



Public Utilities Commission STATE OF CALIFORNIA

Citation Date: September 25, 2026
Citation #: D.16-09-055 W.23-05-001
Utility/Operator ID#: U 902 E

CITATION ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

San Diego Gas and Electric Company (U 902 E)

OFFICERS OF THE RESPONDENT

Jennifer L. Kaminsky
Manager, Electric Assets & Compliance
San Diego Gas and Electric Company
JKaminsky@sdge.com

CITATION

San Diego Gas and Electric Company (SDG&E or Utility) is cited for one violation, resulting in a financial penalty of **\$100,000**. On September 1, 2022, the Safety and Enforcement Division (SED) began its investigation into the Border 32 Fire under Incident Number E20220901-01. Through its investigation, SED identified that SDG&E violated General Order (GO) 95, Rule 19.

VIOLATIONS

SDG&E is cited for violation of GO 95, Rule 19 (one day) as described below.

General Order 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 accident¹ or any reportable incident², 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 5 years...(GO 95, Rule 19 (Jan. 2020), p. I-11.)

¹ See GO 95, Rule 17(A) "Each owner or operator of supply lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence."

² See CPUC Resolution E-4184 which provides utilities guidelines for reporting incidents.



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SDG&E failed to preserve evidence while it determined if the incident was reportable. SDG&E should have coordinated evidence collection activities by allowing its personnel to collect evidence prior to its removal, relocation, and alteration during and before restoration reconstruction. SDG&E missed opportunities to preserve and collect the evidence prior to and during the restoration construction.

As discussed in Enclosure 7, SDG&E failed to preserve evidence by not following key steps in its Non-Operational Standard Practice Procedure 012, "Internal Incident Investigation and Reporting Procedures," during evidence collection. As a result, the physical evidence was not identifiable, and the photos taken of it lacked sufficient quantity and quality to show its condition. Furthermore, while SED viewed the collected evidence, the evidence inventory lacked information necessary for ensuring all evidence items were accounted for. For these reasons SED finds SDG&E in violation of GO 95, Rule 19.

ENCLOSURES

The following enclosures were used to establish the findings of fact:

Enclosure 1 – SED’s Incident Investigation Report, dated January 25, 2024

Enclosure 2 – SED’s Notice of Violation (NOV), NOV-E20220901_Border 32Fire, dated March 8, 2024

Enclosure 3 – SDG&E’s 20240403_Response to CPUC Electric Incident NOV-Border Fire_rev, dated April 3, 2024

Enclosure 4 – SED’s Evaluation Letter NOV-E20220901-01 Border 32 Fire, dated July 12, 2024

Enclosure 5 – SDG&E’s “Ltr Response to CPUC Evaluation Ltr NOV E20220901-01 Border 32 Fire_20240816,” dated August 16, 2024

Enclosure 6 – SDG&E’s “Attachments to Ltr Response to CPUC Evaluation Ltr NOV E20220901-01 Border 32 Fire_20240816”

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

Enclosure 8 – SED’s Supporting Documents

STATEMENT OF FACTS

The above violation is documented in the attached Enclosure 7 – Addendum to Border 32 Fire Incident Investigation Report – Final Finding, which is based on the following: SED’s field observations, Enclosure 1 (SED’s Incident Investigation Report), SED’s interviews with witnesses of SDG&E personnel, SED’s review of SDG&E’s records and responses to SED’s data requests, SED’s review of Enclosure 3, Enclosure 5 and Enclosure 6.



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BACKGROUND

On September 1, 2022, SDG&E reported the Border 32 Fire to the California Public Utilities Commission (CPUC). The Border 32 Fire began at approximately 1417 hours on August 31, 2022, in the vicinity of Barrett Lake Road and State Highway 94 in the unincorporated area of Dulzura in San Diego County. SDG&E reported this incident under the property damage criteria. The fire damaged portions of Circuit 157 12kV Distribution Circuit, including 11 poles. The California Department of Forestry and Fire Protection (CAL FIRE) responded and contained the fire to 4456 acres. CAL FIRE concluded that the fire was started by a vehicle traveling on Highway 94.

On March 8, 2024, SED issued an NOV to SDG&E (see Enclosure 2) which included one (1) violation of GO 95 Rule 19; one (1) violation of GO 165 Part III (C). On April 3, 2024, SDG&E responded with additional information and explanations in its response to SED's NOV and alleged violations (see Enclosure 3). On July 12, 2024, SED issued an evaluation letter, requesting additional information (see Enclosure 4). On August 16, 2024, SDG&E responded to the evaluation letter with the requested information (see Enclosure 5 and Enclosure 6). As a result of this information, SED dismissed the violation of GO 165 Part III (C), which alleged that SDG&E did not maintain annual patrol inspection records in its SAP system. On December 12, 2024, SED conducted a site visit to SDG&E's evidence locker facility to view the evidence collected for the Border 32 Fire.

Violation 1

GO 95, Rule 19 requires each utility to preserve evidence, while it collects the evidence. SDG&E violated this rule when it failed to follow its Non-Operational Standard Practice Procedure 012 "Internal Incident Investigation and Reporting Procedures" in three areas:

"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."

"Don't touch any evidence until it has been photographed. ... Record the orientation of any debris in relation to its original position. ... Take lots of photos and make sketches – it is always better to have more data"

"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"

First, SDG&E did not apply any tags to many of the evidence items. Of the few tags that were



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attached, the description of the location listed only the road name, insufficient to identify the original location of each pole.

Second, SDG&E cut damaged poles into segments but did not keep the separate segments from different poles from each other or tag them for identification. As a result, the Evidence Inventory File lacked information necessary for accurate inventory.

Third, SDG&E failed to take photos of the evidence, photographing five of eleven poles, and failed to take some photos in a timely manner. SDG&E provided two photos of one pole, and single photos of the other four poles. At least for one pole, P873041, the photos were taken after it had been removed from its original location.

Fourth, SDG&E did not involve the investigation team members in evidence collection. According to SDG&E's Internal Incident Investigation and Reporting Procedures, the investigation team should include first responders and support personnel. SDG&E stated that the restoration construction crew that was at the incident site did not create evidence bags or tags.³

Given that the damage was confined to 11 poles in close proximity to one another, SDG&E had time to assess the damage as shown in Table 1. SDG&E had over two hours to assess the damaged poles that were scattered over an approximately 1.2-mile stretch along the road. In addition, it appears that SDG&E was several hours into the restoration construction before it determined the incident was reportable under the property damage criteria. The construction crew was given access to the area at 1134 hours, and SDG&E reported the incident to CPUC at 1926 hours.

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, 1921 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.

In order to preserve evidence until SDG&E could determine whether this incident would be reportable to CPUC, it should have coordinated evidence collection activities and restoration construction in a sequentially appropriate manner, in which it designated time and personnel resources to collect evidence prior to removal, relocation, and alteration of the evidence that occurred during restoration reconstruction. However, SDG&E missed opportunities to preserve and collect the evidence prior to and during the restoration construction.

³ Enclosure 5, page 3 – SDG&E's response to Request 2.

⁴ The information in this table was gathered from SDG&E's response to Data Request 1 (SED-01), Question 1, and the incident report filed by SDG&E.



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Therefore, SED finds SDG&E in violation of General Order 95, Rule 19.

SED CITATION ANALYSIS

Element	Staff Finding
Number of violations and duration of violations	One violation of GO 95, Rule 19, (Jan. 2020, p. I-12). Duration is not applicable.
Severity or gravity of the offense	Economic Harm: N/A Physical Harm: N/A Regulatory Harm/Number of Violations: SED identified one violation of GO 95, Rule 19. This violation alleges that SDG&E failed to preserve evidence during SED's investigation. SED's core function is to enforce the Commission's Safety standards. Failure to preserve evidence over the course of an investigation prevents SED from performing its core function while investigating a 4456 acre wildfire and where 317 customers experienced a sustained outage.



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Element	Staff Finding
Conduct of the utility	Violation 1: GO 95, Rule 19 requires that utilities preserve evidence, including preserving evidence while collecting it. SDG&E failed to preserve evidence when it failed to follow its procedure in following ways: • SDG&E did not tag many of the evidence items, and the tags that were attached did not specify the original location. • SDG&E took photos of only five of the 11 damaged poles, and only one or two photos for each. One pole was photographed only after removal from the original location. • SDG&E did not involve its investigation team members in conducting time-sensitive evidence collection tasks.



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Element	Staff Finding
Prior history of similar violation(s)	SED has not found SDG&E in violation of similar policies and laws in the past.
Self-reporting of the violation	SDG&E self-reported this incident under the property damage criteria set forth in D.06-04-055 (Apr. 28, 2006). After SDG&E self-reported this incident, SED followed up with an incident investigation.
Financial resources of the utility	SDG&E provides natural gas and electric service to approximately 3.7 million customers. SDG&E reported a profit of \$563 million in 2025.



