

APPENDIX E

Liberty Response To Mountain View Fire (NOV)



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California Public Utilities Commission
505 Van Ness Avenue
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CPUC-ID: E20201117-01
Regarding: Notice of Violation
Location: Mountain View Fire, Coleville, California

Dear Dr. Wu,

Liberty is in receipt of the July 24, 2026 Notice of Violation (“NOV”) issued by the Safety and Enforcement Division (“SED”) as part of its investigation of the Mountain View Fire, which ignited on November 17, 2020, near the town of Walker, California. Liberty shares SED’s commitment to safety and appreciates this opportunity to respond to the NOV.

The NOV finds three violations of General Order (“GO”) 95, Rule 31.1 in relation to the Liberty facilities at issue (including the span between Poles 266731 and 40288, referred to herein as the “Subject Facilities”). Rule 31.1 provides that “[a] supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.” Rule 31.1 further provides that, “[f]or all particulars not specified in [GO] 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.”

As set forth below, the Subject Facilities were designed, constructed, and maintained in a manner that met or exceeded GO 95 requirements, factoring in known local conditions. Liberty respectfully submits that a violation of Rule 31.1 requires that the conduct at issue result in conditions that were unsafe, improper, or inadequate. As described below, the violations set forth in the NOV do not meet that standard. Liberty details below its response to each violation set forth in the NOV.

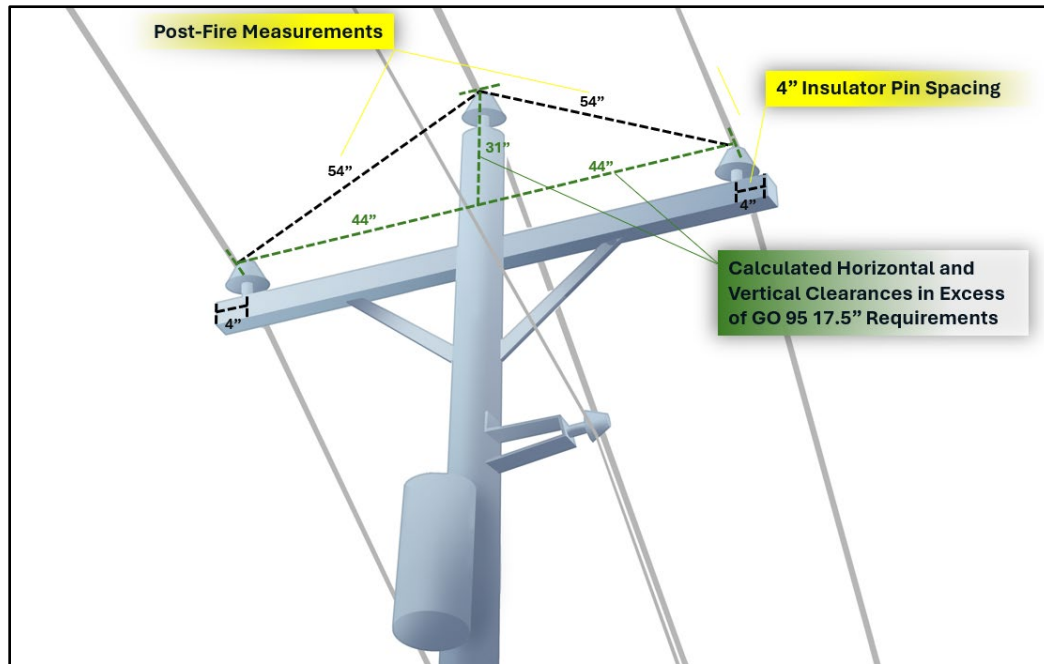
Violation 1 – GO 95, Rule 31.1

Violation 1 faults Liberty for not having “existing procedures” and not “incorporat[ing] any design considerations” to account for “consistently higher wind speeds that could compromise required conductor clearances.” SED relies on a 2019 study concerning proactive de-energization thresholds and faults Liberty for not having specific procedures governing the use of line spacers.

