

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 23, 2023

CPUC-ID: E20210825-01

Vincent Tanguay, Senior Director
Electric Compliance, Electric Engineering
Pacific Gas and Electric Company (PG&E)
3000 Lakeside Drive
Oakland, CA 94612

Dear Mr. Tanguay:

The Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC) issues the following **Notice of Violation (NOV)** to Pacific Gas and Electric Company (PG&E) as part of its investigation of an incident that occurred on August 25, 2021 at 7273 Placer Road, Redding, CA (the Incident Location). This incident resulted in a fire (the "Mule Fire") that burned approximately 10 acres, one stand-alone garage and fencing, and amounted to at least \$49,780 in third party property damage.

SED's investigation of the Mule Fire identified the following violations: one (1) violation of General Order (GO) 95, Rule 19; two (2) violations of GO 95 Rule 18.B.1.a.ii; and five (5) violations of GO 95, Rule 31.1. Attached is a summary of the relevant code sections and SED's findings.

Please provide a response to the violations no later than June 23, 2023. Include all corrective actions and preventative measures taken by PG&E to remedy and prevent the recurrence of such violations. If you have any questions concerning this NOV, please contact Will Dundon at [REDACTED].

Sincerely,

Devla Singh
Program and Project Supervisor
Wildfire Safety and Enforcement Branch
Safety and Enforcement Division

Enclosure

CC:
Lee Palmer, Director
Safety and Enforcement Division

Anthony Noll, Program Manager
Wildfire Safety and Enforcement Branch

Will Dundon, Senior Utilities Engineer
Wildfire Safety and Enforcement Branch

Mule Fire Summary of Violations

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

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

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

Violation 1

PG&E failed to retain the transformer fuses from the Incident Location as part of the evidence collected from the Mule Fire. PG&E's failure to preserve evidence is a violation of GO 95 Rule 19.

General Order 95, Rule 18.B. – Maintenance Programs states in part:

(1) Companies shall undertake corrective actions within the time periods stated for each of the priority levels set forth below...

(a) The maximum time periods for corrective actions associated with potential violation of GO 95 or a Safety Hazard are based on the following priority levels...

(ii) 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 violations that create a fire risk located in Tier 3 of the High Fire-Threat District; (2) 12 months for potential violations that create a 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.

Violation 2

SED's investigation found multiple Electrical Corrective (EC) Tags which identified Level 2 priority work that created a fire risk that were not completed by the due date required by GO 95 Rule 18.B.1.a.ii, as summarized in the table below.

Table 1: Violations for Late Tags

Tag #	Identified	GO 95 Due Date
116805838	3/21/2019	9/18/2019
118960151	4/29/2020	10/29/2020
118961974	4/30/2020	10/30/2020
119117143	6/6/2020	12/6/2021
120786027	4/9/2021	10/9/2021

PG&E’s failure to complete these EC Tags by the required due date is a violation of GO 95 Rule 18.B.1.a.ii.

Violation 4¹

SED’s review of recent work orders found that EC Tag 119117143 was incorrectly assigned a due date 12 months after identification, instead of the six months as required by PG&E’s Utility Standard: TD-8123S and GO 95 Rule 18.B.1.a.ii. PG&E’s failure to assign the correct due date for a Level 2 priority work order that creates a fire risk is a violation of GO 95 Rule 18.B.1.a.ii.

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

Violation 3

PG&E’s internal standards and bulletins and GO 95 set deadlines for corrective action to reduce risks to the system. SED identified four tags which were subjected to FSRs after their initial corrective action deadline: Electric Overhead Tags 119117143, 118961974, 116805838, and 118960151. After PG&E performed the FSRs, PG&E assigned a deadline of one year for corrective action, which is longer than the initial deadline for corrective action of six months mandated by GO 95, Rule 18. The deadlines for corrective actions in GO 95, Rule 18 are not permitted to be extended except under reasonable circumstances. PG&E has not demonstrated that reasonable circumstances existed to warrant extension of the corrective actions for these Electric Overhead Tags.² PG&E’s failure to maintain utility equipment in accordance with accepted good practice is a violation of GO 95, Rule 31.1.

