



December 24, 2024

Dan Marsh
Senior Manager, Rates and Regulatory Affairs
Liberty Utilities
701 National Ave
Tahoe Vista, CA 96148

NOTICE OF VIOLATION

Mr. 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 Utilities (LU) in accordance with its 2024 Wildfire Mitigation Plan (WMP) and determined the existence of a violation. Energy Safety therefore issues LU 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 16, 2024, Energy Safety conducted an inspection of LU's WMP initiatives in the vicinity of the city of South Lake Tahoe, 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 8.1.2.3 - Distribution Pole Replacements, LU failed to provide accurate data in reporting distribution work completed on transmission Pole ID 296943, Grid Hardening ID c08ef8ff-b904-4b2c-9b7a-f5ec4d02185e, at coordinates 38.891428, -119.958043.

Violation 2. Energy Safety observed that in implementing 2023 WMP initiative 8.1.2.3 - Distribution Pole Replacements, LU failed to provide accurate data in reporting distribution work completed on transmission Pole ID 296938, Grid Hardening ID 3e844e3d-4274-4b58-b89f-4d9b01e6d81f, at coordinates 38.885092, -119.970193.

¹ 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.² 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 violations 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.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.

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.⁵ Requests for informal conference with Energy Safety must be e-mailed to 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
Patrick.Doherty@energysafety.ca.gov

Cc:

Peter Stoltman, LU

² Energy Safety Compliance Guidelines, pp. 3

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

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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 1.⁶

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 Tiers 2 or 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

Table 2 provides a summary of the selection of the WMP inspection location and initiative. Table 3 provides a summary of the violations found during the inspection. Details regarding the inspection that identified the violations are provided in the Inspections Details Section below.

Table 2: Inspection Location and Initiative Summary

Electrical Corporation:	Liberty Utilities
Report Number:	CAD_LU_CAC17_20241016_0916
Inspector:	CAC17
WMP Year Inspected:	2024
Quarterly Data Report (QDR) Referenced:	Quarter 2 (Q2)
Inspection Selection:	Energy Safety viewed the contents of the 2024 Q2 QDR and performed an analysis that resulted in the selection of the WMP initiatives and locations referenced in this report.
Relevant WMP Initiative:	8.1.2.3 Distribution Pole Replacements
Date of inspection:	October 16, 2024
City and County of Inspection:	South Lake Tahoe, El Dorado County
Inspection Purpose:	Assess the accuracy of Liberty Utilities’ QDR data, completeness of its work, compliance with WMP requirements, and compliance with its protocols.

Table 3: WMP Inspection Violation(s)

Violation #	Structure ID	Grid Hardening ID	Lat/Long	HFTD	Initiative Number	Violation Type	Severity	Violation Description
Violation 1	296943	c08ef8ff-b904-4b2c-9b7a-f5ec4d02185e	38.891428, -119.958043	Tier 3	8.1.2.3 Distribution Pole Replacements	Data Accuracy	N/A	Incorrect data provided on transmission H-structure reported as distribution pole.
Violation 2	296938	3e844e3d-4274-4b58-b89f-4d9b01e6d81f	38.885092, -119.970193	Tier 3	8.1.2.3 Distribution Pole Replacements	Data Accuracy	N/A	Incorrect data provided on transmission H-structure reported as distribution pole.

Inspection Details

Violation 1:

Relevant Requirement:

LU's WMP states the following regarding initiative number 8.1.2.3 Distribution Pole Replacements:

1. "Liberty replaces and repairs poles to minimize the risk of system faults due to structural failure. Poles are replaced or repaired based on findings during inspections. At a minimum, inspections are conducted in accordance with G.O. 165."⁷

Version 3.1 of Energy Safety's Data Guidelines states the following with respect to data submitted by an electrical corporation when reporting on its 2023 WMP initiatives:

2. "Electrical corporations must ensure location accuracy in their [geographic information system] data submissions..."⁸

Finding:

On Pole ID 296943, Grid Hardening ID c08ef8ff-b904-4b2c-9b7a-f5ec4d02185e, near the Meyers substation, South Lake Tahoe, CA, USA (or approximately 2,500 feet due south from 2039 High Meadow Trail, South Lake Tahoe, CA, USA), 38.891428, -119.958043, the inspector observed a transmission-only H-structure where Distribution Pole Replacements initiative work was reported. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item1IA1Img1, Item1IA1Img2, Item1IA1Img3, and Item1IA1Img4 depict a 120 kV transmission H-structure with no distribution lines.