The Subject Facilities satisfied GO 95’s specific clearance requirements and incorporated additional measures accounting for known local conditions. GO 95, Rule 38 and Table 2 specifically address conductor separation and the effect of wind on required clearances. The NOV further identifies Table 2, Footnote (zz), which provides that in high-wind areas a utility “may need to take extra measures to maintain all required separations” and identifies spacer bars and increased pin spacing as nonexclusive examples of such measures. The configuration of the Subject Facilities exceeded the minimum clearance requirements of GO 95. Moreover, consistent with Rule 31.1 and Table 2, Footnote (zz), Liberty had in place and pursued additional measures to account for the known local conditions affecting the Topaz 1261 Circuit. Those measures included increased conductor separation substantially exceeding GO 95’s minimum requirements and an active, Commission-approved project to further harden the circuit.

The existing configuration of the Topaz 1261 Circuit provided enhanced conductor separation. Liberty purchased its utility system from Sierra Pacific, which had constructed the Topaz 1261 Circuit using a triangular crossarm configuration, with increased pin spacing at either end of an 8-foot crossarm and an elevated center phase to provide enhanced clearances between the conductors and mitigate the risk of contact.

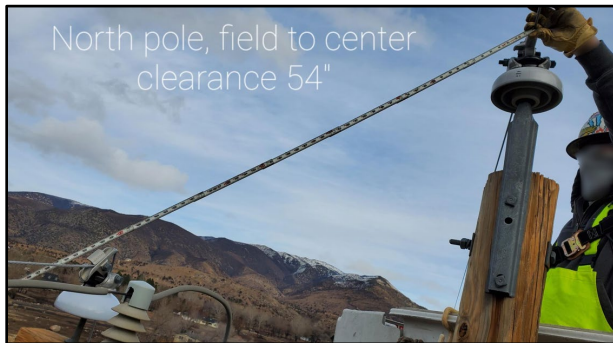
Annotated Demonstration of Measured Radial and Calculated Horizontal and Vertical Conductor Clearances



This arrangement provided clearances that far exceeded GO 95’s conductor clearance requirements specified in Rule 38 and Table 2. For this type of construction on distribution facilities, GO 95 mandates a minimum horizontal separation of 17.5 inches between conductors, with the elevated center phase having a vertical separation at least equal to the pin spacing for the voltage class (i.e., 17.5 inches). Measurements recorded shortly after the Mountain View Fire identified radial clearances of 54 inches between the center phase and each of the road and field phases at Pole 266731. Based on these dimensions and configuration, 44 inches of horizontal clearance and 31 inches of vertical clearance were present on the Topaz 1261 Circuit. Thus, the Topaz 1261 Circuit incorporated the specific type of “extra measures” contemplated by GO 95, Table 2, Footnote (zz) for addressing known local conditions in high-wind areas—increased pin spacing beyond GO 95’s minimum requirements.¹

¹ General Order 95, Table 2, Footnote (zz).

Post-Fire Conductor Radial Clearance Measurements at Pole 266731²



Recognizing known local conditions that impact the Antelope Valley region where these facilities are located—including high winds and freezing temperatures—Liberty further sought Commission approval to proactively harden the Topaz 1261 Circuit to improve reliability and reduce wildfire risk. Liberty initially requested funding for this project in its 2019 General Rate Case (“GRC”).³ Due to its scale and cost considerations, the project (referred to as the Topaz Line Rebuild Project) was approved as multiple phases over multiple years. The Commission approved the project in D.20-08-030, finding it “reasonable to approve the project for it adds to Liberty’s system reliability, wildfire risk mitigation, and a stronger circuit system” and approving project costs over the 2019 through 2021 period.⁴

The initial scope of the Topaz Line Rebuild Project involved upgrading the circuit’s conductors to larger #2 ACSR. Once covered conductor emerged as a new wildfire mitigation technology, Liberty quickly re-scoped the project to include covered conductor as an additional proactive step to mitigate wildfire risk. As part of the project, Liberty also installed 10-foot fiberglass crossarms with extended spacing, consistent with its standard for new construction, to further increase clearances. Liberty was actively executing the Topaz Line Rebuild Project at the time of the Mountain View Fire, performing work on the outskirts of Walker on the day of the ignition. The poles at issue (Poles 266731 and 40288) were replaced by June 2022 as part of Phase Six of the Topaz Line Rebuild Project.

