BEFORE THE
DIRECTOR OF THE
OFFICE OF ENERGY INFRASTRUCTURE SAFETY
STATE OF CALIFORNIA

In the Matter of the Notices of Violation

and the Notice of Defect Against:

SOUTHERN CALIFORNIA EDISON, Petitioner.

Notice of Defect No. NOD_SCE_GCA_20211116-01; and

Notice of Violation Nos. NOV_SCE_ATJ_20211115-01;

NOV_SCE_ATJ_20211118-01_Revised;

NOV_SCE_ATJ_20211130-01_Revised;

NOV_SCE_ATJ_20211207-01; NOV_SCE_ATJ_20211116-01;

NOV_SCE_ATJ_20211117-01; NOV_SCE_ATJ_20211201-01;

NOV_SCE_ATJ_20211202-01_Revised;

NOV_SCE_EDC_20211116-01; NOV_SCE_EDC_20211117-01;

NOV_SCE_EDC_20211207-01_Revised;

NOV_SCE_IAG_20211116-01; NOV_SCE_CAC7_20220224-01;

NOV_SCE_IAG_20211117-01; NOV_SCE_IAG_20211117-02;

NOV_SCE_IAG_20211117-03; NOV_SCE_IAG_20211117-04;

NOV_SCE_IAG_20211117-05; NOV_SCE_MYU_20220224-01;

NOV_SCE_ATJ_20220405-01; NOV_SCE_ATJ_20220406-01; NOV_SCE_MYU_20220406-01_Revised

OAH No. 2023010012

PROPOSED DETERMINATION

Julie Cabos-Owen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, considered the information submitted by the parties. Southern California Edison was represented by Peter Shakro, Attorney at Law. The Office of Energy Infrastructure Safety was represented by its Counsel, Jeff Brooks.

Information was submitted, the record closed, and the matter was submitted for determination on March 10, 2023.

SUMMARY

The Office of Energy Infrastructure Safety issued 22 Notices of Violation and one Notice of Defect against Southern California Edison. All 22 Notices of Violation allege Southern California Edison violated its Wildfire Mitigation Plan by failing to install vibration dampers at multiple structures where covered conductor installation was completed. The Notice of Defect alleges one of Southern California Edison's conductors showed evidence of bird-caging that increased the risk of ignition. The information submitted by the parties supports the allegations in the 22 Notices of Violation but does not support the allegation of deficiency in the Notice of Defect.

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FACTUAL FINDINGS

Background

THE OFFICE OF ENERGY INFRASTRUCTURE SAFETY

1. The Office of Energy Infrastructure Safety (Office or Energy Safety) was created as a department under the Natural Resources Agency on July 1, 2021, by Government Code section 15475. The Office began operation in 2020 as the "Wildfire Safety Division" of the California Public Utilities Commission (Pub. Util. Code, § 326), but transitioned to its current designation on July 2, 2021 (Gov. Code, § 15475). (Although the Office acquired the power and responsibilities of the former Wildfire Safety Division some statutes still refer to the "Wildfire Safety Division.")

2. The Office's primary objective is to ensure that regulated entities are reducing wildfire risk and complying with required energy infrastructure safety measures. (Gov. Code, § 15475.1, subd. (b).) The Office achieves this objective, in part, by reviewing, approving, and monitoring compliance with wildfire mitigation plans.

WILDFIRE MITIGATION PLANS

3. Electrical corporations must construct, maintain, and operate their electrical lines and equipment to minimize the risk of catastrophic wildfire. (Pub. Util. Code, § 8386, subd. (a).) To minimize that risk, each electrical corporation must submit a wildfire mitigation plan to the Office for review and approval. (Pub. Util. Code, § 8386, subd. (b).)

4. Each wildfire mitigation plan must state the objectives of the plan (Pub. Util. Code, § 8386, subd. (c)(2)), describe the preventive strategies the electrical

corporation will undertake to minimize the risk that its equipment will cause a catastrophic wildfire (Pub. Util. Code § 8386, subd. (c)(3)), state the electrical corporation's plans for inspecting its equipment (Pub. Util. Code § 8386, subd. (c)(10)), and include a list that identifies and describes wildfire risks throughout the electrical corporation's service territory (Pub. Util. Code § 8386, subd. (c)(11)). The wildfire risk list must address risks associated with the design and construction of equipment (Pub. Util. Code, § 8386, subd. (c)(12)(A)) and identify actions the electrical corporation will take to achieve "the highest level of safety, reliability, and resiliency . . . including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulating of distribution wires, and replacing poles" (Pub. Util. Code § 8386, subd. (c)(14)).

NOTICES OF DEFECT AND NOTICES OF VIOLATION

5. After approving a wildfire mitigation plan, the Office oversees compliance with that plan through various means, including submission of data, investigations, and field inspections. (Pub. Util. Code, §§ 326, subd. (a)(3), 8386.3, subd. (c); Gov. Code, §§ 15473, subd. (c)(2)(D), 15475.) The defect and the violations at issue in this proceeding were discovered during field inspections.

6. The Office is authorized to issue "notices of defect or violation" and to direct electrical corporations to correct defects or noncompliance with their respective wildfire mitigation plans. (Gov. Code, §§ 15475.2, 15475.4, subd. (a).) The Office issues notices of "defect" to identify "a deficiency, error, or condition increasing the risk of ignition posed by electrical lines and equipment requiring correction." (Cal. Code. Regs., tit. 14 (CCR), § 29302, subd. (b)(1).) The Office issues notices of "violation" to identify "non-compliance with an approved Wildfire Mitigation Plan or any law, regulation, or guideline within the authority of the Office." (CCR, § 29302, subd. (b)(2).)