¹ The Violations are numbered here in the order they are listed in SED’s investigation report, but are grouped by General Order Rule number, which is why Violation 4 is listed before Violation 3.

² GO 95, Rule 15.1 further requires that a utility obtain Commission approval for exemption or modifications of any requirements, including Rule 18. Thus, even if the extensions were reasonable, PG&E did not request and did not receive Commission approval for the extensions.

Violation 5

SED reviewed PG&E's Apparent Cause Evaluation (ACE) Report of the Mule Fire incident. The ACE report states that the journeyman lineman held the cutter with his right hand and rested the other handle on his shoulder, while holding the energized conductor in his left hand, in violation of Utility Standard: TD-1464S, Section 2.7.3. This position resulted in the cutter slipping and contacting the neutral line and started the Mule Fire. Additionally, the journeyman lineman was unable to properly control the cutter to prevent it from contacting the neutral and the energized conductor at the same time. This is a violation of Section 2.05 of the Red Book, which states that contact must be avoided. PG&E's failure to follow its internal procedures and accepted good practices is a violation of GO 95, Rule 31.1.

Violation 6

SED's review of PG&E's internal procedures finds the requirements in Utility Standard: TD-1464S Revision 5 do not meet the minimum requirements of Public Resources Code Section 4427. When any person performs the activities set forth in Section 4427, that person must first perform the required mitigation measures of clearing all flammable material within 10 feet.³ Utility Standard: TD-1464S Section 2.7.4 only requires clearing of the ground when performing ground level jobs. Utility Standard: TD-1464S does not require clearing of the ground activities (such as operating a grinding device) when performed at the top of a pole. PG&E confirmed a deviation from the requirements of Section 4427 in their utility standard requirements in its response to Data Request SED-002-Mule Fire, Question 10 on April 4, 2022.

PG&E's Utility Standard requirement is in direct contradiction with Public Resources Code Section 4427, which does not contain an exception for the location of the work being performed. PG&E's failure to create a procedure that met the minimum requirements of Section 4427 is a violation of GO 95, Rule 31.1.

Violation 7

PG&E Procedure TD-1464S Revision 5, Section 5.2.1 requires that there be at least 120 gallons of water at the jobsite with at least 200 feet of hose with 40 psi at the nozzle in R4 conditions.⁴ Before the start of the Mule Fire, the contractor parked the water buffalo on the street approximately 292 feet away from where work was being performed. The contractor did not perform work in the vicinity of the water buffalo. Access to the jobsite was limited due to a variety of obstructions including a narrow access path, sloped ground, trees, fences, and other debris. Consequently, the water buffalo could not have been used to fight any potential ignitions resulting from the work from where it was parked. PG&E's ACE report confirms that the water buffalo was not positioned correctly. PG&E's failure to follow its own procedures constitutes a failure to follow accepted good practice while performing work, and is a violation of GO 95, Rule 31.1.

³ Public Resources Code § 4427, subdivision (a).

⁴ R4 conditions refers to PG&E's Fire Potential Index Rating. R4 is defined by PG&E as "Fire danger is critical. Using equipment and open flames is limited to specific areas and times." PG&E identified that the conditions on August 21, 2021 when the Mule Fire started met the conditions of R4.

Violation 8

PG&E Procedure TD-1464S requires SAFE-1503BWT training for all employees and contractors working on “any forest, brush or grass-covered lands.” PG&E failed to train one contractor that performed work at the jobsite on August 25, 2021. PG&E admits this in the ACE report stating, “SAFE-1503WBT training is not consistently profiled to employees and contractors that are impacted by the rules.”⁵ PG&E’s failure to follow its own procedures constitutes a failure to follow accepted good practice for known local conditions, and is a violation of GO 95, Rule 31.1.

⁵ PG&E’s Apparent Cause Evaluation (ACE) Report, Page 9. ACE Report provided to SED on November 4, 2021.