

The CALIFORNIA PUBLIC UTILITIES COMMISSION
Safety and Enforcement Division
Wildfire Safety and Enforcement Branch

**Enclosure 7 (Addendum to Border 32 Fire Incident Investigation Report –
Final Finding)**

GO 95, Rule 19 - Cooperation with Commission Staff; Preservation of Evidence Related to Incidents Applicability of Rules states in part:

Each utility shall provide full cooperation to Commission staff in an investigation into any major accident (as defined in Rule 17) or any reportable incident (as defined in CPUC Resolution E-4184), regardless of pending litigation or other investigations, including those which may be related to a Commission staff investigation. Once the scene of the incident has been made safe and service has been restored, each utility shall provide Commission staff upon request immediate access to:

o Any factual or physical evidence under the utility or utility agent's physical control, custody, or possession related to the incident;

...

Any and all documents or evidence collected as part of the utility's own investigation related to the incident shall be preserved for at least five years. . . .

Violation 1

SDG&E is in violation of GO 95, Rule 19 because of a failure to collect and tag evidence according to procedure Non-Operational Standard Practice Procedure 012. SDG&E's procedure¹ states:

“Store small evidence in an evidence bag and tag large pieces of evidence. Record the item's original location on the bag or tag with a permanent marker.”

SED's evidence viewing at the SDG&E evidence locker on December 12, 2024 determined that evidence tags did not specify the original location, and many of the evidence items were not tagged, a result of SDG&E's failure to follow its own procedures for evidence data collection.² During the evidence viewing, SED observed that a few evidence items had tags, but many did not. On the tags, the line for the original location – labeled as “Removed From” - read, “Barrett Road, Dulzura” shown in Figure 1.

¹ Non-Operational Standard Practice Procedure 012 “INTERNAL INCIDENT INVESTIGATION AND REPORTING PROCEDURES,” under the section titled “Key steps for data collection,” page 5 of 7, the 10th bullet point.

² In Enclosure 5 (SDG&E's “Ltr Response to CPUC Evaluation Ltr NOV E20220901-01 Border 32 Fire 20240816,” dated August 16, 2024), SDG&E's response to Question 5 states, “... SDG&E crews did not create evidence bags or tags when performing restoration work associated with this incident.”

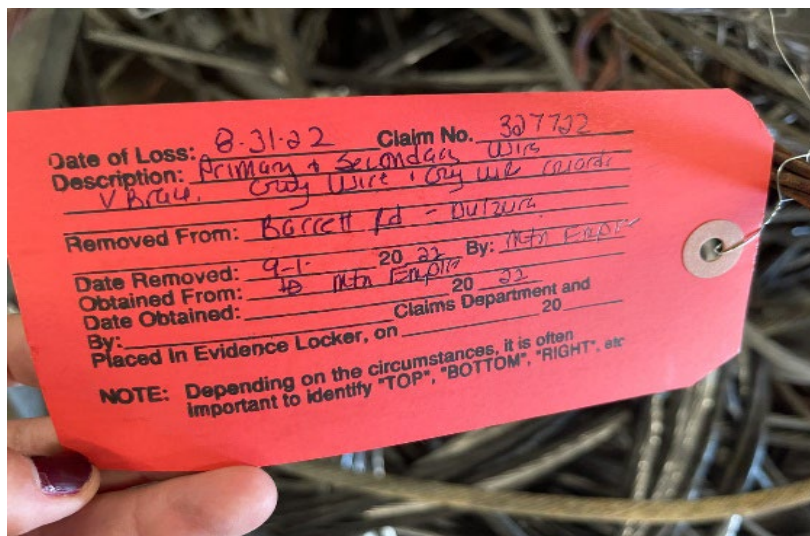


Figure 1. Evidence tag photo. [Courtesy of SDG&E]

Given that the Border 32 Fire led to 11 poles being damaged and replaced over a 0.8-mile stretch along Barrett Smith Road between Pole P175963 and Pole P874585, additional information including the Global Positioning System (GPS) coordinates and/or pole ID numbers is necessary to identify specific poles and material taken into evidence. For most evidence items, SED did not observe any identifiable markings or signs on the evidence items. Out of the 11 poles that were replaced, SED observed an ID display for only one pole, pole number P874589, which is shown in Figure 2. However, the ID display was detached from the pole, and SED was unable to verify if the adjacent pole pieces were from Pole P874589. This is further supported by a statement made by SDG&E's manager of Electric Assets and Compliance during the evidence viewing that the layout of the evidence pieces in clusters did not indicate that each cluster came from the same equipment. Pole P175963 was a pole of interest to SED because it was the closest damaged pole to the fire ignition location. However, this pole - as well as the rest of the poles and the attached equipment - was not identifiable among the collected evidence.



Figure 2. ID display for Pole P874589.

This resulted in the Evidence Inventory File lacking necessary information. In its August 16, 2024 response to the Evaluation Letter, SDG&E provided a copy of the Evidence Inventory File and Evidence Transfer Receipt. The evidence items were transferred from Mountain Empire yard to the evidence locker on October 11, 2022. In the Evidence Inventory File, the “Evidence Description / Purpose, Etc” line read “Pole Parts Etc” and the description of the items under the “Evidence Transfer Receipt” section read, “Border Fire Poles & Various Electrical Parts & Misc. Items.” See Figure 3. In addition to the basic information listed on the Evidence Inventory File, as part of best practices for evidence inventory, the Evidence Inventory File should list the types of parts and their quantities to accurately describe and measure utility inventory.

EVIDENCE INVENTORY FILE

INCIDENT/CASE NAME: Border Fire

CLAIM NUMBER: 397732

DATE OF LOSS: 8-31-22

ASSIGNED CLAIMS REP.: [REDACTED]

INCIDENT LOCATION: Barrett Rd Dulzura

DATE SECURED: 10-11-22 FROM (WHO AND/OR LOCATION): Mtn Empire

EVIDENCE DESCRIPTION/PURPOSE, ETC.: Pole Park Etc

CPUC YES ☒ NO ☐ DISPOSAL DATE (REQUIRED KEEP 5 YEARS) 8-31-27

CHECK OUT LIST

DATE IN	TIME IN	NAME	DATE OUT	TIME OUT	NAME

Sempra Energy utility
 Claims Department
 P.O. Box 126831
 San Diego, CA 92112

EVIDENCE TRANSFER RECEIPT

Received from Mtn Empire custody of the following item(s):
Border Fire Poles + Various Electrical Parts
+ MISC. ITEMS

Comments: DISPOSAL DATE (REQUIRED) KEEP 5 YEARS
CHECK OUT LIST

SDG&E Representative (print name & title) _____

SDG&E Signature _____

Representative (print name & title) [REDACTED] Date 10-11-22

Signature [REDACTED]

Figure 3. Evidence Inventory File.

SED notes that Non-Operational Standard Practice Procedure 012, “ROLES OF INVESTIGATION TEAM PERSONNEL” section on page 3 states,

“Investigation teams will typically contain:

- Law Department (Litigation) Representative
- Investigation Lead – Designated investigation representative, in charge of directing the technical aspects of the investigation under the direction of the Law Department
- **First Responders** – The first people to arrive on site, including **any SDG&E employees and Emergency Services** [emphasis added]
- **Support Personnel** – **To assist the lead investigator with data collection and analysis efforts** [emphasis added]
- Regulatory / Compliance Representative – To assist with any regulatory requirements”

SDG&E also failed to follow the procedure for photographing evidence. SDG&E’s procedure.³ states:

“Don’t touch any evidence until it has been photographed. ...
 Record the orientation of any debris in relation to its original position.”

³ Non-Operational Standard Practice Procedure 012 “INTERNAL INCIDENT INVESTIGATION AND REPORTING PROCEDURES,” under the section titled “Key steps for data collection,” page 5 of 7, the third bullet point.

SDG&E had over two hours to assess damage to its facilities before CAL FIRE granted SDG&E access to the burn area for restoration work:

Table 1⁴: Timeline of significant events at the outset of the incident.

9/1/2022 Thur, 0915 hours	CAL FIRE grants SDG&E access to burn area and Electric Supervisor begins assessment of damage.
9/1/2022 Thur, 1134 hours	CAL FIRE grants SDG&E access to begin restoration construction within burn area.
9/1/2022 Thur, 1926 hours	SDG&E reported the incident to CPUC (Incident No 220901-15253), due to \$50,000 damage criteria.
9/2/2022 Fri, 0055 hours	SDG&E completed all repairs, closed all disconnects.

If the incident was reportable to the CPUC, SDG&E should have taken steps to begin evidence collection before beginning restoration work. In its August 16, 2024 response to a request in SED’s Evaluation Letter⁵ for photos of the evidence before removal from the original location, SDG&E provided six photos of five poles. Although two photos show Pole P873041 lying on top of an SDG&E truck, the pole had already been removed from its original location. SDG&E did not provide photos for the other six damaged poles. Furthermore, of the poles that were photographed, there were not enough pictures from different angles and distances to show the condition of the evidence. SDG&E’s procedure⁶ states:

“Take lots of photos and make sketches – it is always better to have more data”

Based on the above, SED still finds SDG&E in violation of General Order 95, Rule 19.

GO 165 Part III(C) Record-keeping, states in part:

The utility shall maintain records for (1) at least ten (10) years of patrol and detailed inspection activities, ...

For all inspections records shall specify the circuit, area, facility or equipment inspected, the inspector, the date of the inspection, and any problems (or items requiring corrective action) identified during each inspection, as well as the scheduled date of corrective action.

Violation 2

⁴ The information in this table was gathered from the following: 1) SDG&E’s response to Data Request 1 (SED-01), Question 1, 2) CAL FIRE Investigation Report (22CAMVU018864_Border_32_LE-80_Signed_R.pdf), 3) SED’s email communication with SDG&E.

⁵ Evaluation Letter NOV-E20220901-01 Border 32 Fire, dated July 12, 2024.

⁶ Non-Operational Standard Practice Procedure 012 “INTERNAL INCIDENT INVESTIGATION AND REPORTING PROCEDURES page 5.

In SED's Border 32 Notice of Violation, dated March 4, 2024, a violation of General Order 165 Part III (C) by SDG&E was alleged under violation 2. The violation alleged that SDG&E did not maintain annual inspection records in the SAP system for some of its poles and failed to specify equipment in its 2018 inspection records. Based on additional information provided in SDG&E's August 16, 2024 response to SED's evaluation notice letter, SED has determined that SDG&E maintained its 2018 inspection records. Therefore, SED dismisses Violation 2.