



December 24, 2024

Dan Marsh  
Senior Manager, Rates and Regulatory Affairs  
Liberty Utilities  
701 National Avenue  
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 2023 Wildfire Mitigation Plan (WMP) and determined the existence of one or more violations. Energy Safety therefore issues a Notice of Violation (NOV), identifying noncompliance with an approved WMP or any law, regulation, or guideline within the authority of the Office.<sup>1</sup>

On July 23, 2024, Energy Safety conducted an inspection of Liberty Utilities' 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 8.1.2.1 - Covered Conductor Installation, LU failed to provide accurate data in reporting that covered conductor was installed on Pole ID 122832, Grid Hardening ID MEY3300 CELIO PHASE A, at coordinates 38.81306541575785, -120.02136125005391.

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<sup>1</sup> 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.<sup>2</sup> 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 violation(s) 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.<sup>3</sup>

This response shall be filed in the Energy Safety e-Filing system under the 2023 NOV Docket<sup>4</sup> 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 a 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 a 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.<sup>5</sup> Requests for informal conference with Energy Safety must be e-mailed to [compliance@energysafety.ca.gov](mailto: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](mailto:Patrick.doherty@energysafety.ca.gov)

Cc:

Peter Stoltman, Liberty Utilities

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<sup>2</sup> Energy Safety Compliance Guidelines, p. 5-6

<sup>3</sup> Energy Safety Compliance Guidelines, p. 6-7

<sup>4</sup> <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2023%20NOV>

<sup>5</sup> Energy Safety Compliance Guidelines, p. 6

[Peter.Stoltman@libertyutilities.com](mailto:Peter.Stoltman@libertyutilities.com)

Jordan Parrillo, Liberty Utilities

[Jordan.Parrillo@libertyutilities.com](mailto:Jordan.Parrillo@libertyutilities.com)

Yana Loginova, Energy Safety

[yana.loginova@energysafety.ca.gov](mailto:yana.loginova@energysafety.ca.gov)

[Compliance@energysafety.ca.gov](mailto:Compliance@energysafety.ca.gov)



# 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.<sup>6</sup>

**Table 1. Risk Category and Correction Timelines**

Risk Category	Violation and defect correction timeline
Severe	<ul style="list-style-type: none"><li>• Immediate resolution</li></ul>
Moderate	<ul style="list-style-type: none"><li>• 2 months (in High Fire Threat District (HFTD) Tier 3)</li><li>• 6 months (in HFTD Tier 2)</li><li>• 6 months (if relevant to worker safety; not in HFTD Tier 3)</li></ul>
Minor	<ul style="list-style-type: none"><li>• 12 months or resolution scheduled in WMP update</li></ul>

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<sup>6</sup> 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:	Liberty Utilities
Report Number:	CADLU_CAC22_20240723_1121
Inspector:	CAC22
WMP Year Inspected:	2023
Quarterly Data Report (QDR) Referenced:	Quarter 4 (Q4)
Inspection Selection:	Energy Safety viewed the contents of the Q4 QDR and performed an analysis that resulted in the selection of the WMP initiatives and locations referenced in this report.
Relevant WMP Initiative(s):	8.1.2.1 Covered Conductor Installation
Date of inspection:	July 23, 2024
City and/or 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	122832	MEY3300 CELIO PHASE A	38.81306541575785, -120.02136125005391	Tier 2	8.1.2.1 Covered Conductor Installation	Data Accuracy	N/A	Inaccurate data provided on covered conductor installation.

# Inspection Details

## Violation 1:

### **Relevant Requirement:**

LU's WMP states the following regarding initiative number 8.1.2.1 Covered Conductor Installation:

1. "Liberty has been using line replacements with covered conductor since 2020 as a method to address both wildfire mitigation and the need for system hardening."<sup>7</sup>

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..."<sup>8</sup>

### **Finding:**

On Pole ID 122832, Grid Hardening ID MEY3300 CELIO PHASE A, at 3414 Panorama Dr, South Lake Tahoe, CA, 96150, USA, at coordinates 38.81306541575785, -120.02136125005391, the inspector observed that the subject pole was carrying a secondary and communications cables with no primary distribution covered conductor present. LU reported that covered conductor was installed at this pole and continued to the next pole. The inspector's observation is documented in Violation 1 photographs, which are attachments to this report. Photo numbers Item1GImg1, Item1GImg2, and Item1IA1Img1 depict that no covered conductor was installed at the location.

Energy Safety concludes that:

1. Liberty Utilities' 2023 WMP Covered Conductor Installation (8.1.2.1) work was identified as complete at this location.
2. The subject pole supports only secondary service conductors and communication lines.
3. Covered conductor was not installed.

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<sup>7</sup> Liberty Utilities, "Liberty Wildfire Mitigation Plan," October 6, 2023, p. 157. [Online.] Available:

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

<sup>8</sup> 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

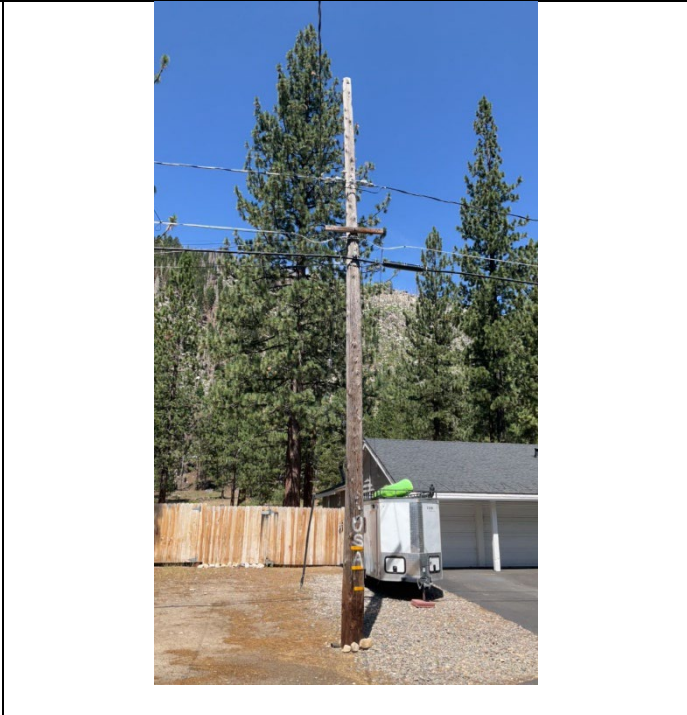
Exhibit A: Photo Log

Structure ID: 122832

Violation 1



**Item1G1mg1:** Pole ID (Damaged)



**Item1G1mg2:** Overall Pole Carrying Secondary and Communications Cables



**Item1IA1mg1:** View of Adjacent Pole with No Primary Distribution Covered Conductor Continuing to Subject Pole