Energy Safety concludes that:

1. Liberty Utilities' 2023 WMP Distribution Pole Replacements work was reported as complete at this location.
2. No distribution pole was present.

⁷ Liberty Utilities, "Liberty 2023 Wildfire Mitigation Plan," October 6, 2023, p. 164. [Online]. Available:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>

⁸ Office of Energy Infrastructure Safety, "Data Guidelines, Version 3.1," February 17, 2023, p. 10. [Online]. Available:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=53475&shareable=true>

Violation 2

Relevant Requirement:

LU's WMP states the following regarding initiative number 8.1.2.3 Distribution Pole Replacements:

1. "Liberty replaces and repairs poles to minimize the risk of system faults due to structural failure. Poles are replaced or repaired based on findings during inspections. At a minimum, inspections are conducted in accordance with G.O. 165."⁹

Version 3.1 of Energy Safety's Data Guidelines states the following with respect to data submitted by an electrical corporation when reporting on its 2023 WMP initiatives:

2. "Electrical corporations must ensure location accuracy in their [geographic information system] data submissions..."¹⁰

Finding:

On Pole ID 296938, Grid Hardening ID 3e844e3d-4274-4b58-b89f-4d9b01e6d81f, near the Meyers substation, South Lake Tahoe, CA, USA (or approximately 2,200 feet due southeast of 1784 Pioneer Trail, South Lake Tahoe, CA), 38.885092, -119.970193, the inspector observed a transmission-only H-structure where Distribution Pole Replacements initiative work was reported. The inspector's observation is documented in Violation 2 photographs, which are attachments to this report. Photo numbers Item2IA1Img1, Item2IA1Img2, and Item2IA1Img3 depict a 120 kV transmission H-structure with no distribution lines.

Energy Safety concludes that:

1. Liberty Utilities' 2023 WMP Distribution Pole Replacements work was reported as complete at this location.
2. No distribution pole was present.

⁹ Liberty Utilities, "Liberty 2023 Wildfire Mitigation Plan," October 6, 2023, p. 164. [Online]. Available:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55765&shareable=true>

¹⁰ Office of Energy Infrastructure Safety, "Data Guidelines, Version 3.1," February 17, 2023, p. 10. [Online]. Available:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=53475&shareable=true>

Exhibits

Exhibit A: Photo Log

Structure ID: 296943

Violation 1

	
<p>Item1IA1Img1: Pole ID</p>	<p>Item1IA1Img2: Overall Structure</p>



Item1IA1Img3: New steel crossarms for 120 kV transmission structure with no distribution conductors



Item1IA1Img4: Overall section of 120 kV transmission line 111 with no distribution conductors

Exhibit B: Photo Log

Structure ID: 296938

Violation 2

 A close-up photograph of a weathered wooden utility pole. The wood is dark brown with significant peeling and cracking, revealing a lighter, yellowish-brown inner layer. A small, rectangular metal tag is attached to the pole, displaying the number '296938' in raised, silver-colored digits. The tag is secured with two small screws.	 A photograph showing the full height of a wooden utility pole. The pole is dark brown and stands on a dirt path. It has a cross-arm structure at the top with several wires attached. The background features a line of evergreen trees and distant mountains under a heavy, overcast sky.
<p>Item2IA1Img1: Pole ID</p>	<p>Item2IA1Img2: Overall pole</p>



Item2IA1Img3: New steel crossarms for 120 kV transmission structure with no distribution conductors