7. On February 16, 2021, the California Public Utilities Commission notified electric corporations of its Compliance Operational Protocols, adopted originally for its Wildfire Safety Division until transition of responsibility to the Office on July 1, 2021. Under the Compliance Operational Protocols, the Office prepares an Inspection Report after an inspection, and "[i]f a defect is identified, a timeline of corrective action will be included in the [I]nspection Report." (Exhibit 2, pp. A820-A821 [all page citations will be to Case Center pagination].) The prescribed timeline for corrective action depends on "the level of defect severity," which is classified as minor, moderate, or severe. (Exhibit 2, p. A821.) Relevant to this proceeding, for "Category 3 – Minor" defects, correction must occur within "12 months or pursuant to a resolution schedule included in the [Wildfire Mitigation Plan] Update." (*Ibid.*)

Jurisdictional Matters

8. After service of a notice of defect or notice of violation, a regulated entity may request "a hearing to take public comment or present additional information" regarding the alleged deficiency or violation. (Gov. Code, § 15475.4, subd. (b); CCR, § 29104, subd. (c).) When a hearing is requested, a neutral hearing examiner from OAH will consider information submitted by the Office, the entity, and the public, and will issue a proposed determination regarding whether the information supports the Office's allegations of deficiency or violation. (CCR, § 29104, subd. (e).)

9. Between February 24, 2022, and August 10, 2022, the Office served Southern California Edison (Edison or SCE) with 22 Notices of Violation. On May 11, 2022, the Office served Edison with a Notice of Defect.

10. Edison submitted requests for hearing on the Notices of Violation and the Notice of Defect. This matter was scheduled pursuant to that request.

11. All jurisdictional requirements have been met.

Edison's Wildfire Mitigation Plans and Construction Standards

12. Edison previously submitted its 2021 Wildfire Mitigation Plan Update – Revision (2021 WMP Update) to the Office. This is the relevant WMP to the Notices of Violation.

2021 WMP UPDATE - SECTION 7 MITIGATION INITIATIVES

13. At Section 7 of its 2021 WMP Update, entitled "MITIGATION INITIATIVES," Edison discusses proposed actions to mitigate wildfire risks. At section 7.1, entitled "WILDFIRE MITIGATION STRATEGY," Edison notes:

> Each of the wildfire mitigation activities proposed in this WMP update (such as SH-1, IN-1.1, etc.) are wildfire mitigation activities that are driven specifically to mitigate wildfire risks and incremental to activities SCE undertakes to reduce other reliability and safety risks.

(Exhibit 1, p. A250.)

14. In section 7.1.4, entitled "New Technologies and Innovations," Edison included a discussion of "vibration dampers," which Edison described as "hardware attached to covered conductors to inhibit conductor abrasion and fatigue from vibration." (Exhibit 1, p. A267.) (In lay terms, conductors are overhead power lines or wires attached to cross arms on poles. The cover on a covered conductor is material encasing and insulating the bare wire to inhibit the flow of electricity into anything that touches the conductor.)

15. In 2020, Edison assessed vibration dampers for covered conductor application. The assessment included the following goals:

> 1. Identify the need for vibration dampers on covered conductor systems.
>
> 2. Work with suppliers on the development of vibration dampers for covered conductor applications.
>
> 3. Evaluate the vibration damper technologies developed for covered conductor system.
>
> 4. Develop design and construction standards for vibration damper application on covered conductor systems.

(Exhibit 1, p. A267.)

16. Edison also addressed how vibration dampers are "effective in reducing ignitions" (Exhibit 1, p. A267) as follows:

> Research studies found that covered conductors may be vulnerable to Aeolian vibration in certain conditions. [Aeolian vibration is vibration caused by wind passing through a conductor.] Aeolian vibration may lead to premature conductor failure due to conductor fatigue and or abrasion. . . . Vibration dampers will mitigate potential failures due to Aeolian vibration. Installing dampers should mitigate the risk of premature failure of covered conductors. Dampers have been proven to prevent the bare

> conductor, conductor connections and attachments from degrading due to vibration[.]

(Exhibit 1, p. A267.)

17. Edison specifically noted the results from lab and field testing "validate the efficacy of the vibration dampers on covered conductor systems." (Exhibit 1, p. A268.) Consequently, Edison indicated its intent to include vibration dampers on new covered conductors as follows:

> SCE published vibration damper design and construction standards for covered conductor application in the third quarter of 2020 focusing on improving installation that may be susceptible to Aeolian vibration. . . . Construction of new covered conductor circuits will include vibration dampers, as applicable.

(Exhibit 1, p. A268.)

18. Section 7.3.3 of the 2021 WMP Update deals with "Grid Design and System Hardening," and specifically, section 7.3.3.3 addresses "Covered conductor installation." (Exhibit 1, p. A300.) At subdivision "7.3.3.3.1 Covered Conductor (SH-1)," Edison explains its plan stating, "In 2021, SCE continues its Wildfire Covered Conductor Program (WCCP), a multi-year program initiated in 2018 that replaces bare overhead conductor with covered conductor in [High Fire Risk Areas (HFRA)]." (*Ibid.*) In that section, Edison also notes:

> In 2020, SCE assessed vibration dampers for covered conductor application (AT-4 in SCE's 2020 WMP) and

> concluded that vibration dampers mitigate the risk of premature failure of covered conductors due to vibration. SCE published vibration damper design and construction standards for covered conductor application and in 2021, vibration dampers will be part of standard covered conductor installations.

(Exhibit 1, p. A303.)

19. In its 2021 WMP Update, Edison includes a section entitled "Grid Design and System Hardening: Expanded Measures Are Expected to Further Reduce Wildfire Risk From Overhead Electric Systems" (Exhibit 1, p. A94), in which Edison states:

> Covered conductor deployment continues to be one of our most important wildfire mitigation activities. We have deployed nearly 1,500 circuit miles of covered conductor to date and plan to deploy over 1,000 circuit miles of covered conductor in 2021. By the end of 2022, we expect to replace over 4,000 circuit miles[.]

(Exhibit 1, p. A94.)

20. In its 2021 WMP Update, Edison also includes a table entitled, "SCE's Foundational Wildfire Mitigation Plan Progress." For covered conductors, its "2021-2022 Forecast" was to "Install 1,000 circuit miles in 2021, and 1,600 circuit miles in 2022. Scope will be added if feasible." (Exhibit 1, p. A93.)

