

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



December 30, 2020
CPUC-WSD ID: 2020-RCP_LIB-01

Dan Marsh, Manager
Rates and Regulatory Affairs
Liberty Utilities
701 National Ave
Tahoe Vista, CA 96148

SUBJECT: Notice of Non-Compliance (NONC) Identified During 2020 Wildfire Mitigation Plan (WMP) Remedial Compliance Plan (RCP) Review

Dear Mr. Marsh:

On behalf of the California Public Utilities Commission (CPUC or Commission), Wildfire Safety Division (WSD) staff reviewed Liberty's RCP submitted on July 27, 2020. An RCP filing is a requirement of Liberty's conditionally approved 2020 WMP, pursuant to Ordering Paragraph (OP) 7 of Resolution WSD-002. Liberty's RCP filing must address the Class A Deficiencies identified in Resolutions WSD-002 and WSD-003. Class A Deficiencies are defined as aspects of the WMP that are lacking or flawed.¹

Resolution WSD-002, Section 5.3.2 at p.17 states:

"Class A deficiencies are of the highest concern and require an electrical corporation to develop and submit to the WSD, within 45 days of Commission ratification of WMP Resolutions, an RCP to resolve the identified deficiency. An RCP must present all missing information and/or articulate the electrical corporation's plan, including proposed timeline, to bring the electrical corporation's WMP into compliance."

All Class A Deficiencies identified in WSD-002 and WSD-003 are accompanied by corresponding Conditions intended to resolve the deficiencies. On July 17, 2020, the WSD issued a letter titled, "Guidance on the Remedial Compliance Plan & Quarterly Report Process Set Forth in Resolution WSD-002" (RCP & QR Guidance Letter).² The RCP & QR Guidance

¹ Resolution WSD-002 at p.17.

²https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/WSD/WSD%20Guidance%20Statement%20on%20RCP%20QP%2020200717.pdf

Letter details the WSD’s approach to assessing RCPs, and outlines a set of criteria used to evaluate the sufficiency of Liberty’s RCP.

RCP & QR Guidance Letter at p.4 states:

“Upon review of an electrical corporation’s RCP, the WSD will issue one of the following determinations:

- *Sufficient – The RCP is sufficient, and no further action is required.*
- *Insufficient – The RCP is insufficient. The WSD may issue further guidance concurrent with a finding of insufficiency.*

If the WSD’s review of an RCP finds that any of the review criteria are not met, the RCP will be deemed ‘Insufficient.’”

In accordance with WSD-002 OP 6, Liberty must comply with Class A Conditions for its WMP to be deemed in compliance with Public Utilities Code Section (§) 8386 and the WSD’s WMP Guidelines.

California Code, Public Utilities Code - PUC § 8386(c)(22) states that the wildfire mitigation plan shall include:

“Any other information the Wildfire Safety Division may require.”

As detailed in Table 1 below and outlined in WSD-002 and WSD-003, Liberty is required to resolve the following Class A Deficiencies.

Table 1: Class A Deficiencies from Liberty’s 2020 WMP

#	Deficiency/Condition No.	Deficiency Title	Sufficiency Finding
1	Guidance-3	Lack of risk modeling to inform decision-making.	Insufficient

While Liberty timely filed an RCP, upon review by the WSD, its responses to the Class A Deficiency were found to be insufficient. The WSD determined that Liberty failed to adequately provide the required information needed to properly inform and sufficiently address its Class A Deficiency. Accordingly, the WSD has determined that Liberty is out of compliance with California Public Utilities Code PUC § 8386, Resolution WSD-002, and Resolution WSD-003 for failure to adequately meet all of the requirements to address its Class A Deficiencies. The WSD may use this NONC or future such notices to support recommendations of enforcement action to the Commission.

Please refer to the RCP Action Statement for more details on the insufficiencies for each individual Class A Condition, as well as guidance on how to respond to the NONC, including Action Items required to meet compliance. If you have any questions concerning this NONC, please contact Andie Biggs at (415)-703-3305 or andie.biggs@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Koko Tomassian". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Koko Tomassian
Program and Project Supervisor
Mitigation Branch
Wildfire Safety Division
California Public Utilities Commission

Cc: Caroline Thomas Jacobs, Director, Wildfire Safety Division, CPUC
Melissa Semcer, Program Manager, Mitigation Branch, WSD, CPUC
Andie Biggs, Utilities Engineer, Mitigation Branch, WSD, CPUC