



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: April 22, 2024
Citation #: D.16-09-055 W.24-04.001
Utility/Operator ID#: U-39

CITATION
ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

Pacific Gas and Electric Company (U-39)

OFFICERS OF THE RESPONDENT

Meredith Allen
Vice President, Regulatory Affairs
Pacific Gas and Electric Company
MEAe@pge.com

CITATION

Pacific Gas and Electric Company (PG&E or Utility) is cited for five violations, resulting in a financial penalty of **\$800,500**. On June 22, 2022, the Safety and Enforcement Division (SED) began its investigation into the Old Fire under Incident Number E20220602-03. Through its investigation, SED identified that PG&E violated General Order (GO) 95, Rule 18 for failing to complete work orders by the required due date in four separate instances; GO 95 Rule 31.1 for failing to follow accepted good practices for the design, construction, and maintenance of its electrical facilities in one instance; and GO 95 Rule 38 for failing to maintain the required clearance between distribution conductors in one instance.

VIOLATIONS

SED's investigation found PG&E in violation of GO 95 in six separate instances:

- 1) PG&E failed to complete the Level 2 priority work to address the decayed Pole 102286081, identified in PG&E's Electrical Corrective Notification (EC) #116791710, by the due date required by GO 95 Rule 18 (Jan. 2020, p. I-19)¹;
- 2) PG&E failed to complete Level 2 priority work to replace the splitting crossarms and improper jumper connectors installed on Pole 102285897, which were identified during a Field Safety Reassessment inspection (FSR) of EC #111994529, by the due date required by GO 95 Rule 18. (Jan. 2020 p. I-9);
- 3) PG&E failed to complete Level 2 priority work to replace improper jumper connectors installed on Pole 102285909, which were identified during an FSR of EC #112003151, by the due date required by GO 95 Rule 18. (Jan. 2020, p. I-9);
- 4) PG&E failed to complete Level 2 priority work to address heavy woodpecker damage on Pole 102285804, which was identified during an FSR of EC #112001375, by the due date required by GO 95 Rule 18 (Jan. 2020 p. I-9);
- 5) PG&E used its FSR program to delay maintenance and repair work multiple times, which resulted in maintenance work being delayed beyond the utility's internal due dates and in some cases beyond GO 95 Rule 18 required due dates. The PG&E procedures which govern the FSR

¹ Violation 1 is not included in this Citation and remains under review for potential enforcement action at a later date.



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program do not allow the utility to delay the corrective action deadlines, but PG&E has utilized the FSR program to do so. This practice undermines the FSR's program's risk-reduction objectives. By failing to use accepted good practices in the maintenance of the utility's facilities, PG&E violated GO 95 Rule 31.1 (Jan. 2020, p. III-5);

- 6) PG&E failed to maintain the required clearance between the south phase and middle phase distribution conductors between Pole 121270661 and Pole 103949547. PG&E's failure to maintain the required clearance violated GO 95 Rule 38 and led to the conductors making contact, which sparked and ignited the Old Fire (Jan. 2020, p. III-27);

General Order 95, Rule 18 – Maintenance Programs and Resolution of Potential Violations of General Order 95 and Safety Hazards states in part:

Companies shall undertake corrective action within the time period stated for each of the priority levels set forth below...

Level 1 – An immediate risk of high potential impact to safety or reliability: Take corrective action immediately, either by fully repairing or by temporarily repairing and reclassifying to a lower priority.

Level 2 – Any other risk of at least moderate potential impact to safety or reliability: Take corrective action within specified time period (either by fully repair or by temporarily repairing and reclassifying to Level 3 priority). Time period for corrective action to be determined at the time of identification by a qualified company representative, but not to exceed: (1) six months for potential violation that create a fire risk located in Tier 3 of the High Fire Threat District; (2) 12 months for potential violations that create fire risk located in Tier 2 of the High Fire Threat District; (3) 12 months for potential violations that compromise worker safety; and (4) 36 months for all other Level 2 potential violations.

Level 3 – Any risk of low potential impact to safety or reliability: Take corrective action within 60 months subject to the exception specified below.²

General Order 95 Rule 31.1 – Design, Construction and Maintenance states in part:

Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service.

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local

² Exception: Potential violations specified in Appendix J or subsequently approved through Commission processes, including, but not limited to, a Tier 2 Advice Letter under GO 96B, that can be completed at a future time as opportunity-based maintenance. Where an exception has been granted, repair of a potential violation must be completed the next time the company's crew is at the structure to perform tasks at the same or higher work level, i.e., the public, communications, or electric level. The condition's record in the auditable maintenance program must indicate the relevant exception and the date of the corrective action.



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conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment.

GO 95, Rule 38 – Minimum Clearance of Wires from Other Wires states in part:

The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.

The clearances In Table 2 shall in no case be reduced more than 10 percent, except mid-span in Tier 3 of the High Fire-Threat District where they shall be reduced by no more than 5 percent, because of temperature and loading as specified in Rule 43 or because of a difference in size or design of the supporting pins, hardware or insulators.

ENCLOSURES

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

Enclosure 1 – SED’s Incident Investigation Report, dated December 7, 2023

Enclosure 2 – SED’s Supporting Documents, dated December 7, 2023

Enclosure 3 – SED’s Notice of Violation (NOV) letter to the utility, dated January 10, 2024

Enclosure 4 – PG&E’s Response to SED’s NOV, dated February 9, 2024

STATEMENT OF FACTS

The above violations are documented in the attached *Enclosure 1 – SED Incident Investigation Report* which is based on the following: SED’s field observations, SED’s interviews with witnesses of PG&E personnel, SED’s review of PG&E’s records and responses to SED’s data requests, the California Department of Forestry and Fire Protection (CAL FIRE) investigation report, and SED’s review of PG&E’s NOV response dated February 9, 2024.

BACKGROUND

On May 31, 2022 at 1535 hours, the Old Fire ignited in Napa, California. The Old Fire was located in a Tier 2 High Fire Threat District (HFTD). PG&E reported that the Old Fire affected the Pueblo 1105 12 kV circuit. CAL FIRE determined that the cause of the Old Fire was PG&E’s electrical conductors making contact and sparking above dry vegetation. There were no injuries, fatalities, or structural damage to non-utility property as a result of the Old Fire, however two electrical distribution poles were burned by the fire and later replaced by PG&E. There were no customer outages as a result of the fire.

SED reviewed work orders for PG&E facilities in the vicinity of the Old Fire and found four instances where PG&E failed to complete a work order within the timeframe required by GO 95 Rule 18. In addition, SED reviewed the utility’s FSR program, which evaluated several work orders in the vicinity of the Old Fire and found PG&E used its FSR program to substantially delay work orders past the utility’s



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internal due date and GO 95 Rule 18 due date. SED determined PG&E’s use of the FSR program failed to follow accepted good practices for maintaining the utility’s facilities and therefore violated GO 95 Rule 31.1. SED also reviewed PG&E’s electrical fault data on the day of the Old Fire, eyewitness testimony, and the CAL FIRE report. SED agrees with CAL FIRE’s finding that PG&E’s conductors made contact and led to the ignition of the Old Fire. PG&E’s failure to maintain the required clearances between conductors constitutes a GO 95, Rule 38 violation.

SED CITATION ANALYSIS

Element	Staff Finding
Number and duration of violation(s)	Violation 1. ³ Violation 2, GO 95 Rule 18, for four-hundred-thirty-nine days. Violation 3, GO 95 Rule 18, for four-hundred-forty days. Violation 4, GO 95 Rule 18, for five-hundred-fifteen days. Violation 5, GO 95 Rule 31.1, for seven days. Violation 6, GO 95 Rule 38, for one day.
Severity or gravity of the offense	Economic Harm: 570 acres of Tier 2 HFTD wildlands burned. The incident caused no customer outages. Physical Harm: None. Regulatory Harm/Number of Violations: Six violations of GO 95.

³ Violation 1 is not included in this Citation and remains under review for potential enforcement action at a later date.



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Element	Staff Finding
Conduct of the utility	<p>Violation 1 (Not Included in Citation)</p> <p>Violation 2 GO 95 Rule 18 requires correction of Level 2 issues that pose a risk of fire in Tier 2 HFTD within 12 months of identification. EC #111994529 was created on September 19, 2016 by PG&E to install missing high voltage signs on Pole 102285897. During an FSR on June 26, 2021, PG&E identified splitting crossarms and connectors rated for secondary voltages in primary jumpers, which PG&E stated needed to be addressed within 12 months. According to PG&E’s NOV Response, this work order was completed on November 8, 2023. The work identified during the 2021 FSR is classified as Level 2 priority work and poses a risk of fire because damaged crossarms and connectors that are rated for lower voltages than what they are being used for can lead to structural and equipment failures and spark a fire. PG&E’s failure to complete this work in the time frame specified by GO 95 is a violation of Rule 18.</p> <p>Violation 3 GO 95 Rule 18 requires correction of Level 2 issues that pose a risk of fire in Tier 2 HFTD within 12 months of identification. EC #112003151 was created on August 6, 2016 by PG&E to install missing high voltage signs on Pole 102285909. During an FSR on June 25, 2021, PG&E identified connectors rated for secondary voltages in primary jumpers. According to PG&E’s NOV Response, this work order was completed on November 8, 2023. The work identified during the 2021 FSR is classified as Level 2 priority work and poses a risk of fire because connectors rated for lower voltages than what they are being used for can lead to equipment failures and spark a fire. PG&E’s failure to complete this work in the time frame specified by GO 95 is a violation of Rule 18.</p>



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Element	Staff Finding
<p>Conduct of the utility (continued)</p>	<p>Violation 4 GO 95 Rule 18 requires correction of Level 2 issues that pose a risk of fire in Tier 2 HFTD within 12 months of identification. EC #112001375 was created on September 13, 2016 by PG&E to install missing high voltage signs on Pole 102285804. During an FSR on April 5, 2021, PG&E identified the pole was badly split with heavy woodpecker damage. According to PG&E’s NOV Response, this work order was completed on November 2, 2023. The work identified during the 2021 FSR is classified as Level 2 priority work and poses a risk of fire because damaged poles can lead to structural failures and spark a fire. PG&E’s failure to complete this work in the time frame specified by GO 95 is a violation of Rule 18.</p> <p>Violation 5 GO 95 Rule 31.1 requires utilities to use accepted good practices and extends to requiring regulated utilities to follow their internal procedures, as those are accepted as good practices by the utility. PG&E Procedure TD-8999B-001 and PG&E Procedure TD-8123P-200 set the utility’s procedures for FSRs. PG&E acknowledged that these procedures do not enable the utility to delay corrective action past the original required end date for a work order. Nonetheless, it is common practice for PG&E to delay internal maintenance and repair work deadlines via the FSR process as it did for EC Tags #116791710, #112003151, and #112001375. In many cases, when PG&E fails to meet its internal maintenance deadlines, this also delays the work order past the Rule 18 required deadline. This practice defies the purpose of the corrective action deadline, which is to promote risk-reduction, repair and maintain the utility’s facilities in a timely manner. This process is neither logical nor in line with good risk-reduction practices. PG&E’s failure to maintain equipment according to PG&E’s internal procedures for maintenance, missed due dates, and flawed FSR program are not accepted good practices and amount to a violation of GO 95 Rule 31.1.</p> <p>Violation 6 GO 95 Rule 38 requires utilities to maintain an absolute minimum clearance of 5.4 inches between conductors of the same circuit, on the same crossarm or pole, with a voltage between 7,500 – 20,000 volts. The CAL FIRE Report’s expert analysis and review of physical evidence confirms that the south and middle phase conductors of the span between Pole 121270661 and Pole 103949547 had a clearance of zero inches since they made contact with one another and directly led to the ignition of the Old Fire. PG&E’s failure to maintain the clearances between these conductors is a violation of GO 95, Rule 38.</p>