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Element	Staff Finding
The totality of the circumstances	Aggravating factors include: • The incident occurred in a Tier 3 High Fire Threat District. Mitigating factors include: • SDG&E's general cooperation with SED for the duration of the investigation. • The cause of the fire was not attributable to SDG&E equipment. Circumstantial factors include: • SDG&E self-reported this incident under the property damage criterion set forth in Decision 06-04-055 (Apr. 28, 2006).
The role of precedent	SDG&E has not been cited for violations of GO 95 Rule 19 in the past.
Resultant Citation Taking All of These Factors Into Account	\$100,000 consistent with the administrative limit on citations adopted in Decision 16-09-055, Phase Two Decision (Sept. 30, 2016).



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RESPONSE:

Respondent is called upon to provide a response to this Citation by: **5:00 PM on October 26, 2026**. By way of such response, Respondent, **within 30 calendar days**, must either pay the amount of the penalty set forth in this citation,¹ or appeal² the citation. In addition, the Respondent must do one of the following:

- 1) For violations constituting immediate safety hazards: Respondent must immediately correct the immediate safety hazards.
- 2) For violations that do not constitute immediate safety hazards: Violations that do not constitute immediate safety hazards must be corrected within 30 days after the citation is served. If said violations that do not constitute immediate safety hazards cannot be corrected within 30 days, then the Respondent must submit a detailed Compliance Plan to the Director of SED within 30 days after the citation issues, unless the utility and the Director of SED, before the expiration of the 30-day period, agree in writing to another date, reflecting the soonest that the Respondent can correct the violations. The Compliance Plan must provide a detailed description of when the violation will be corrected, the methodology to be utilized, and a statement supported by a declaration from the Respondent's Chief Executive Officer or appropriate designee (CEO Declaration) stating that in the Respondent's best judgment, the time that will be taken to correct the violation will not affect the safety or integrity of the operating system or endanger public safety.

Note: Respondent will forfeit the right to appeal the citation by failing to do one of the options outlined above within 30 days. Payment of a citation or filing a Notice of Appeal does not excuse the Respondent from curing the violation. The amount of the penalty may continue to accrue until a Notice of Appeal is filed. Penalties are stayed during the appeal process. A late payment will be subject to a penalty of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take additional action to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

¹ For fines paid pursuant to Pub. Util. Code §2107 and Decision 16-09-055 Respondent shall submit a certified check or wire transfer payable to California Public Utilities Commission using the attached Citation Payment Form. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and this citation will become final.

² Respondent may Appeal this citation by completing and submitting a Notice of Appeal Form. Please see the attached document, "Directions For Submitting An Appeal To A Citation Issued Pursuant to Decision 16-09-055" for information on the appeals process and the attached "Notice of Appeal Of Citation Form."



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NOTIFICATION TO LOCAL AUTHORITIES:

As soon as is reasonable and necessary, and no later than 10 calendar days after service of the citation is effected, Respondent must provide a notification to the Chief Administrative Officer or similar authority in the city and county where the violation occurred. Within 10 days of providing such notification, Respondent must serve an affidavit to the Director of SED, at the mail or e-mail address noted below, attesting that the local authorities have been notified; the date(s) for when notification was provided; and the name(s) and contact information for each local authority so notified.

The CPUC expects the Utility to take actions, as soon as feasible, to correct, mitigate, or otherwise make safe all violations noted on the Citation regardless of the Utility's intentions to accept or appeal the violation(s) noted in the Citation.

/s/ **Leslie L
Palmer**

Lee Palmer
Director

Digitally signed by
Leslie L Palmer
Date: 2026.09.25
12:29:58 -07'00'

Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Leslie.Palmer@cpuc.ca.gov



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CITATION PAYMENT FORM

I (we) _____ hereby agree to comply with this citation dated _____,
and have corrected/mitigated the violation(s) noted in the citation on _____ and no later
than _____, _____ all work to make permanent corrections to any mitigated, or
otherwise remaining concerns related to the violation(s) will be completed as noted in the
Compliance Plan we have submitted to the Director of SED and, herewith, pay a fine in the
amount of
\$ _____ as included in the citation.

Signature of Electrical Corporation's Treasurer, Chief
Financial Officer, or President/Chief Executive Officer, or
delegated Officer thereof

(Signature)

(Date)

(Printed Name and Title)

Payment must be with a certified check or wire transfer made payable to the **California Public Utilities Commission** and sent to the below address. Please include the citation number on the memorandum line of the check or money transfer to ensure your payment is properly applied.

California Public Utilities Commission
Attn: Fiscal Office
505 Van Ness Avenue
San Francisco, CA 94102-3298

NOTE: A copy of the completed Citation Payment Form must be sent to the Director of the Safety and Enforcement Division, via email or regular mail, to the address provided on the Citation.



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DIRECTIONS FOR SUBMITTING AN APPEAL TO A CITATION ISSUED PURSUANT TO DECISION 16-09-055

Within 30 calendar days of the Respondent being served with a **CITATION ISSUED PURSUANT TO DECISION 16-09-055**, Respondent may appeal the citation. Beyond 30 calendar days of being served with the citation, Respondent is in default and, as a result, is considered as having forfeited rights to appeal the citation. The Respondent must still correct the violation(s) as instructed in the Response section of this citation.

To appeal the citation, Appellant must file a Notice of Appeal (including a completed title page complying with Rule 1.6 of the Commission's Rules of Practice and Procedure, and attached Notice of Appeal Form) along with copies of any materials the Appellant wants to provide in support of its appeal with the Commission's Docket Office **and** must serve the Notice of Appeal, at a minimum, on

- 1) The Chief Administrative Law Judge (with an electronic copy to: ALJ_Div_Appeals_Coordinator@cpuc.ca.gov),
- 2) The Director of the Safety and Enforcement Division
- 3) The Executive Director
- 4) General Counsel
- 5) The Director of the Public Advocates Office at the California Public Utilities Commission

at the address listed below within 30 calendar days of the date on which the Appellant is served the Citation. The Appellant must file a proof of service to this effect at the same time the Appellant files the Notice of Appeal. The Notice of Appeal must at a minimum state: (a) the date of the citation that is appealed; and (b) the rationale for the appeal with specificity on all grounds for the appeal of the citation.

***California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Attn: <Insert Title>***

NOTE: Submission of a *Notice of Appeal Form* in no way diminishes Appellant's responsibility for correcting the violation described in the citation, or otherwise ensuring the safety of facilities or conditions that underlie the violations noted in the Citation.

Ex Parte Communications as defined by Rule 8.1(c) of the Commission's Rules of Practice and Procedure, are prohibited from the date the citation is issued through the date a final order is issued on the citation appeal.



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After receipt of the Appellant's *Notice of Appeal Form*, a hearing will be convened before an Administrative Law Judge. At least ten days before the date of the hearing, the Appellant will be notified and provided with the location, date, and time for the hearing. At the hearing,

- (a) Appellant may be represented by an attorney or other representative, but any such representation shall be at the sole expense of the Appellant;
- (b) Appellant may request a transcript of the hearing, but must pay for the cost of the transcript in accordance with the Commission's usual procedures;
- (c) Appellant is entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than five business days prior to the date of the hearing;
- (d) Appellant is entitled to a copy of or electronic reference to "Resolution ALJ-377 Modifies and Makes Permanent the Citation Appellate Rules and General Order 156 Appellate Rules (Citation Appellate Rules)"; and
- (e) Appellant may bring documents to offer in evidence (Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies) and/or call witnesses to testify on Appellant's behalf. At the Commission's discretion, the hearing in regard to the Appellant's appeal can be held in a CPUC hearing room at either of the following locations:

San Francisco:

505 Van Ness Avenue
San Francisco, CA 94102

Los Angeles:

320 West 4th Street, Suite 500
Los Angeles, CA 90013

The hearing(s) held in regard to the Appellant's appeal will be adjudicated in conformance with all applicable Public Utilities Code requirements.



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Notice of Appeal Form
Appeal from Citation issued by Safety and Enforcement Division
(Pursuant to Decision 16-09-055)

Appellant:

[Name]

[Title]

[Utility Name]

[Mailing Address]

[City, CA Zip Code]

Citation Date: _____

Citation #: D.16-09-055 ____-____-____

Utility/Operator ID#: _____

Appeal Date: _____

“Appeal of _____ from _____
[Utility/Operator Name] [Citation Number]

Issued by the Safety and Enforcement Division”

Statements supporting Appellant’s Appeal of Citation (You may use additional pages if needed and/or attach copies of supporting materials along with this form).



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Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: