

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of:

2020 Liberty Utilities (U 933-E) Mountain
View Wildfire Incident

[PROPOSED] ADMINISTRATIVE
ENFORCEMENT ORDER
(Number CPUC-30-AEO)

[PROPOSED] ADMINISTRATIVE ENFORCEMENT ORDER

YOU ARE GIVEN NOTICE THAT:

1. The California Public Utilities Commission's Safety and Enforcement Division (SED or Division) has found that Liberty Utilities (U 933-E) (Respondent or Liberty) violated General Order (GO) 95 Rule 31.1 in connection with the 2020 Mountain View fire that ignited on Liberty's Topaz 1261 Circuit near the town of Walker in Mono County, California, from November 17, through December 11, 2020.
2. SED issues this proposed Administrative Enforcement Order (Proposed Order or AEO) to Liberty pursuant to the Commission Enforcement Policy adopted by Resolution M-4846 (Enforcement Policy or Policy) and Public Utilities Code section 701. Pursuant to the Policy and statutory authority, SED is authorized to issue a Proposed Order to a regulated entity that has violated a statute, Commission order, resolution, decision, general order, or rule. That Proposed Order may include a directive to pay a penalty.

RIGHT TO HEARING

3. Respondent is required to respond to this Proposed Order by 5:00 p.m. on **Monday October 26, 2026**. By way of such response, Respondent, must either: 1) agree to pay any penalty required by this Proposed Order upon adoption of the Proposed Order by the Commission (Final Order) or 2) request a hearing on the Proposed Order. Instructions on how to agree with or request a hearing of a Proposed Order are included at the end of this Proposed Order (Appendix A).
4. The right to a hearing is forfeited if a Request for Hearing is not timely filed. If a timely Request for Hearing is not filed, this Proposed Order will become final and effective upon adoption by the Commission (Final Order).
5. Neither an agreement to pay the penalty assessed in this Proposed Order nor the filing of a timely Request for Hearing shall excuse Respondent from curing the

violations identified in this Proposed Order.

6. A requested hearing shall be conducted by an Administrative Law Judge in accordance with the hearing provisions in the Citation Appellate Rules. After hearing, this Proposed Order or any Administrative Law Judge modifications to the Proposed Order shall become a Final Order, effective upon Commission approval of the draft resolution prepared by the Administrative Law Judge. The draft Administrative Law Judge resolution approved by the Commission is subject to rehearing pursuant to Public Utilities Code section 1731 and to judicial review pursuant to Public Utilities Code section 1756.
7. This Proposed Order includes a requirement that Respondent pay a penalty. The factors set forth Public Utilities Code section 8386.1 and the Penalty Assessment Methodology were used to determine the penalty amount. The requirement that the penalty be paid shall be stayed during the hearing and rehearing process.
8. Unless otherwise specified, "days" means calendar days.

FINDINGS

9. Findings of Fact:

9.1 – Background of Fire

The Mountain View Fire ignited on November 17, 2020, at approximately 1200 hours in a field adjacent to 106834 US-395 near the Mountain View Barbecue in Coleville, Mono County. The location is within a Tier 2 High Fire Threat District (HFTD). The Mountain View fire ignited when the field and center phase conductors spanned between Poles #40288 and #266731 in Liberty's Topaz 1261 Circuit came into contact and caused arcing, with the field phase subsequently separating and falling to the ground. The configuration of the incident conductors and poles is described in detail in SED's Investigation Report.¹ The below images identify the poles and ignition location.

¹ SED Investigation Report at 8-10. Attached as Appendix C.



Figure 1: The origin of the fire via Google Maps



Figure 2: Repaired span at the incident location²

² Photograph taken by SED on January 5, 2021.