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Element	Staff Finding
<p>Prior history of similar violation(s)</p>	<p>SED’s incident investigations have found PG&E in violation of similar policies and laws at least three times since 2021. Examples include:</p> <ul style="list-style-type: none"> • E20210713-01: On July 13, 2021, in Butte County, CA a tree fell and caused electrical conductors owned and operated by PG&E to make contact and ignited the Dixie Fire. The Dixie Fire burned 963,309 acres, destroyed 1,311 structures, damaged 94 additional structures and caused four injuries. SED found PG&E in violation of GO 95 Rule 18 for failing to complete a work order by the required due date and found PG&E in violation of GO 95 Rule 31.1 for failing to maintain its 12kV overhead conductors safely by failing to identify the hazardous tree condition. • E20210825-01: On August 25, 2021, in Redding, CA a journeyman lineman’s bolt cutters contacted the hot conductor and neutral conductor of a PG&E pole at the same time and ignited the Mule Fire. The Mule Fire burned approximately 10 acres, one stand-alone garage and fencing, and caused an outage that affected six customers. SED found PG&E in violation of GO 95 Rule 18 for failing to complete five work orders in a HFTD by the required due date and found PG&E in violation of GO 95 Rule 31.1 for failing to follow accepted good practices. • E20211223-01: On July 7, 2021, in Grass Valley, CA an overheated piece of equipment from a PG&E pole ignited the Brewer Fire. The Brewer Fire burned approximately 5.5 acres. SED found PG&E in violation of GO 95 Rule 18 for failing to complete a work order in a HFTD by the required due date and found PG&E in violation of GO 95 Rule 31.1 for failing to comply with its internal procedures for addressing work orders in a timely manner.
<p>Self-reporting of the incident</p>	<p>PG&E self-reported the Old Fire incident under the media coverage criterion set forth in Decision (D.) 06-04-055 (Apr. 28, 2006) and Resolution E-4184 (Aug. 21, 2008). After PG&E self-reported this incident, SED followed up with an incident investigation.</p>
<p>Financial resources of the utility</p>	<p>PG&E provides natural gas and electric services to approximately 16 million people. PG&E’s annual revenue in 2023 was \$24.43 billion.</p>



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Element	Staff Finding
<p>The totality of the circumstances</p>	<p>Aggravating factors include:</p> <ul style="list-style-type: none"> Multiple prior violations were found during investigations of previous fires for work orders not being completed on time. The incident occurred near multiple residences and burned 570 acres of Tier 2 HFTD wildland. <p>Mitigation factors include:</p> <ul style="list-style-type: none"> PG&E’s general cooperation with SED for the duration of the investigation. PG&E acknowledged and agreed with all four of the Rule 18 violations in its response to SED’s NOV letter. <p>Circumstantial factors include:</p> <ul style="list-style-type: none"> PG&E self-reported this incident under the media coverage criterion set forth in D.06-04-055 (Apr. 28, 2006).
<p>The role of precedent</p>	<p>PG&E has been cited for violations of GO 95 Rule 18 for the failure to complete work orders on time, and Rule 31.1 for the failure to follow accepted good practices in the past.</p> <p>Violations 2, 3, and 4 regarding the overdue work orders were assessed with the minimum per day fine (\$500) for each day the work orders were overdue due to PG&E acknowledging these violations, and the work orders not being directly associated with the ignition of the fire.</p> <p>Violation 5 regarding the improper use of the FSR program to delay maintenance work was assessed with the minimum per day fine (\$500) for each instance where the FSR program improperly delayed the required maintenance of work due to these work orders not being directly associated with the ignition of the fire.</p> <p>Violation 6 regarding the failure to maintain the required clearance between the south phase and middle phase conductors between Pole 121270661 and Pole 103949547 was assessed with the maximum per day fine (\$100,000) for the single day where the clearance was not maintained due to the contact between the conductors directly leading to the Old Fire.</p>
<p>Resultant Citation Taking These Factors Into Account</p>	<p>The penalty is \$800,500 consistent with the administrative limit on citations adopted in Decision 16-09-055, Phase Two Decision (Sept. 30, 2016).</p>



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RESPONSE:

Respondent has until **5:00 PM on May 23, 2024** to respond to this Citation. Respondent must either pay the amount of the penalty set forth in this citation,¹ or appeal² the citation by the due date shown above. 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 (May 2, 2024) after service of the citation is affected, 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/

Lee Palmer
Director

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 of the California Public Utilities Commission
- 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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Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: