.1 Detailed Inspections and Management Practices around Distribution Electrical Lines and Equipment, 8.2.2.3 Patrol Inspections of Vegetation around Distribution, 8.2.3.2 Clearance, 8.2.3.1.1 Wood and Slash Management
Dates of inspections:	September 10 - 12, 2024
City and/or County of Inspection:	Siskiyou County
Inspection Purpose:	Assess the accuracy of PacifiCorp's DR 258 data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

Table 3: WMP Inspection Violation(s)

Violation #	Structure ID	Record ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Correction Timeline	Violation Description
Violation 1	247140	ESD_PC_CAC23_20240912_0738	41.2185600599993, -122.27200591999792	Tier 3	8.2.3.1.1 Wood and Slash Management	Adherence to Protocol	Minor	12 Months	Failure to manage slash.
Violation 2	038701	ESD_PC_CAC23_20240910_1428	41.43164017, -122.40271051	Tier 2	8.2.2.3 Patrol Inspections of Vegetation around Distribution Electric Lines and Equipment	Adherence to Protocol	Minor	12 Months	Failure to achieve required clearance.

Inspection Findings

Violation 1:

Relevant Requirements:

PacifiCorp's WMP states the following regarding initiative number 8.2.3.1.1 Wood and Slash Management: "Pacific Power does not have a separate wood and slash management program or initiative beyond the management practices as identified in its Vegetation SOP...Pacific Power manages slash in developed areas by chipping or removing (recycles where practicable) it where accessible, unless the property owner indicates otherwise."⁷

This requirement is consistent with the Vegetation SOP to which the WMP refers.⁸ In section 2.8, the SOP requires "Tree stems and tree limbs greater than six-inches in diameter should be left on site. Other materials require disposal."⁹

Finding:

PacifiCorp reported that it had completed work for the vegetation clearance program (VM-01 WMP initiative number 8.2.2.1). PacifiCorp's DR 258 indicated that a cedar (*Calocedrus spp.*), an oak (*Quercus spp.*), and two maple (*Acer spp.*) trees along the primary conductor span were trimmed in June 2024. Near pole ID 247140 and GPS coordinates 41.2185600599993, -122.27200591999792, the inspector observed slash left from the vegetation management activities. The inspector's observations are documented in Violation 1 photographs, which are exhibits to this report. Photo numbers Item1GImg1, Item1GImg2, Item1GImg3, and Item1GImg4 depict the inspector's observations as well as slash from vegetation management activities at the location.

Energy Safety concludes that Violation 1 is "Minor" because the presence of slash in the form of dry fuels does not immediately create conditions conducive to fire ignition, however it might not be removed before PacifiCorp next inspects the area.

⁷ [PacifiCorp's 2023-2025 WMP](#) (Rev. #2, Feb. 22, 2024), p. 200 (<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56336&shareable=true>, accessed October 28, 2024).

⁸ PacifiCorp representatives confirmed through email that the 2019 version of the Vegetation SOP is the most current applicable version and should be referenced in connection to any WMP initiative language.

⁹ PacifiCorp's 2019 Vegetation Standard Operating Procedure, p. 16

Violation 2:

Relevant Requirement:

PacifiCorp's WMP states the following regarding initiative number 8.2.2.3 - Patrol Inspections of Vegetation Around Distribution Electric Lines and Equipment: "Patrol inspections are designed to identify vegetation conditions for correction that are inconsistent with distribution specifications in the company's Vegetation SOP. Correcting these conditions, which is discussed in Section 8.2.3.2 minimizes safety and reliability risks posed by trees and other incompatible vegetation that could encroach upon or grow near power lines."¹⁰

WMP Initiative number 8.2.3.2 – Clearance states the following: "Pacific Power has adopted expanded post-work minimum clearance distances, of at least 12 feet for all distribution lines...."¹¹

Finding:

PacifiCorp reported that work had been completed for the vegetation clearance program (VM-03 WMP initiative number 8.2.2.3). PacifiCorp's DR 258 indicated that eight Black cottonwood (*Populus trichocarpa*) and two fruit trees along the primary covered conductor span were trimmed in May 2024.

At a location 0.5 span west of pole ID 038701, near GPS coordinates 41.43164017, -122.40271051, the inspector observed that one of the Black cottonwood (*P. trichocarpa*) trees was two feet directly under the covered conductor. PacifiCorp's WMP does not distinguish vegetation clearance distances between covered and bare conductor. The inspector utilized a Nikon Forestry Pro II to measure this distance.

Given the time between reported work and inspections (approximately four months), Energy Safety has determined that it is unlikely that the tree was trimmed to the initiative protocol requirements of 12 feet at the time of work. Additionally, given the fast growth rate of this species under the conductor, the tree may contact the conductor before the next patrol inspection for distribution lines. These observations are documented in the photographs in Exhibit B to this report.

Energy Safety concludes that Violation 2 is "Minor" because the vegetation encroaching into the minimum clearance requirements may contact the covered conductor before PacifiCorp next inspects and trims or removes the trees.

¹⁰ [PacifiCorp's 2023-2025 WMP](https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56336&shareable=true) (Rev. #2, Feb. 22, 2024), p. 195-196
(<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56336&shareable=true>, accessed October 28, 2024).

¹¹ [PacifiCorp's 2023-2025 WMP](https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56336&shareable=true) (Rev. #2, Feb. 22, 2024), p. 202
(<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56336&shareable=true>, accessed October 28, 2024).

Exhibits

Exhibit A: Photo Log

Structure ID: 247140

Violation 1, photos taken on September 12, 2024





	
Item1GImg1: Pole ID	Item1GImg2: View of slash near vegetation management activities.
	
Item1GImg3: View of slash left on site.	Item1Img4: Secondary view of slash left on site.

Exhibit B: Photo Log

Structure ID: 038701

Violation 2, photos taken on September 10, 2024



Item2Img1: Pole ID 038701



Item2Img2: View facing northeast



Item2Img3: View of vegetation two feet under the conductor facing north

Exhibit C: PacifiCorp 2019 Vegetation Standard Operating Procedure



**Transmission & Distribution
Vegetation Management Program
Standard Operating Procedures**



Mission Statement:

Manage trees and vegetation around PacifiCorp's transmission and distribution facilities in a professional, cost effective and environmentally conscientious manner to provide safe, reliable and outstanding service to our customers.

Approval: Chris Spencer, Managing Director, T&D Support Services Date: 08/19/2019

remote locations, and contractors may use mechanical cutting only upon specific written instruction from PacifiCorp. When mechanical cutting is employed, cuts should be made close to the main stem, outside of the Branch Bark Ridge and branch collar. Precautions are taken to avoid stripping or tearing of bark or excessive wounding.

2.8 Slash Disposal

Tree stems and tree limbs greater than six-inches in diameter should be left on site. Other materials require disposal. “**Slash**” is brush, and tree limbs or shrubs less than six inches in diameter, removed during tree operations. At the end of the work day or upon leaving a particular worksite all Slash must be brought to ground and no severed limbs are to be left in the tree canopy (hangers). Work locations shall be left in a safe and orderly condition.

Developed Areas. In developed areas, Slash should be chipped and removed from the site unless an agreement has been reached with the property owner to leave it. Slash may be left temporarily, provided the crew has notified the property owner or tenant, and arrangements made to clean it up to the property owner’s reasonable satisfaction within two business days.

Rural Areas. In rural, off-road areas, Slash can be disposed of on-site. All Slash should be lopped into maximum lengths of three feet and scattered in piles no more than two-feet high. Limbs greater than six-inches in diameter and brush should be piled separately. Piles should be made at the sides of distribution rights-of-way and outside the wire zone of transmission rights-of-way, unless specified otherwise by the regional Forester. If brush is chipped, it may be broadcast on site, provided that resulting chip piles are no higher than two-feet. Debris piles should not limit or block access to the right-of-way or create fire risk.

2.9 Emergency Response

Tree work will be required from time to time on emergency storm restoration. Crews shall be properly equipped to perform the work. PacifiCorp will be the sole determiner of equipment appropriateness. Travel and lodging during the storm is billable. Double occupancy is expected for crew members.

Contractor should provide a designated contact person for each region. Requests for crews should be routed through that contact. Contractor shall be responsible for dispatching crews whenever emergency restoration services are needed.

Crew rosters shall be provided by the contractor and maintained during restoration efforts. At a minimum, rosters shall include: crew member names and position, location, contact information, equipment and identification number.

Debris from storm work is left on site and not chipped or cleaned up, so chippers should not be taken into the field during restoration work. Notification is not required during emergency restoration work, but crews should conduct themselves respectfully.

5.2.1 Specified Vegetation Clearance Distances – Primary

Each work cycle, trees and other vegetation are cleared to a specified clearance distance from conductors, as set forth in Tables 5.1 and 5.2. Specified clearance distances are absolute minimums which dictate when pruning work must be performed. Because of the application of natural target pruning techniques described in Section 3.2.1, the actual distances achieved after work is performed will almost always exceed the distances specified. Specified vegetation clearance distances from primary conductors in the distribution system are designed to allow sufficient space to prevent any contact with primary conductors throughout the entire pruning cycle. Any trees or vegetation identified within the specified clearance distance to a primary distribution conductor must be pruned (if not otherwise removed). Neutral conductors in a raised (primary) position are treated as primary conductors for purposes of this section.

Table 5.1. Normal primary specified vegetation clearance distances.

	Three-year Cycle			Four-year Cycle		
	Slow Growing (< 1ft./yr.)	Moderate Growing (1-3 ft./yr.)	Fast Growing (>3ft./yr.)	Slow Growing (< 1ft./yr.)	Moderate Growing (1-3 ft./yr.)	Fast Growing (>3ft./yr.)
Side Clearance	8 ft.	10 ft.	12 ft.	8 ft.	10 ft.	14 ft.
Under Clearance	10 ft.	12 ft.	14 ft.	10 ft.	14 ft.	16 ft.
Overhang Clearance	12 ft.	12 ft.	12 ft.	12 ft.	14 ft.	14 ft.

Table 5.2. Primary specified vegetation clearance distances for work in California and areas of elevated risk, as specifically designated on a particular Release or Scope of Work.

	Slow Growing (< 1ft./yr.)	Moderate Growing (1-3 ft./yr.)	Fast Growing (>3ft./yr.)
Side Clearance	12 ft.	12 ft.	14 ft.
Under Clearance	12 ft.	14 ft.	16 ft.
Overhang Clearance	12 ft.	14 ft.	14 ft.