The 2019 Reax Engineering study cited in the NOV did not reveal a previously unknown condition. It was commissioned “to recommend thresholds for proactive de-energization” of circuits for Liberty’s Public Safety Power Shutoff protocol,⁵ not to assess Liberty’s design,

² Distance of 54 inches between the center and road phase conductors (left photograph) and between center and field phase conductors (right photograph).

³ D.20-08-030. Liberty also highlighted the Topaz Line Rebuild Project in its 2019 Wildfire Mitigation Plan. (Liberty’s 2019 WMP, Section 4.4.1 Covered Conductor [referencing “hazardous weather conditions such as high winds and below freezing temperatures” experienced in this area].)

⁴ D.20-08-030 at pp. 12–13.

⁵ Reax Engineering, “De-energization Thresholds for Prevention of Catastrophic Wildfires,” at p. 1.

construction, and maintenance standards or to make other recommendations. The study's observation that the Topaz 1261 Circuit experienced "consistently higher wind speeds"⁶ was consistent with Liberty's existing understanding of the region, including its recognition in the 2019 Wildfire Mitigation Plan that the circuit "frequently experiences hazardous weather conditions such as high winds and below freezing temperatures."⁷

The NOV faults Liberty for not implementing spacers as an "extra measure" on the Topaz 1261 Circuit, citing footnote (zz) in GO 95, Rule 38, Table 2. Consistent with Rule 31.1, footnote (zz) notes that "[i]n areas that are subjected to high winds, a utility may need to take extra measures to maintain all required separations. Measures may include but are not limited to, spacer bars and increased pin spacing." As described above, the Subject Facilities had increased pin spacing. Liberty generally relies on increased pin spacing to achieve compliance with GO 95 clearance requirements. Liberty does not require spacers and uses spacers selectively when Liberty's qualified field personnel determine that spacers are appropriate for specific facilities—such as long spans or other span-specific reasons. Field personnel never identified a need for spacers in the span between Poles 266731 and 40288, including during detailed inspections approximately six months before the fire that confirmed the facilities were in good condition. Nothing identified in the NOV establishes that Liberty was on notice that this particular span required additional localized mitigation, particularly given the substantial clearances already in place and the active circuit-hardening project.

Violation 2 – GO 95, Rule 31.1

Violation 2 relates to an alleged lack of design standards for the #4 ACSR conductors that were in service in the span between Poles 266731 and 40288 at the time of the Mountain View Fire.

GO 95 does not require utilities to maintain written, conductor-specific design standards for legacy equipment. Nor does the absence of such a document establish that Liberty failed to furnish "safe, proper, and adequate service" under Rule 31.1. As described above, the Subject Facilities were originally designed and constructed by Sierra Pacific in the 1940s and complied with the conductor spacing requirements of GO 95. Liberty regularly inspected and maintained the Subject Facilities and the Topaz 1261 Circuit since purchasing the utility system in 2011. This included a detailed inspection in May 2020 that confirmed the good condition of Poles 266731 and 40288, including with respect to conductor sag.

The conductor type at issue (#4 ACSR) is a legacy conductor type previously used by Sierra Pacific. Liberty does not use #4 ACSR for new construction and does not stock the conductor. Liberty has not located the design specifications governing the original construction of the Topaz 1261 Circuit and respectfully disagrees that not maintaining formal design standards for such legacy conductors is a violation of GO 95, Rule 31.1. Liberty provided SED with its

⁶ Reax Engineering, "De-energization Thresholds for Prevention of Catastrophic Wildfires," at p. 28.

⁷ Liberty Utilities, 2019 Wildfire Mitigation Plan, at p. 21.

Overhead Distribution Conductor Stringing Guide (CON05T).⁸ Section 4.1 clarifies that Liberty maintains standards for “all three distribution conductors used for new construction,” which include #2 ACSR, 397.5 AA, and 795 AA.⁹ Liberty maintains these general standards for the primary conductors used in new construction. If a specific construction project provides for a different conductor type, Liberty relies on the relevant manufacturer specification sheets or project-specific engineering specifications, including sag tables and stringing criteria (as it has done for covered conductor) so construction meets Liberty standards. To the extent legacy #4 ACSR conductors on Liberty’s system require replacement, Liberty’s general practice has been to re-conductor with stronger #2 ACSR conductor consistent with its standard for new construction.

Violation 3 – GO 95, Rule 31.1

Violation 3 relates to a June 2017 pole loading calculation prepared by a third-party telecommunications provider in connection with a pole attachment application associated with Pole 266731. SED points to the calculation identifying Liberty’s conductor as #4 ACSR HF, rather than #4 ACSR 7/1, and notes distinctions between those two types of conductors.

While Liberty acknowledges the erroneous conductor reference in the third-party pole loading calculation, Liberty does not agree that this error constitutes a violation of GO 95, Rule 31.1. Liberty respectfully submits that violation of Rule 31.1 requires that the conduct at issue result in conditions that were unsafe, improper, or inadequate. The record demonstrates that the facilities at issue were designed and maintained consistent with GO 95 requirements. There is no evidence that either of the poles at issue was overloaded, and the facilities did not fail due to overloading on the day of the ignition.

Liberty notes that the 2017 calculation was subject to engineering review before approval. At the time, Liberty relied on a third-party contractor to review telecommunications attachment applications, and the record reflects that the application was reviewed over several months and ultimately approved by a licensed Professional Engineer. The application included contemporaneous photographs of Pole 266731 taken in connection with the proposed attachment.

Liberty has further strengthened its process for reviewing third-party attachment applications. Liberty now performs these reviews internally, rather than relying on a third-party contractor. Under the current process, a Liberty planner and engineer review the application, and Liberty personnel verify the condition of the pole and its attachments in the field and compare the application against Liberty’s internal records. These additional review measures provide further assurance that attachment applications accurately reflect Liberty’s facilities.

⁸ See LIB002225–LIB002264. SED requested design standards for #4 ACSR conductor spans in heavy loading districts at the time of construction and current in SED-004-Mountain View Fire, Question 1. In response, Liberty provided, among other documents, its *Overhead Primary Conductor Selection Guide* (CON01T), *Overhead Distribution Conductor Stringing Guide* (CON05T), and *Standard Sagging Practices* (CON06T), which are part of Liberty’s Overhead Electric Standards and designed to comply with GO 95’s heavy loading standards.

⁹ CON05T, Section 4.1.

Conclusion

For the reasons described above, Liberty disagrees with the three violations of GO 95, Rule 31.1 set forth in the NOV and respectfully requests that SED reconsider its findings. The record demonstrates that Liberty complied with applicable GO 95 requirements and accounted for known local conditions affecting the Topaz 1261 Circuit. The Subject Facilities had enhanced conductor separation and Liberty proactively initiated a circuit-hardening project in the years preceding the ignition. Liberty regularly inspected and maintained its legacy #4 ACSR facilities in accordance with applicable GO 95 requirements notwithstanding the absence of decades-old design standards and has upgraded those legacy facilities over time, including through the Topaz Line Rebuild Project. Liberty subjected the 2017 pole attachment application to engineering review, and there is no evidence that the erroneous conductor reference in the third-party calculation resulted in an overloaded pole or otherwise created an unsafe condition. Liberty appreciates this opportunity to address SED's concerns and is available to engage further if that would be of assistance to SED.

Sincerely,



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