21. In its 2021 WMP Update, Edison does not include separate timelines for installing vibration dampers. However, since the 2021 WMP Update indicates vibration

dampers "will be part of standard covered conductor installations" (Exhibit 1, p. A303), the separate timeline would be superfluous.

EDISON'S STANDARDS

22. In 2021, Edison adopted standards for vibration damper design and installation based on its 2020 research. Edison provided its standards to the Office, including its Distribution Overhead Construction Standard CC 190 (Exhibit 6) and Distribution Design Standard DDS-10 (Exhibit 7).

23. Distribution Overhead Construction Standard CC 190 specifies:

> Two types of dampers are approved for applications in covered conductor systems: spiral vibration dampers and Stockbridge dampers. Vibration dampers shall be installed on every span in light loading areas. Vibration dampers will be installed in heavy loading areas when vibration on conductor is observed. For the 336 (30/7) ACSR covered conductor, vibration dampers shall be installed in both light loading and heavy loading areas. The damper type to be applied will depend on the diameter of the conductor. Vibration dampers are only required on full tension spans and will not be required on reduced tension spans.

(Exhibit 6, p. A849.)

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24. Edison's Distribution Design Standard DDS-10 included a section entitled "WMP Program Overview," under which Edison provided the following explanation:

> The focus of this DDS section is to provide an outline of design requirements for Grid Design and System Hardening, which is one of the initiatives, included in the WMP. SCE's goal is to deploy system-hardening measures that reduce the risk of ignitions associated [with] electrical infrastructure as quickly as possible. The grid hardening measures focus on reducing ignition risk and improve reliability by reducing the frequency and impact of faults resulting from contact from objects. . . .
>
> SCE has extensive plans to replace bare overhead conductor with covered conductor as part of SCE's WMP Grid and System Hardening initiative.

(Exhibit 7, p. A861.)

25. Edison's Distribution Design Standard DDS-10 specified the "System Hardening Equipment and Materials Design Standards," which included "Covered Conductor" as part of the equipment. (Exhibit 7, p. A862). Standard DDS-10 further specified, "To ensure a robust covered conductor system, the following are important considerations when designing and constructing with covered conductors:"

> Vibration Damper Requirements
>
> Two types of dampers will be used in covered conductor systems: spiral vibration dampers and Stockbridge dampers.

> Vibration dampers shall be installed on every span in light loading areas. Vibration dampers will be installed in heavy loading areas when vibration on conductor is observed. For the 336 (30/7) ACSR covered conductor, vibration dampers shall be installed on every span in both light loading and heavy loading areas. Vibration dampers are only required on full tension spans and are not required on reduced tension spans. Refer to DOH CC 190 for damper installation requirements and instructions.

(Exhibit 7, p. A863.)

EDISON'S MAY 2021 INTERIM DEVIATION FROM STANDARDS

26. On May 18, 2021, Edison published its Interim Deviation from Standards on Vibration Damper for Covered Conductor, Ref. No. HL-0821. Edison noted:

> [T]he vibration damper standard was put into effect in October 2020 and is required for all covered conductors in light loading areas (elevation below 3,000 feet). Recently, SCE has been experiencing an acute shortage of Stockbridge Dampers . . . for 336 ACSR Covered Conductor due to the high demand and supplier constraints. Additionally, the spiral vibration dampers . . . for 1/0 ACSR, #2 Copper, and 2/0 Copper may be running low on stock.
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> [¶] . . . [¶]

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> Apart from supply shortages, a review of the orders placed for vibration dampers indicates inconsistent ordering practices at various store locations. For example, the analysis shows that some locations are ordering up to ten times more vibration dampers than needed based on the circuit miles of covered conductors to be installed. On the other hand, the analysis shows that some locations with high covered conductor orders are not ordering enough dampers. To ensure consistent delivery of vibration dampers, the following guidance is developed by Supply Chain and Asset & Engineering Strategy team, and it will be applied towards the field requests.
>
> [¶] . . . [¶]
>
> Action
>
> Deviation from Distribution Overhead Construction Standards CC 190 when dampers are not available is acceptable for the duration of the damper shortage, which is projected to last until December 31, 2021.

(Exhibit 5, pp. A843-A844.)

27. It was not established that the Distribution Overhead Construction Standard CC 190, the Distribution Design Standard DDS-10, or the Interim Deviation from Standards on Vibration Damper for Covered Conductor, Ref. No. HL-0821, are incorporated into Edison's 2021 WMP Update.

EDISON'S 2022 WMP UPDATE

28. Edison submitted the Office with its 2022 WMP Update that addressed vibration dampers in Section 7.3.3.3.3 Vibration Damper Retrofit (SH-16). That section stated, in pertinent part:

> In 2021, SCE published vibration damper design and construction standards for covered conductor application based on an assessment SCE performed in 2020, which concluded that vibration dampers mitigate the risk of premature failure of covered conductors due to vibration.
>
> In 2022, SCE will retrofit vibration dampers on 100 structures and strive to complete up to 115 structures where covered conductor is already installed in SCE's HFRA.
>
> [F]uture improvements to initiative:
>
> 2022 will be the first year that SCE begins to retrofit existing covered conductor installations. Any lessons learned from the 2022 vibration damper retrofit will be used to make improvements for future years. SCE expects to retrofit approximately 2,700 structures in total by 2026 (400, 600, 830, and 830 structures for the years 2023, 2024, 2025, and 2026, respectively).

(Exhibit B-1, p. B315.)

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29. The 2022 WMP Update, while addressing retrofit, did not address why vibration dampers had not been placed on new covered conductor installations in 2021 as required in the 2021 WMP Update.

Notices of Violation

ISSUANCE OF NOTICES OF VIOLATION

30. In 2021, the Office received data from Edison indicating it had completed certain covered conductor installation projects pursuant to its 2021 WMP Update. In 2021 and 2022, the Office inspected the structures "to assess the accuracy of SCE data, the completeness of SCE's work, and whether SCE followed its protocols for covered conductor installation." (Exhibit 8, p. A873.) The inspections revealed Edison had not installed vibration dampers at multiple structures where covered conductor installation was completed. Consequently, the Office issued the 22 Notices of Violation (NOV) at issue in this case.