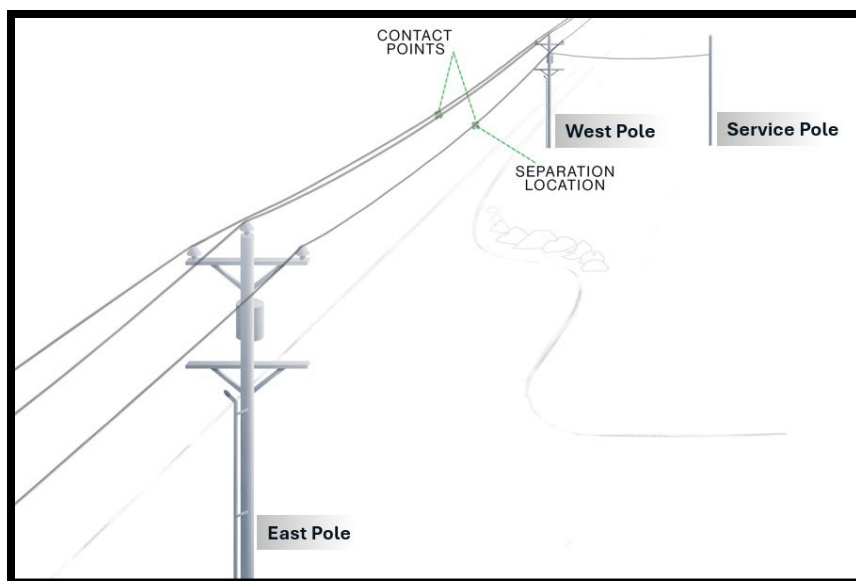


Figure 2: Simplified Illustration of Contact Points and Separation Location³

9.2 – Day of the Fire

On November 17, 2020, at 1203 hours, the Antelope Valley Fire Department received an alarm for the fire. At 1205 hours, the first fire truck arrived on scene. At 1505 hours, approximately three hours after the fire started, Liberty reported the incident to SED under the property damage criteria. A timeline prepared by Liberty to detail specific equipment operations and actions of its employees at or near the incident location during the 12 hours preceding the fire until the date the Bureau of Land Management (BLM) declared the fire fully contained is included in SED’s Investigation Report.⁴ On the day of the fire, a weather station 4,100 feet northeast from the incident location recorded wind speeds of 31.3 mph and a peak wind gust of 66 mph.⁵ On November 23, 2020, the fire was 70% contained. The remaining 30% was on land covered with snow. On December 11, 2020, the fire was fully contained.

The Mountain View fire burned approximately 20,835 acres of land, destroyed or damaged 97 homes and structures, injured at least one person and resulted in the death of one elderly resident in her home.⁶ The fire also resulted in outages that affected 654 customers.

³ Testimony of G. Fowler, Liberty-02 at 9, served June 20, 2025 in A.25-06-017.

⁴ SED Investigation Report at 12.

⁵ SED Investigation Report at 4.

⁶ SED Investigation Report at 1,3; <https://sierrawave.net/update-on-mountain-view-fire-fatality-identified-donations-being-accepted-for-fire-victims/>.

9.3 – The Investigations

The response to the Mountain View Fire was a multiple agency operation that included local, state, and federal agencies. BLM assumed Incident Command and was the agency-in-charge. CAL FIRE investigated the fire and prepared an investigation report on behalf of BLM.

Witness statements indicated that the power line was emitting electrical arcs while downed.⁷ The CAL FIRE investigator identified no other potential ignition sources at the scene, nor were there any reports of lightning strikes at the time of the incident.⁸ The investigator identified birdcaging and burn marks on the downed wire. The investigator also identified visible char and melting on one of the aerial conductors.⁹ These characteristics are indicative of arcing and extreme heat. The CAL FIRE investigator determined the fire was most likely caused by the downed power line.¹⁰



Figure 6: Conductor burned and visible bird-caging.¹¹

⁷ SED Investigation Report at 14.

⁸ SED Investigation Report at 14.

⁹ SED Investigation Report at 14.

¹⁰ SED Investigation Report at 14.

¹¹ SED Investigation Report at 14.



Figure 7: Broken conductor with scorched end and signs of beading¹²

Liberty conducted a separate peer-reviewed investigation into the Mountain View Fire using a third-party investigator. The independent investigator acknowledged the broken wire was energized for up to 15 seconds while contacting the ground.¹³ Additionally, the investigator agreed with the evidence indicating a wire-to-wire contact on the incident span between the incident poles and that multiple wires were melted and fractured during the wire-to-wire contact.¹⁴ Liberty did not provide any reasonable or probable alternative sources to the fire's ignition. The energized electrical conductor contacting the ground and igniting cured annual grass, as evidenced by its birdcaging and burn marks and in the absence of evidence indicating another ignition source, is the most probable cause of the fire.¹⁵

9.4 – Violation 1

Liberty violated GO 95 Rule 31.1 by failing to maintain any design considerations to compensate for the consistently higher wind speeds that Liberty was aware were present at the Topaz 1261 Circuit.¹⁶ Liberty had actual knowledge at least as early as August 20, 2019, that the Topaz 1261 Circuit experienced consistently higher winds compared to the rest of Liberty's service territory.¹⁷ Liberty also indicated that it was aware of the consistently higher winds prior to this date.¹⁸ However, Liberty did not implement a policy or procedure to assess the Topaz 1261 Circuit in light of the consistently higher

¹² SED Investigation Report at 15.

¹³ SED Investigation Report at 15.

¹⁴ SED Investigation Report at 15.

¹⁵ SED Investigation Report at 15.

¹⁶ Notice of Violation (NOV) at 2.

¹⁷ SED Investigation Report at 13-14.

¹⁸ Liberty's NOV response states "The 2019 Reax Engineering study cited in the NOV did not reveal a previously unknown condition," and "The study's observation that the Topaz 1261 Circuit experienced 'consistently higher wind speeds' 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.'" Liberty's NOV Response at 4-5.

wind speeds and determine if additional measures or design considerations were necessary for safe operation of the Topaz 1261 Circuit.

GO 95 Rule 31.1 states “*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.*”

Moreover, GO 95, Table 2, Footnote (zz) applies to wire-to-wire clearances and states the following: “*[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.*” GO 95 thus requires that if local conditions, such as excessively higher wind conditions, require measures beyond the minimum prescriptions of GO 95, those heightened standards must be implemented.

Despite Liberty’s actual knowledge of higher-than-average winds at the Topaz 1261 Circuit, Liberty failed to provide evidence that it utilized any additional measures or construction practices to determine whether its system required reinforcement to a higher standard of safety based on these known higher than average wind conditions. Therefore, Liberty was unaware of the measures necessary to maintain required separation and provide safe, proper and adequate service in light of the known local conditions.

Liberty is obligated under GO 95 Rule 31.1 and Table 2 to design and maintain its facility to account for consistently higher wind speeds that could compromise required conductor clearances. As Liberty has confirmed, it was well aware of the consistently higher than average wind speeds at the Topaz 1261 Circuit.¹⁹ Liberty was also aware of 34 instances of outages likely caused by “wire slap,” or contact between two conductor phases potentially caused by high winds.²⁰ However, Liberty introduced no evidence that it conducted analysis or to determine whether these known local conditions required extra mitigation measures beyond Liberty’s standard configuration for the area to maintain safe separation of conductors. Liberty has stated that it relied upon the increased pin spacing of 54 inches that was already present in the existing legacy pole facilities that Liberty purchased from Sierra Pacific Power Company in 2011 to account for the excessive wind.²¹ While the pin spacing present at the cross arms near the incident location exceeded the minimum requirements of GO 95 Rule 38 Table 2, Liberty did not perform an assessment or analysis to determine if the spacing alone was sufficient to mitigate the risk of the known local conditions. Liberty implemented no procedure to determine whether the construction of the Topaz 1621 Circuit was sufficient to meet the heightened standard required by GO 95 Rule 31.1 and Table 2, footnote zz. For example, Liberty delegated decision making for whether to add spacers to particular spans to individual employees in the field on a case-by-case basis, without further analysis or guidance.²² Liberty’s reliance on existing pin spacing in legacy equipment and a case-by-case analysis of field personnel are insufficient procedures for Liberty to ensure that it

¹⁹ NOV Response at 4-5; SED Investigation Report at 13.

²⁰ See The Testimony of the Public Advocates Office in A.25-06-017 (CA-05A, at 9, Attachment 24, question 12, attachment “CalAdvocates-LIB-A2506017-001-12_Amended.xlsx.”)

²¹ NOV response at 5.

²² NOV response at 5.

complied with the heightened standards of GO 95 Rule 31.1 and Table 2, footnote zz. Liberty was unaware of what the appropriate mitigation measures were to reduce the risk of the local conditions to a satisfactory level. As a result, Liberty is in violation of Rule 31.1.

9.5 – Violation 2

Liberty is in violation of GO 95 Rule 31.1 for failure to maintain accurate design standards for the equipment in operation in its system. The incident conductors were size #4 ACSR wire. Upon SED's request, Liberty produced its Overhead Distribution Conductor Stringing Guide, which provides tables containing the sag data necessary to safely string overhead distribution conductors. SED determined that the Overhead Distribution Conductor Stringing Guide did not include sag tables for the #4 ACSR conductors that were in operation during the time of the incident. As a result, SED determined that Liberty is in violation of GO 95, Rule 31.1 for lacking design standards for equipment that is actively being operated in its system.

GO 95 Rule 31.1 requires that Liberty design, construct and maintain its electrical supply systems for their intended use, with regard given to the operating conditions of the systems, to ensure their safe and adequate service. Without maintaining written design standards for the specific equipment in use, Liberty cannot meet this obligation. Accurate design standards that establish safe levels of sag for the specific conductors in operation are particularly important in an area with consistently higher wind, such as the Topaz 1261 Circuit. None of the documents provided by Liberty demonstrated that Liberty had design standards establishing safe sag limits for the #4 ACSR conductors that were installed and in service during the time of the incident. Therefore, SED finds Liberty in violation of GO 95, Rule 31.1 for lacking design standards for equipment that is actively being operated in its system.

9.6 – Violation 3

Liberty violated GO 95 Rule 31.1 for failure to maintain accurate pole loading calculations. SED requested pole loading calculations for Liberty's Poles #40288 and #266731. Liberty stated it did not have calculations performed prior to the incident. However, Liberty did have one pole loading calculation performed by a telecommunications provider from June 29, 2017, for Pole #266731. SED's review of the pole loading calculations identified the telecommunications provider had used incorrect parameters for the electrical conductors on the incident span. The communication provider used #4 ACSR HF, which has specifications equivalent to #4 ACSR 6/1, instead of using the correct #4 ACSR 7/1 in its pole loading calculations. #4 ACSR 7/1 has one additional aluminum wire compared to #4 ACSR 6/1 making it a larger and heavier wire overall.²³ Performing a pole loading calculation using smaller and lighter conductors creates results that underestimate the actual stresses, loading, and resulting safety factors on a pole. Liberty is the primary owner of the pole and has the responsibility to ensure material changes to the pole maintain the facilities for their

²³ SED Investigation report at 8-9.

intended use in a condition that enables safe service. Liberty provided no evidence of identifying or fixing this mistake. These incorrect pole loading calculations were the only pole loading calculation in Liberty's possession for the incident poles prior to the incident. Liberty's failure to verify that the pole loading calculation it received from the communication provider was accurate and ensured its facilities were properly represented for their intended use is a violation of GO 95 Rule 31.1.

9.7 – Enclosures

Appendix A contains Instructions for a Request for Hearing in response to this AEO. Appendix B contains the Commission's Enforcement Policy. Appendix C contains SED's Investigation Report for the Mountain View Fire. Appendix D contains the Notice of Violation (NOV) issued by SED to Liberty on July 24, 2026, incorporating its findings of facts as a result of its investigation. The NOV includes a discussion of the portions of General Order (GO) 95 that Liberty violated, and the facts that form the basis for each alleged violation. Appendix E contains Liberty's submitted response to SED's NOV dated August 14, 2026. After reviewing Liberty's Response to the NOV and conducting its own investigation, SED maintains the three identified violations against Liberty.

PENALTIES

- 10 The Commission has broad authority to impose penalties on any public utility that violates or "fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission." (PU Code Section 2107). As described above, SED has identified multiple violations where Liberty failed to meet its obligations under GO 95 Rule 31.1. In assessing penalties, SED follows the Penalty Assessment Methodology as set forth by the Commission and outlined in Resolution M-4846. The following violations will be penalized:

No.	Violations		
1	GO 95	Rule 31.1	Failure to account and design for known high wind conditions.
2	GO 95	Rule 31.1	Lack of design standards for equipment actively being operated.
3	GO 95	Rule 31.1	Failure to ensure results from a pole loading calculation maintained the facilities for their intended use.

As discussed below, based on SED's analysis of the Penalty Assessment Methodology in Resolution M-4846, and given Liberty's violations of GO 95 Rule 31.1 described above, SED recommends a fine of **\$15,992,500**.

I. Severity or Gravity of the Offense

The severity of the offense considers the physical and economic harms of the offenses, harm to the regulatory process, and the number of people affected by the offense. Violations that caused actual physical harm to people or property are considered particularly severe,²⁴ and therefore the loss of a life and injury caused by the Mountain View Fire are significant aggravating factors. The economic consequences of this fire were also significant. The Mountain View Fire burned approximately 20,835 acres of land, destroyed or damaged 97 homes and structures. The fire also resulted in outages that affected 654 customers. The violations described herein created a significant hazard to public safety. The severity of this offense, including the resulting loss of a human life and the substantial property damage that occurred, supports the penalty sought.

II. Conduct of the Regulated Entity

The second factor to be considered is Liberty's conduct. During and after the fire, Liberty reasonably cooperated with SED's investigation. In the years prior to the fire, SED issued multiple NOV's to Liberty regarding failures to perform and maintain correct pole loading data. The gravity of the above violations and Liberty's conduct, taken as a whole, support the penalty amount.

III. Financial Resources of the Regulated Entity, Including the Size of the Business

The third factor under the methodology is the financial resources of the utility. Here, the Commission must not impose excessive fines or penalties while ensuring that the fine/penalty is an effective deterrent against future behavior. An effective fine or penalty is one that reflects the severity of the harm (the first factor examined above) and is also proportionate to the offending entity and those similarly situated to deter future similar offense of violations, without putting them out of business or otherwise impacting the entity in a catastrophic way.

Liberty serves approximately 50,000 residential and commercial/industrial customers in California in portions of seven counties around the Lake Tahoe area. As of 2026, Liberty has an authorized annual revenue requirement of \$231,938,000.²⁵ Liberty's ultimate parent, Algonquin Power & Utilities Corp., reported approximately \$2.43 billion in consolidated revenues for 2025.²⁶ Given the size and scope of Liberty and its parent's financial resources and territory, as well as proportionate fines against other investor owned utilities, and the importance of ensuring that utilities incorporate design standards

²⁴ D.20-05-019, p. 20.

²⁵ D.26-03-017 at 41, Ordering Paragraph 3.

²⁶ *Algonquin Power & Utilities Corp., Consolidated Financial Statements, Statements of Operations* at 4 (Mar. 6, 2026), Ex. 99.2 to Annual Report (Form 40-F) (reporting \$2.434 billion in total revenues for the year ended Dec. 31, 2025).

that accommodate for local conditions, this penalty is appropriate in light of the loss of human life and property damage that resulted.

IV. Totality of the Circumstances in Furtherance of the Public Interest

The fourth factor under Resolution M-4846 is an evaluation of the penalty in the totality of the circumstances, with an emphasis on protecting the public interest. Liberty's conduct created a public safety hazard that endangered the public. In response to SED's NOV, Liberty argued that the subject circuit contained legacy equipment with sufficient spacing, and that Liberty was not required to assess whether this spacing was an adequate measure to mitigate known local conditions of higher-than-average wind. Liberty also argued that it was not responsible for maintaining accurate design standards for such legacy equipment.²⁷ Most egregiously, Liberty failed to employ a formal policy to identify and implement design standards to account for consistently higher wind conditions, as required by GO 95 Rule 31.1.

Based on the totality of the circumstances, the fine included in this Proposed Order is reasonable under the circumstances.

V. The Role of Precedent

The final factor is an examination of fines in other Commission Decisions with similar factual situations. SED notes that this is Liberty's first penalization for a wildfire. SED considered the following enforcement actions and settlements in evaluating this incident and the AEO:

- The Dixie Fire started on July 13, 2021, in Plumas County, California. The Dixie Fire ignited after a Douglas fir tree fell and struck energized distribution conductors which were owned and operated by Pacific Gas and Electric Company (PG&E). According to CAL FIRE, the Dixie Fire burned more than 960,000 acres, destroyed approximately 1,300 structures, and damaged 94 others. SED alleged that PG&E violated GO 95, Rule 18.B, Rule 31.1, and Public Utilities Code Section 451. SED and PG&E entered into an Administrative Consent Order (ACO) and agreed to a \$45 million settlement, consisting of a \$2.5 million fine to the General Fund of the State of California, a \$2.5 million payment to tribes impacted by the Dixie Fire, and \$40 million in shareholder funding for capital expenditures for an initiative to transition from hard copy records to electronic records for distribution poles and inspections. The Commission approved the ACO in Resolution SED-8.
- The Zogg Fire ignited on September 27, 2020, when a tree fell on energized conductors owned and operated by PG&E in Shasta County. The fire burned more than 56,000 acres, caused four fatalities and one injury, destroyed 204 structures, and damaged 27 structures. SED issued an Administrative Enforcement Order alleging that PG&E had violated Public Utilities Code section 451, GO 95, and

²⁷ Liberty's Response to the NOV at 5-7.

GO 165. PG&E disputed each violation and/or proposed penalty. SED and PG&E agreed to a settlement of \$150 million for the Zogg Fire, including a \$10 million penalty payable to the General Fund and \$140 million in shareholder funds for new wildfire initiatives designed to mitigate the risk of similar events occurring in the future. The Commission approved the settlement in Resolution ALJ-439.

- The Kincade Fire ignited on October 23, 2019, in Sonoma County. According to CAL FIRE, the fire burned more than 77,000 acres, destroyed nearly 374 structures, and caused four non-fatal injuries with zero fatalities. CAL FIRE determined that the fire was caused by PG&E's electrical transmission lines. SED alleged that PG&E had violated Public Utilities Code section 451 and GO 95. SED and PG&E entered into an ACO and agreed to a settlement of \$125 million for the Kincade Fire, including a \$40 million penalty payable to the General Fund and an \$85 million permanent disallowance for cost recovery for removal of abandoned transmission lines within PG&E's service area. The Commission approved the settlement in Resolution SED-6, as modified by Resolution SED6A.
- In October 2017 and November 2018, multiple wildfires occurred across PG&E's service territory in Northern California. The 2017 and 2018 wildfires were unprecedented in size, scope, and destruction. The Commission's decision in this proceeding states that at the peak of the 2017 wildfires, there were 21 major wildfires that, in total, burned 245,000 acres and caused 44 fatalities, 22 of which are attributed to fires started by PG&E facilities. PG&E's equipment failure started the 2018 Camp Fire, which burned approximately 153,336 acres, destroyed 18,804 structures, and resulted in 85 fatalities. The Commission issued an Order Instituting Investigation into these wildfires. SED, the Office of the Safety Advocate, the Coalition of California Utility Employees, and PG&E agreed to a settlement of \$1.675 billion. The settlement included disallowances and system enhancement initiatives and corrective actions. The Commission approved a modified version of this settlement in D.20-05-019, which increased the total settlement to \$1.937 billion, including disallowances and corrective actions. The decision also imposed a \$200 million penalty payable to the General Fund, with the obligation to pay permanently suspended given the unique circumstances of PG&E's bankruptcy.
- In 2015, multiple power outages occurred on Southern California Edison Company's ("SCE") secondary network system in the City of Long Beach. These outages and electric facility failures caused fires in several underground structures and resulted in explosions. There were no reported injuries or fatalities. SED alleged, among other things, that: (1) SCE violated GO 128 and Public Utilities Code sections 451 and 768.6 for failing to properly maintain, inspect, and manage the electrical system in Long Beach; (2) SCE violated a commitment to an earlier settlement by failing to provide accurate estimates of service restoration times during outages; and (3) the violations that caused or contributed to the power outages that resulted in fires, explosions, and property damage endangered the safety of the public. SCE admitted to violations of GO 128 and Public Utilities

Code sections 451 and 768.6. SED and SCE agreed to a settlement of \$15 million, including a \$4 million penalty payable to the General Fund and \$11 million worth of Safety Enhancement Projects at shareholder expense. The Commission approved the settlement in D.17-09-024.

The precedents reflect outcomes that included a mix of penalties, shareholder funding of programs, and/or remedial action plans. The AEO results in a reasonable outcome considering these precedents and the criteria discussed in this section

- 11 Based on the above factors, Respondent shall be subject to a penalty of **\$15,992,500** payable to the State of California General Fund. This penalty is reasonable and within the range allowed by statute and calculated in accordance with the Commission's Penalty Assessment Methodology, under Resolution M-4846.
- 12 This penalty is due within 30 days of adoption of the Final Order. Respondent's payment shall be by check or money order and shall be made payable to the California Public Utilities Commission. Respondent shall write on the face of the check or money order: "For deposit to the State of California General Fund." Respondent shall deliver payment to:

California Public Utilities Commission's Fiscal Office
505 Van Ness Avenue, Room 3000
San Francisco, CA 94102

- 13 In the event the payment specified in paragraph 12 is not timely received by the Commission, a late payment will be subject to interest in the amount of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take all necessary action to recover any unpaid penalty and ensure compliance with applicable statutes and Commission orders.

The penalty amount shall not be placed in rates or be otherwise paid for by ratepayers.

- 14 All written submittals from Respondent pursuant to this Order shall be sent to:
Leslie L. Palmer
Director - Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

All other communications from Respondent shall be to:

Eric Wu
Program Manager

Electric Safety and Reliability Branch
Safety and Enforcement Division
California Public Utilities Commission
eric.wu@cpuc.ca.gov
(415)793-8553

- 15 All approvals and decisions of the Division will be communicated to Respondent in writing by the Division Director or a designee. No informal advice, guidance, suggestions, or comments by the Division regarding reports, plans, specifications, schedules or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required or to bind the Commission.
- 16 If the Division determines that any report, plan, schedule, or other document submitted for approval pursuant to the Proposed Order or Final Order fails to comply with the Order, the Division may:
 - (a) Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Division a revised document incorporating the recommended changes.
- 17 If Respondent is unable to perform any activity or submit any document within the time required under the Proposed Order or Final Order, Respondent may, prior to expiration of time, request an extension of time in writing. The extension request shall include a justification for the delay and a detailed plan for meeting any new proposed compliance schedule. All such requests shall be in advance of the date on which the activity or document is due.
- 18 If the Division determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule. Respondent shall comply with the new schedule.
- 19 All plans, schedules, and reports that require the Division approval and are submitted by Respondent pursuant to this Order are incorporated into this Order upon approval by the Division.
- 20 Neither the State of California, nor its employees, agents, agencies (including the Commission), representatives, or contractors, shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Proposed Order or Final Order, nor shall the Commission be held as a party to a contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.
- 21 A Final Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and

subsidiary and parent corporations. Respondent shall provide a copy of this Final Order to all contractors, subcontractors, laboratories, and consultants that are retained to conduct any work or activities performed under a Final Order, within 15 days after the effective date of the Final Order or the date of retaining their services, whichever is later. Respondent shall condition any such contracts upon satisfactory compliance with the Final Order. Notwithstanding the terms of any contract, Respondent is responsible for compliance with this Proposed Order or Final Order and for ensuring that its subsidiaries, employees, contractors, consultants, subcontractors, agents, and attorneys comply with this Proposed Order or Final Order.

- 22 Nothing in this Proposed Order or Final Order shall relieve Respondent from complying with all other applicable laws and regulations. Respondent shall conform all actions required by this Proposed Order or Final Order with all applicable federal, state, and local laws and regulations.
- 23 This is an action to enforce the laws and regulations administered by the Commission. The method of compliance with this enforcement action consists of payment of an administrative penalty and compliance actions to enforce a permit or order issued by the Commission. The Commission finds that issuance of this Proposed Order or Final Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 2100 et seq.) pursuant to section 15321(a)(2); chapter 3, title 14 of the California Code of Regulations exempting actions to enforce or a permit prescribed by a regulatory agency.
- 24 The Respondent shall not have any ex parte communications with Commission decisionmakers and will only communicate with the Commission through Request for Hearings or other appropriate procedural avenues.

IT IS ORDERED.

DATED: _____

BY: _____

Leslie L Palmer

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Palmer
Date: 2026.09.25 11:47:25 -07'00'

Leslie L. Palmer
Director, Safety and Enforcement Division
California Public Utilities Commission

Appendix A: Request for Hearing Instructions

Appendix B: California Public Utilities Commission Enforcement Policy

Appendix C: SED Investigation Report

Appendix D: Notice Of Violation

Appendix E: Liberty's Response to Notice of Violation