



October 27, 2025

Dan Marsh

[Dan.marsh@libertyutilities.com](mailto:Dan.marsh@libertyutilities.com)

(530) 721-2435

Senior Manager, Rates and Regulatory Affairs

Liberty Utilities

701 National Avenue

Tahoe Vista, CA 96148

## NOTICE OF NON-PERFORMANCE

Mr. Dan Marsh:

Pursuant to Government Code section 15472, et seq, the Office of Energy Infrastructure Safety (Energy Safety) has conducted an inspection of work completed by Liberty Utilities (Liberty) in accordance with its 2025 Wildfire Mitigation Plan (WMP) and determined the existence of non-performance with its approved WMP requiring correction. Energy Safety therefore issues Liberty a Notice of Non-Performance (NON).

On September 16, 2025, Energy Safety conducted an inspection of Liberty'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 deficiency:

Deficiency 1. Energy Safety observed that in implementing 2025 WMP initiative 8.2.3.4 Fall-In Mitigation, Liberty failed to clear or lop and scatter all slash from the lodgepole pine associated with Vegetation Management ID dd7c3473-870a-4832-b101-a88454914001 at coordinates 38.872055, -120.001691. Energy Safety considers this non-performance to be in the Minor risk category. Liberty must complete a corrective action for this non-performance by 12 months from date of this notice.

Within 30 days from the issuance date of this NON, Liberty must provide a response advising Energy Safety of corrective actions taken or planned to remedy the identified deficiency.

This response shall be filed in the Energy Safety e-Filing system under the 2025 NON Docket<sup>1</sup> and the associated file name(s) must begin with the NON identification number.

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<sup>1</sup> <https://efiling.energysafety.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2025%20NON>

Prior to its response, Liberty may request an informal conference with Energy Safety for the purpose of disputing any issues raised in this NON no later than five (5) business days before the response deadline.<sup>2</sup> Requests for informal conference with Energy Safety must be e-mailed to [environmentalscience@energysafety.ca.gov](mailto:environmentalscience@energysafety.ca.gov), with a copy sent to Ramzi Ibrahim, [ramzi.ibrahim@energysafety.ca.gov](mailto:ramzi.ibrahim@energysafety.ca.gov) and Elizabeth McAlpine, [elizabeth.mcalpine@energysafety.ca.gov](mailto:elizabeth.mcalpine@energysafety.ca.gov).

Sincerely,



Sheryl Bilbrey  
Program Manager | Environmental Science Division  
Office of Energy Infrastructure Safety  
[Sheryl.Bilbrey@energysafety.ca.gov](mailto:Sheryl.Bilbrey@energysafety.ca.gov)

Cc:

Dan Marsh, Liberty Utilities

[Dan.marsh@libertyutilities.com](mailto:Dan.marsh@libertyutilities.com)

Peter Stoltman

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

Jordan Parrillo

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

Eric Oiler

[Eric.Oiler@libertyutilities.com](mailto:Eric.Oiler@libertyutilities.com)

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<sup>2</sup> Energy Safety Compliance Guidelines, p. 4



# INSPECTION REPORT

## Overview

The Office of Energy Infrastructure Safety (Energy Safety) conducts field 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 Non-Performance (NON) is issued for any instances of nonperformance identified during an inspection related to an electrical corporation’s execution of its WMP initiatives.

Energy Safety has designated this finding of deficiency as “Minor” risk. Liberty must correct the deficiency pursuant to the timeline provided in Table 1.<sup>3</sup>

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

Risk Category	Deficiency 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 Tiers 2 or 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>3</sup> Energy Safety Compliance Guidelines, p. 3



# Inspection Summary

Energy Safety found a “Minor” Adherence to Protocol deficiency at WMP-VM-VFM-06 near pole ID 107489 in HFTD Tier 3. Liberty did not perform its Fall-In Mitigation program (WMP Initiative number 8.2.3.4) as required in the WMP, instead Liberty left a lodgepole pine branch hanging from the tree canopy during its vegetation management activities. Liberty must complete a corrective action by 12 months from the date of this notice.

The inspection location and WMP initiative summary are included in Table 2.

***Table 2: Inspection Location and Initiative Summary***

Electrical Corporation:	Liberty Utilities
Report Number:	NON_ESD_LU_RIB_20250916_1028
Inspector:	Ramzi Ibrahim
WMP Year Inspected:	2025
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):	Fall-In Mitigation (2025 WMP initiative number 8.2.3.4)
Date of inspection:	September 16, 2025
City and/or County of Inspection:	South Lake Tahoe, California

# Inspection Findings

## Deficiency 1

### **Relevant Requirement:**

Liberty's WMP initiative number 8.2.3.4 Fall-In Mitigation cites the standard operating procedure Vegetation Management Plan (VM-02) under the governing standards and electrical corporation standard operating procedures section.<sup>4</sup>

Liberty's Vegetation Management Plan (VM-02) states under 4.3.4 Slash and Debris Disposal, "All limbs and brush less than 12 inches in diameter shall be treated to minimize the accumulation of surface fuels at the work location. All limbs, brush and debris located within 100 feet of equipment accessible roads shall be chipped and broadcasted or chipped and hauled off-site. When brush and limbs cannot be chipped and broadcasted or chipped and hauled off-site, the clean-up method may be lop-and-scatter or as otherwise specified."<sup>5</sup>

### **Findings:**

Energy Safety considers this violation "Minor" because the slash remaining on site poses a low probability of wildfire risk.

Liberty's Q2 2025 QDR indicated that Liberty removed a lodgepole pine and transported the slash to a biomass facility under its Fall-In Mitigation program (initiative 8.2.3.4), near GPS coordinates 38.872055, -120.001691 on June 8, 2025. Liberty identified this activity as Vegetation Management ID dd7c3473-870a-4832-b101-a88454914001. The inspector observed a cut lodgepole pine branch hanging from the branches of the surrounding trees directly above the felled log of a lodgepole pine. The inspector's observation is documented in Exhibit A photographs, which are attached to this report. Photo numbers 1 and 2 depict the remaining wood material and the hanging branch, and photos 3 and 4 depict the surrounding area for identification purposes.

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<sup>4</sup> Liberty's 2023-2025 WMP, "Liberty 2023 Wildfire Mitigation Plan," July 26, 2024. pp. 234 [Online]. Available: <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=56327&shareable=true>

<sup>5</sup> Vegetation Management Plan VM-02, Liberty, April 10, 2025, pp. 8-9 [Online]. <https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=58852&shareable=true>

# Exhibits

## Exhibit A: Photo Log

Vegetation Management ID: dd7c3473-870a-4832-b101-a88454914001

### Deficiency 1



**Photo 1:** Felled and bucked lodgepole pine at the location of Vegetation Management ID dd7c3473-870a-4832-b101-a88454914001.



**Photo 2:** Cut lodgepole pine branch left in the branches of adjacent trees.





**Photo 3:** View facing southwest from the lodgepole pine down Tam O Shanter Drive towards pole ID 107489.



**Photo 4:** View facing northeast from the lodgepole pine down Tam O Shanter Drive towards pole ID 107488.