31. The NOVs (detailed further below) generally indicated the reasoning for the violation finding as follows:

> Per SCE's Distribution Design Standards (DDS) and Distribution Overhead Construction Standards (DOH), when installing covered conductor, vibration dampers must also be installed. Energy Safety staff found that vibration dampers were not installed at multiple structures where covered conductor was completed. . . . On November 19, 2021, SCE submitted a memo to Energy Safety titled, "Interim Deviation from Standards on Vibration Damper for Covered Conductor" (hereafter, "Memo"). This Memo was

> dated August 18, 2021, and indicates that due to supply chain issues, SCE will suspend the installation of vibration dampers until December 31, 2021. In accordance with SCE's [data] submission, the covered conductor installations inspected by Energy Safety were completed prior to the issuance of the Memo. Also, SCE informed Energy Safety of this supply chain issue only after inspections commenced. Consequently, Energy Safety finds that SCE is still in violation of its protocols requiring the installation of vibration dampers as part of covered conductor installations.

(Exhibit 8, p. A873.)

32. In a July 2022 NOV, the Office noted, "On March 25, 2022, SCE sent an earlier version of that Memo that was dated May 18, 2021." (Exhibit 39, p. A1636.) However, this did not change the Office's analysis of Edison's violations.

33. On February 24, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211115-01 to Edison. (Exhibit 8.) The NOV arose from a November 15, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4194265E, 4194264E, 4194263E, 4194261E, 4194260E, 4194259E, and 4194258E.

34. On February 24, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211118-01 to Edison (Exhibit 10), and on April 8, 2022, issued NOV No. NOV_SCE_ATJ_ 20211118-01_Revised (Exhibit 11). The NOV arose from a November 18, 2021 inspection during which the inspector found Edison failed to install vibration

dampers where covered conductor installation was completed at pole number 2144971E.

35. On February 24, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211130-01 to Edison (Exhibit 13), and on April 8, 2022, issued NOV_SCE_ATJ_ 20211130-01_Revised (Exhibit 14). The NOV arose from a November 30, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 463639E, 929077E, 929076E, 4094275E, 4094276E, 4094277E, 4094278E, 4157910E, 4944416E, 4089206E, 1025312E, and 1025313E.

36. On February 24, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211207-01 to Edison. (Exhibit 15.) The NOV arose from a December 7, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4556899E, 4554785E, 4554799E, 4554798E, 4554796E, 4554794E, 4545339E, 4554790E, 4554788E, 4554787E, 1026956E, 1407366E, 1789149E, and 4475177E.

37. On March 23, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211116-01 to Edison. (Exhibit 17.) The NOV arose from a November 16, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 1922866E, 1922670E, 4477226E, 1922666E, 4477224E, 1922663E, 4477219E, 4477216E, 1922654E, 4476903E, 4429437E, and 1922649E.

38. On March 23, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211117-01 to Edison. (Exhibit 19.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered

conductor installation was completed at poles numbers 732561H, 984012E, 4315279E, 1401819E, 2170090E, 4651152E, 1437878E, 1147445E, 1159657E, 2168563E, and 4217177E.

39. On March 23, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211201-01 to Edison. (Exhibit 20.) The NOV arose from a December 1, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 1121374E, 1219492E, 1219493E, 2093435E, 4622656E, 1309679E, 2058723E, 4191310E, 447040E, 2139296E, 4278547E, 4278546E, 4278545E, 676783E, 4373743E, 4373744E, and 4373745E.

40. On March 23, 2022, the Office issued NOV No. NOV_SCE_ATJ_ 20211202-01 to Edison (Exhibit 21), and on April 20, 2022, issued NOV_SCE_ATJ_ 20211202-01_Revised (Exhibit 22). The NOV arose from a December 2, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4628153E, 710834E, 862693E, 4155191E, 4724215E, 1902077E, 4393705E, 4393713E, 4308815E, 862696E, 4308816E, 4308817E, and 4789750E.

41. On March 23, 2022, the Office issued NOV No. NOV_SCE_EDC_ 20211116-01 to Edison (Exhibit 24). The NOV arose from a November 16, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4194273E, 4194270E, 1922869E, 4706494E, 1922867E, 1922864E, 4477212E, 4477225E, 1922664E, 4477223E, 4477222E, 4477218E, 4477214E, 4477211E, 1922653E, and 4476901E.

42. On March 23, 2022, the Office issued NOV No. NOV_SCE_EDC_ 20211117-01 to Edison. (Exhibit 25.) The NOV arose from a November 17, 2021

inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 382960E, 732562E, 4315280E, 1401817E, 1401818E, 1500596E, 2091458E, 1147448E, 4881031E, 1441491E, and 4434920E.

43. On March 23, 2022, the Office issued NOV No. NOV_SCE_EDC_ 20211207-01 to Edison (Exhibit 26), and on April 20, 2022, issued NOV_SCE_EDC_ 20211207-01_Revised (Exhibit 27). The NOV arose from a December 7, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4556900E, 4554800, 4554797E, 4554795, 4554793E, 4554792E, 4554791E, 4554789E, 4554786E, 276507E, 4494709E, 4415240E, 4775180E, 4775179E, 4775178E, and 4775176E.

44. On March 23, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211116-01 to Edison. (Exhibit 29.) The NOV arose from a November 16, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4194272E, 4244431E, 1922868E, 1922865E, X11396E, 4477220E, and 4477213E.

45. On April 22, 2022, the Office issued NOV No. NOV_SCE_CAC7_ 20220224-01 to Edison (Exhibit 30). The NOV arose from a February 24, 2022 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 1896712E and 1896711E.

46. On April 22, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211117-01 to Edison. (Exhibit 32.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered

conductor installation was completed at poles numbers 382961E, 1603388E, 4920630E, and 2170089E.

47. On April 22, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211117-02 to Edison. (Exhibit 34.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 946809E, 4651151, and 946808E.

48. On April 22, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211117-03 to Edison. (Exhibit 35.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 1147447E, 1147443E, and 4831822E.

49. On April 22, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211117-04 to Edison. (Exhibit 36.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at pole number X6067E.

50. On April 22, 2022, the Office issued NOV No. NOV_SCE_IAG_ 20211117-05 to Edison. (Exhibit 37.) The NOV arose from a November 17, 2021 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at pole number 4205199E.

51. On April 22, 2022, the Office issued NOV No. NOV_SCE_MYU_ 20220224-01 to Edison. (Exhibit 38.) The NOV arose from a February 24, 2022 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 1896709E and 1896708E.

52. On July 22, 2022, the Office issued NOV No. NOV_ SCE ATJ_20220405-01 to Edison. (Exhibit 39.) The NOV arose from an April 2, 2022 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4541503E, 4465113E, 4541505E, 2081054E, 4291960E, 4477480E, and 4843041E.

53. On July 22, 2022, the Office issued NOV No. NOV_SCE ATJ_20220406-01 to Edison. (Exhibit 41.) The NOV arose from an April 5, 2022 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4237077E, 4237080E, 4477345E, 4465129E, and 4369478E.

54. On July 28, 2022, the Office issued NOV No. NOV_SCE_MYU_ 20220406-01 to Edison. (Exhibit 42.) On August 10, 2022, the Office issued NOV No. NOV_SCE_MYU_20220406-01_Revised to Edison. (Exhibit 43.) The NOV arose from an April 6, 2022 inspection during which the inspector found Edison failed to install vibration dampers where covered conductor installation was completed at poles numbers 4465118E, 4477325E, 4363990E, 4360581E.

55. In all the NOVs, the violations were determined to be "minor." Consequently, the correction timeline for Edison to remedy the violations was 12 months or pursuant to a resolution schedule in its WMP. Since Edison's 2021 WMP Update does not have a resolution schedule, the 12-month correction period applies.

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EDISON RESPONSES / ARGUMENT

56. On March 28, 2022, Edison submitted a response to NOV_SCE_ATJ_20211115-01 and NOV_SCE_ATJ_20211207-01. (Exhibit 9.) In its response, Edison asserted:

> That SCE may have deviated from its own standards and protocols is not in and of itself a basis for a Notice of Violation or defect; such a deviation does not necessarily mean the requirements for such notices have been met under Government Code §§ 15474.2 or 15475.4 or California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302. For example, not adhering to internal construction or design standards should not be considered "violations" or "defects" (see, e.g., SCE's response regarding findings regarding vibration dampers).

(Exhibit 9, p. A897.)

57. In its March 28, 2022 response, Edison explained its disagreement that it had committed violations regarding vibration dampers as follows:

> SCE does not agree with the findings identified by Energy Safety regarding vibration dampers. "Vibration dampers" are hardware attached to the conductors to inhibit conductor abrasion and fatigue from vibration. SCE undertook further assessment of vibration dampers for covered conductor application in 2020. The assessment involved working with manufacturers to develop vibration

damper design for covered conductors and evaluating and testing the new vibration damper design. SCE published vibration damper design and construction standards for covered conductor application in the fourth quarter of 2020 focusing on improving installation that may be susceptible to Aeolian vibration.

The requirement for vibration dampers was put into effect in October 2020 and is required for all full tension covered conductors in light loading areas (elevation below 3,000 ft). Due to a significant shortage of dampers from SCE's supplier, SCE issued an interim deviation from the Standards. The initial deviation was published and made effective May 2021. The purpose of vibration dampers is to prevent long-term degradation of covered conductor, potentially shortening its useful life. Accordingly, in the near term, not installing vibration dampers does not pose any general or wildfire safety risks. As dampers become available from SCE's supplier, SCE plans to analyze these installations and retrofit vibration dampers in high or medium vibration susceptibility areas.

SCE communicated these issues to Energy Safety during SCE's supplemental response to Energy Safety-DR-030 submitted on November 19, 2021 and the Biweekly Meeting discussions on November 9, 2021 and February 15, 2022. Our responses and discussions reflect that we have been

> working to address the vibration dampers that were not in scope (prior to October 2020) or where we experienced supply chain issues that impeded our ability to install the vibrations dampers as part of our covered conductor installation process and therefore should not be subject to a violation.

(Exhibit 9, p. A898.)

58. Edison submitted responses to additional NOVs as follows: a March 28, 2022, response to NOV_SCE_ATJ_ 20211207-01 (Exhibit 16); an April 25, 2022 response to NOV_SCE_ATJ_20211116-01, NOV_SCE_ATJ_20211117-01, NOV_SCE_ATJ_202111201-01, NOV_SCE_EDC_20211116-01, NOV_SCE_EDC_ 20211117-01, and NOV_SCE_ IAG_20211116-01 (Exhibit 18); a May 9, 2022 response to NOV_SCE_ATJ_ 20211118-01_Revised and NOV_SCE_ATJ_20211130-01 (Exhibit 12); a May 20, 2022 response to NOV_SCE_ATJ_ 20211202-01_Revised (Exhibit 23); a May 20, 2022 response to NOV_SCE_EDC_ 20211207-01_Revised (Exhibit 28); a May 23, 2022, response to NOV_SCE_IAG_20211117-01, NOV_SCE_IAG_20211117-02, NOV_SCE_IAG_20211117- 03, NOV_SCE_IAG_20211117-04, NOV_SCE_IAG_20211117-05, NOV_SCE_CAC7_20220224-01, and NOV_SCE_MYU_20220224-01 (Exhibit 33); an August 22, 2022 response to NOV_SCE_ATJ_20220405-01 and NOV_SCE_ATJ_20220406-01 (Exhibit 40); and an August 24, 2022 response to NOV_SCE_MYU_20220406-01_Revised (Exhibit 44). All of Edison's responses regarding the failure to install vibration dampers were similar to its March 28, 2022 response (Exhibit 9).

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59. In its Memorandum of Law in Response to Notice of Violation and Notice of Defect (SCE Memo of Law), Edison poses several arguments challenging the NOVs for failure to install vibration dampers. Edison first asserts:

> The 2021 WMP [Update] did not set a deadline for vibration damper installations at the particular locations that Energy safety chose to inspect on the days Energy Safety chose to inspect them. Furthermore, unlike other activities in its 2021 WMP [Update] SCE did not specify a quantity of vibration dampers that it planned to install as part of new covered conductor circuits in its 2021 WMP [Update].
>
> [I]t was not until the following year in SCE's 2022 WMP update—which Energy Safety reviewed and approved—that SCE added a separate vibration damper retrofit program and a specific target number of structures on which SCE expected to retrofit vibration dampers where covered conductor is installed. See [Adrianne] Luy Decl. [Exhibits A and A-1] (SCE's 2022 WMP at [p. B316].) ("2022 will be the first year that SCE begins to retrofit existing covered conductor installations."). The fact that Energy Safety observed that vibration dampers had not yet been installed at select locations on specific dates in 2021 does not substantiate any violation of a requirement set forth in SCE's 2021 WMP because SCE did not commit to a specific vibration damper installation target at that time, and SCE

> clearly stated that the activity would be performed "as applicable."

(SCE Memo of Law, pp. B1146-B1147.)

60. Edison's first argument, that its 2021 WMP Update did not commit to vibration installation numbers or target deadlines, is unpersuasive. As noted in Factual Findings 18 and 21, since the 2021 WMP Update indicates vibration dampers "will be part of standard covered conductor installations" (Exhibit 1, p. A303), and since the 2021 WMP Update contains a timeline for installing covered conductors, a separate timeline for vibration dampers would be superfluous. Furthermore, Edison's assertion that the 2021 WMP Update initiative, "Construction of new covered conductor circuits will include vibration dampers, as applicable" (Exhibit 1, p. A268), affords Edison discretion in timing the installation of vibration dampers on new covered conductors is unconvincing. Any ambiguity Edison now asserts in using the phrase "as applicable" is contradicted by its own standards (at Factual Findings 22 through 26) which, although not part of the 2021 WMP Update, corroborate Edison's intent to install vibration dampers with new covered conductors in 2021. Additionally, in its March 28, 2022 response to an NOV, Edison acknowledged, "The requirement for vibration dampers was put into effect in October 2020 and is required for all full tension covered conductors in light loading areas (elevation below 3,000 ft)." (Exhibit 9, p. A898.) There is no evidence the covered conductors subject to the NOVs fell outside this category.

61. In its SCE Memo of Law, Edison secondly contests the NOVs by asserting the installation of vibration dampers was "not possible due to a vibration damper supply shortage." (SCE Memo of Law, p. B1147.)

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62. Niousha Tavakoli (Tavakoli), a Conductor and Cable Engineer with Edison, provided a declaration (Tavakoli Decl.) as part of Edison's response to the NOVs. As a Conductor and Cable Engineer, Tavakoli performs technical evaluations to approve suppliers, including vibration damper suppliers. Tavakoli explained:

> [I]n 2021, SCE's plans for installation of vibration dampers on covered conductors were significantly impacted by supply shortages during the COVID-19 pandemic.
>
> [I]n February 2021, suppliers began to provide notices of challenges that they were experiencing in procuring materials used to manufacture vibration dampers and delays in shipments to SCE supply chain professionals[.]
>
> [V]ibration damper supply shortages, uncertainties in shipping times, and delays in delivery of materials persisted throughout 2021.
>
> [G]iven uncertainty as to the length of supply chain disruptions and the shortage of vibration dampers, SCE issued internal guidance effective May 18, 2021 providing that vibration damper installations on covered conductors may be postponed at location where dampers were unavailable because of supply constraints. Such guidance was later extended until August 30, 2022[.]
>
> [S]CE procured approximately 45% of the vibration dampers that SCE ordered in 2021.

(Tavakoli Decl., paras. 5-9.)

63. In its Memo of Law, Edison also asserts:

> [T]o the extent that Energy Safety attempts to rely on SCE's internal design and construction standards to support the allegations in the [NOVs], Energy Safety should also be limited by the changes that SCE made in light of the vibration damper supply shortage. SCE additionally asserted that, given the Interim Deviation from Standards on Vibration Damper for Covered Conductor, effective May 18, 2021, "there is no basis to find a violation for failure to install vibration dampers at any location that Energy Safety inspected after May 18, 2021.

(SCE Memo of Law, p. B1148.)

64. Edison's second argument that its violations were negated by a vibration damper shortage is not persuasive. As noted in Factual Finding 27, the evidence failed to establish that the Interim Deviation from Standards on Vibration Damper for Covered Conductor (or Edison's published standards) are incorporated into Edison's 2021 WMP Update such that an exception was created. Furthermore, Edison provided no evidence that the vibration dampers required at the locations subject to the NOVs were subject to shortage and that the absence of vibration dampers at those locations was due to procurement impossibility.

65. In its SCE Memo of Law, Edison thirdly contests the NOVs by asserting: "To the extent Energy Safety is claiming that the absence of vibration dampers present

a short-term wildfire risk, Energy Safety does not provide any citation for this claim or point to any facts or evidence to substantiate it." (SCE Memo of Law, p. B1148.)

66. Arianne Luy (Luy), an Engineering Manager with Edison, provided a declaration (Luy Decl.) as part of Edison's response to the Notices of Violation and Notice of Defect. As Engineering Manager, Luy oversees Edison's Grid Hardening Prioritization team, "which is responsible for developing risk-informed approaches for certain wildfire mitigation efforts, including the installation of covered conductor and vibration dampers." (Luy Decl., pp. B1-B2.) Luy explained:

> Vibration dampers are intended to prevent the long-term degradation of covered conductor. [Edison] began installing covered conductor in 2018. Vibration may reduce the covered conductor's useful life from 45 years to an average of 25 years in locations designated as high and medium vibration susceptibility areas. Lack of a vibration damper does not, in the short term, affect the wildfire mitigation effectiveness of covered conductor. The wildfire mitigation effectiveness of covered conductor is not impacted in the short term by the presence or absence of a vibration damper.

(Luy Decl., p. B2.)

67. Since the NOVs are based on Edison's violation of its 2021 WMP Update, without any additional requirement that the Office show the violation creates a short-term wildfire risk, Edison's third argument is not persuasive.

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Notice of Defect

ISSUANCE OF NOTICE OF DEFECT

68. On May 11, 2022, the Office issued Notice of Defect (NOD) No. NOD_SCE_GCA_ 20211116-01 to Edison. An inspection report was attached to the May 11, 2022 NOD, detailing the discovery of the defect. (Exhibit 3.)

69. The May 11, 2022 NOD and inspection report informed Edison of a defect discovered during a November 16, 2021 inspection as follows:

> Defect 1: Conductor showing evidence of bird-caging near pole X11580E. Energy Safety considers bird-caging wires to weaken the strength of the supply conductors leading to an increased risk of a wire down event and ignition. Energy Safety considers this defect to be in the minor risk category.

(Exhibit 3, p. A823.)

70. On June 10, 2022, Edison sent a response to the NOD, requesting a hearing and an extension of time to provide its response.

EDISON RESPONSE / ARGUMENT

71. Edison contests the NOD for "bird-caging" and specifically disputes the Office's conclusion that bird-caging can "weaken the strength of the supply conductors leading to an increased risk of a wire down event and ignition." (Exhibit 3, p. A823.) Edison argues:

> [E]nergy Safety's conclusion "is unsupported by any facts. The only document that Energy Safety cites for this

> proposition is its May 11, 2022 notice of defect to SCE, which repeats the same bare conclusion. . . . When Energy Safety issued the [NOD, it] failed to provide any factual support for the blanket assertion that any degree of separation of strands of a conductor increases the risk of an ignition. . . . The [NOD] is also devoid of any facts or analysis to support the conclusion that the particular instance of bird-caging identified by Energy Safety increased the risk of an ignition as to the specific conductor at issue.

(SCE Memo of Law, p. B1149.)

72. Edison provided evidence (Luy Decl. and Exhibits A-2, A-3, and A-4) contradicting the Office's conclusory statement that bird-caging weakens the strength of the conductors thereby increasing the risk of a wire down and ignition.

73. In her Declaration, Luy explains how bird-caging does not weaken the strength of the conductors as follows:

> The term "bird-caging" refers to the separation of the outer conductor strands to form a shape resembling a bird cage around the core of the conductor.
>
> [B]ird-caging may manifest in aluminum conductor steel-reinforced cable due to the thermal expansion of conductor strands.

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[I]n my experience, simple bird-caging does not affect the conductor's integrity because the steel core of the conductor accounts for the majority of the conductor's breaking strength, and the conductor can therefore withstand the same amount of force without breaking despite the presence of bird-caging.

[B]efore receiving Energy Safety's notice of defect, SCE contracted with Exponent, Inc. (Exponent) to conduct certain analyses to help inform SCE's ongoing wildfire mitigation efforts.

[E]xponent is an international engineering, scientific, and environmental consulting firm. As part of its analysis, Exponent evaluated conductors with bird-caging and observed that the conductors were not weakened and did not fail at a lower threshold than they otherwise would be expected to fail absent the presence of bird-caging.

[¶] . . . [¶]

[E]xponent performed lab-based strength testing on samples of conductors with bird-caging. This analysis considered the tensile strength of the conductor, which represents the maximum load that the conductor is expected to support before breaking. Exponent simulated increases in the electrical load on the sample conductors and measured the point at which each conductor broke.

> The results of Exponent's analysis showed that the tested conductors exceeded 100% of their tensile strength before breaking. In other words, the presence of bird-caging did not weaken the strength of the conductors[.]

(Luy Decl., pp. B2-B3.)

74. In her Declaration, Luy explains the specific instance of bird caging identified in the NOD does not increase the risk of ignition as follows:

> [I] consulted with the engineering team at the National Electric Energy Testing Research and Applications Center (NEETRAC) to evaluate the bird-caging identified by Energy Safety in the [NOD].
>
> NEETRAC is a non-profit organization within the School of Electrical and Computer Engineering at the Georgia Institute of Technology, and NEETRAC's engineers provide analytical, engineering, and testing services related to the transmission and distribution of electrical energy.
>
> [A]fter receiving the [NOD], I consulted with Joseph Goldenburg, who is a senior research engineer at NEETRAC, to evaluate the conductor conditions at pole X11580E. I understand that Mr. Goldenburg is the Mechanical Systems Section Leader and Hardware Program Manager at NEETRAC. I provided Mr. Goldenburg with the details of the specific conductor conditions, including the span length, conductor type, design tension, splice type, and voltage

> information. In consultation with Mr. Goldenburg and SCE's engineering team, I determined that the bird-caging identified in the [NOD] did not require remediation because the power line's ability to support the electrical load was not weakened by the minor separation of conductor strands, and the bird-caging did not affect any electrical clearances.
>
> [¶] . . . [¶]
>
> [B]ased on my experience, my evaluation of the Notice of Defect, and my review of the specific conductor conditions, the bird-caging identified at pole X11580E does not increase the risk of an ignition.

(Luy Decl., pp. B3-B5.)

75. Edison's evidence established: (1) the separation of conductor strands, i.e., bird-caging, alone does not increase the risk of ignition, and (2) the specific instance of bird-caging identified in the NOD does not increase the risk of ignition.

No Public Comment

76. Members of the public were given until February 27, 2023, to submit written comment in this matter. The Office confirmed no public comments were submitted.

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LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The Office has the burden of proving Edison committed the violations and the defect as alleged by the Office. (See *Order re: Alleged Violations by Pac. Gas & Elec. Co. in Connection with the San Bruno Explosion & Fire* (2015) No. D. 15-04-023, 2015 WL 1687681, at pp. 24-25.) The standard of proof in this proceeding is the preponderance of the evidence. (*Ibid.*)

Applicable Statutes and Regulations

2. Government Code section 15475.1 provides the Office the authority to oversee regulated entities as follows:

> (a) The office may determine that a regulated entity is not in compliance with any matter under the authority of the office. If necessary, the office may undertake an investigation into whether the regulated entity is noncompliant with its duties and responsibilities or has otherwise committed violations of any laws, regulations, or guidelines within the authority of the office.
>
> (b) The office's primary objective is to ensure that regulated entities are reducing wildfire risk and complying with energy infrastructure safety measures as required by law.

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3. Public Utilities Code section 8386.3, subdivision (c), provides, "Following approval of a wildfire mitigation plan, the [Office] shall oversee compliance with the plan.

4. Public Utilities Code section 8386 provides, in pertinent part:

> (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.
>
> (b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the [Office] for review and approval. In calendar year 2020, and thereafter, the plan shall cover at least a three-year period. The [Office] shall establish a schedule for the submission of subsequent comprehensive wildfire mitigation plans, which may allow for the staggering of compliance periods for each electrical corporation. In its discretion, the [Office] may allow the annual submissions to be updates to the last approved comprehensive wildfire mitigation plan; provided, that each electrical corporation shall submit a comprehensive wildfire mitigation plan at least once every three years.
>
> (c) The wildfire mitigation plan shall include all of the following: [¶] . . . [¶]
>
> (3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the

risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

[¶] . . . [¶]

(12) [formerly subdivision (11)] A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory. . . . The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(13) [formerly subdivision (12) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(14) [formerly subdivision (13)] A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event,

including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulating of distribution wires, and replacing poles.

5. Government Code section 15475.2 provides:

The office may issue a notice of defect or violation to direct the regulated entity to correct any defect or noncompliance with the approved wildfire mitigation plan or failure to comply with any laws, regulations, or guidelines within the authority of the office.

6. CCR section 29302 provides:

(a) The Office may investigate the following:

(1) Whether an approved Wildfire Mitigation Plan was followed;

(2) Whether failure to follow the Wildfire Mitigation Plan contributed to an ignition;

(3) Whether the regulated entity is noncompliant with its duties and responsibilities or has otherwise committed violations of any laws, regulations, or guidelines within the authority of the Office; and

(4) Other related investigations within the authority of the Office, as requested by the Director.

(b) Based on the findings of any investigation, the Office may issue any of the following:

(1) Notice of defect, identifying a deficiency, error, or condition increasing the risk of ignition posed by electrical lines and equipment requiring correction; or

(2) Notice of violation, identifying non-compliance with an approved Wildfire Mitigation Plan or any law, regulation, or guideline within the authority of the Office.

7. CCR section 29104, in pertinent part:

(c) Any entity issued a notice of defect or notice of violation . . . may request a written hearing to take public comment or present additional information regarding the alleged deficiency, violation, or failure to act contained in the notice of violation or defect.

(e) [T]he [ALJ with OAH] will consider information received by the Office . . . related to the notice and will issue a proposed determination. The proposed determination will make a finding regarding whether the information submitted by the Office, the public, and the entity supports the alleged deficiency, violation, or failure to act alleged by the Office.

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Notices of Violation – Failure to install Vibration Dampers per WMP

8. The preponderance of the submitted information supports the alleged violations in all 22 NOVs for Edison's non-compliance with its 2021 WMP Update. (Factual Findings 12-67.) A NOV must identify non-compliance with law, regulation, or "an approved [WMP]." (Legal Conclusion 6, citing CCR, § 29302, subd. (b)(2).) Edison's 2021 WMP Update indicates vibration dampers "will be part of standard covered conductor installations," and construction "of new covered conductor circuits will include vibration dampers, as applicable." (Factual Findings 17, 18, and 60.) Additionally, in its March 28, 2022 and subsequent responses to the NOVs, Edison admits, "The requirement for vibration dampers was put into effect in October 2020 and is required for all full tension covered conductors in light loading areas." (Factual Findings 57 and 60). No evidence established that the covered conductors subject to the NOVs fell outside this requirement. (Factual Finding 60.) Moreover, while Edison asserts a supply shortage prompted deviation from its prior standards, the evidence failed to establish Edison's published standards and its "Interim Deviation from Standards on Vibration Damper for Covered Conductor" are incorporated into Edison's 2021 WMP Update such that an exception was created. (Factual Finding 27.) Additionally, no statute or regulation provides for exceptions or consideration of substantial compliance in this case. Furthermore, Edison provided no evidence that the vibration dampers subject to the NOVs were affected by the shortage and that the absence of those vibration dampers was due to procurement impossibility. (Factual Findings 27 and 64.) Consequently, the 22 NOVs should be upheld.

Notice of Defect – Bird-caging

9. The submitted information does not support the NOD. (Factual Findings 68-75.) To properly issue an NOD, the Office must identify a "a deficiency, error, or

condition increasing the risk of ignition posed by electrical lines and equipment." (Legal Conclusion 6, citing CCR, § 29302, subd. (b)(1).) The NOD cites Edison for bird-caging, but the only assertion of an increased risk of ignition provided by the Office was its conclusory statement in the NOD that "Energy Safety considers bird-caging wires to weaken the strength of the supply conductors leading to an increased risk of a wire down event and ignition." (Factual Finding 68.) Edison's evidence established: (1) the separation of conductor strands, i.e., bird-caging, alone does not increase the risk of ignition, and (2) the specific instance of bird-caging identified in the NOD does not increase the risk of ignition. (Factual Findings 71-75.) Consequently, the Office did not establish by a preponderance of the evidence that the bird-caging identified in the NOD increased the risk of ignition. Therefore, the NOD should be dismissed.

ORDERS

1. The 22 Notices of Violation set forth above are upheld. Southern California Edison shall remedy the violations within 12 months of the effective date of this decision.

2. The Notice of Defect is dismissed.

DATE: 04/03/2023

Julie Cabos-Owen

JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings