

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 9, 2024

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Patricia Cirucci
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Dear Ms. Cirucci and Ms. Meyerson,

The Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC) issues the following **Notice of Violation (NOV)** to Southern California Edison Company (SCE) as part of its investigation of an incident that occurred on September 5, 2022, at approximately 1537 hours, South of the intersection of Fairview Avenue and Bautista Road in Hemet, Riverside County, California, between Pole 220029S (33.700255°, -116.893986°) and Pole 220028S (33.701591°, -116.893753°) (the Incident Span). This incident resulted in a fire (the "Fairview Fire") that burned approximately 28,098 acres in a Tier 3 High Fire Threat District (HFTD). The Fairview Fire caused two civilian fatalities, one civilian and two firefighter injuries. It destroyed a total of 36 structures, including 22 single family dwellings, and damaged eight structures, including five single family dwellings.

SED's investigation of the Fairview Fire identified four (4) violations of General Order (GO) 95 as follows: two (2) violations of GO 95, Rule 31.1; one (1) violation of GO 95 Rule 37; and one (1) violation of GO 95, Rule 38. These violations are in addition to the violations of GO 95, Rule 19 and California Public Utilities Code section 316 as previously outlined in the NOV SED issued to SCE on May 24, 2023. Attached is a summary of the relevant code sections and SED's findings.

Please provide a response to this NOV no later than August 8, 2024 (30 calendar days). In your response, include SCE's corrective action plan and all preventative measures taken by SCE to remedy and prevent the recurrence of such violations. If you have any questions, please contact Mihail Cucu at (279) 842-0157 or Mihail.Cucu@cpuc.ca.gov.

Sincerely,

Nathan Sarina

Nathan Sarina, Program and Project Supervisor
Safety And Enforcement Division, Wildfire Safety and Enforcement Branch

Enclosure

CC:
Lee Palmer, Director
Safety and Enforcement Division

Anthony Noll, Program Manager
Safety And Enforcement Division, Wildfire Safety and Enforcement Branch

Jasdeep Lally, Utilities Engineer
Safety And Enforcement Division, Wildfire Safety and Enforcement Branch

Fairview Fire Summary of Violations

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

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 1

GO 95, Rule 31.1 requires that utilities follow accepted good practices for the design, construction, and maintenance of their electric facilities, which extends to requiring utilities to follow their internal procedures as accepted good practices. SCE's phase 1A and phase 1B conductors sagged below the maximum limit of 9 feet and 10 inches (9.833 feet) and violated SCE's internal construction manual for conductor sag limits.

SED asked SCE for the last five years of LiDAR scan measurements prior to the start of the Fairview Fire, but SCE could only produce the June 2, 2020, LiDAR scan. Because SCE could not provide any other LiDAR scans or sag measurements of the Incident Span prior to June 2, 2020, SED cannot confirm if the phase 1A and phase 1B conductors sagged below SCE's internal sag limit prior to June 2, 2020.

Therefore, SED finds SCE in violation of GO 95, Rule 31.1 for 825 days (June 2, 2020 - September 5, 2022) for failing to maintain the maximum sag limits on the Incident Span conductors as specified by SCE's internal construction manual.

Violation 2

GO 95, Rule 31.1's requirement to use accepted good practices extends to requiring regulated utilities to follow their internal procedures for conducting inspections. SCE's patrol inspections, overhead detailed inspections (ODIs), and enhanced overhead inspections (EOIs) conducted between 2020 and 2022 failed to detect, identify, and correct the excessive sag of the Incident Span. Despite LiDAR data confirming that the sag exceeded the maximum sag limit set by SCE's internal construction manual of 9 feet and 10 inches, the following inspections did not identify any issues or generate any corrective actions on the excessive sag on the Incident Span conductors:

1. Distribution GO 165 Patrol, 5/11/2021
2. Distribution GO 165 Patrol, 5/11/2022
3. ODI, 7/31/2020
4. ODI, 7/31/2020
5. ODI, 7/31/2020
6. EOI, 7/8/2020
7. EOI, 5/8/2021
8. EOI, 2/23/2022

SCE's inspectors did not follow the utility's grid patrol inspection and ODI manuals, which require inspectors to note excessive sag on primary conductors in high wind areas.

SCE's failure to identify the excessive sag during the eight different inspections is a violation of GO 95, Rule 31.1 for failing to follow the utility's internal procedures.

General Order 95, Rule 37 – Minimum Vertical Clearance of Wires Above Ground states in part:

Clearances between overhead conductors, guys, messengers or trolley span wires and tops of rails, surfaces of thoroughfares or other generally accessible areas across, along or above which any of the former pass; also the clearances between conductors, guys, messengers or trolley span wires and buildings, poles, structures, or other objects, shall not be less than those set forth in Table 1, at a temperature of 60° F. and no wind...Table 1 – Vertical clearance of wires above ground in areas accessible to pedestrians only - Case 5: Supply conductors 750-22,500 Volts have a basic minimum vertical clearance of 17 feet.

Violation 3

GO 95, Rule 37, Table 1, Case 5 Column E requires that conductors operating between 750-22,500 volts maintain a minimum vertical clearance above ground of 17 feet in areas that can only be traversed by pedestrians.

SCE's post-fire LiDAR scan measurements on September 8, 2022, showed that SCE's phase 1B conductor had a minimum vertical clearance above ground of 12 feet, which violated the minimum vertical clearance required by GO 95, Rule 37, Table 1, Case Number 5 Column E.

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

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... Table 2, Case Number 11 Column C– Vertical clearance between supply conductors 7,500-20,000 Volts and/or communication conductors on separate crossarms or other supports at different levels on the same pole have a basic minimum clearance of 72 inches.

Violation 4

GO 95, Rule 38, Table 2, Case Number 11 Column C limits the distance between an energized conductor and a messenger cable to no less than 5.7 feet at any time according to the 5 percent maximum clearance reduction rule of Rule 38 applicable to Tier 3 HFTD. SCE's post-fire LiDAR scan measurements from September 8, 2022, showed that both the phase 1A and phase 1B conductors had a minimum distance to the Frontier Communications messenger cable of 5.0 feet and 4.8 feet which is reduced beyond the maximum limit of 5.7 feet required by GO 95, Rule 38.

SCE's failure to maintain the clearance required by Table 2, Case Number 11 Column C violates GO 95, Rule 38.

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

Each utility shall provide full cooperation to Commission staff in an investigation into any major 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

Violation 5

As discussed in the May 24, 2023, NOV, SCE's consistently late and delayed responses to DR01 hindered and delayed SED's ability to investigate the Fairview Fire incident within a reasonable timeframe. In violation of GO 95, Rule 19, SCE failed to provide Commission staff with full cooperation during SED's investigation.

Public Utilities Code, Section 316 – Cooperation with Commission Staff; Preservation of Evidence Related to Incidents Applicability of Rules states in part:

Each electrical corporation shall cooperate fully with the commission in an investigation into any major accident or any reportable incident, as these terms are defined by the commission, concerning overhead electric supply facilities, regardless of pending litigation or other investigations, including, but not limited to, those that may be related to a commission investigation.

Violation 6

As discussed in the May 24, 2023 NOV, SCE treated the DR01 deadline as unilaterally negotiable and with a lack of seriousness. SCE did not provide SED with timely responses on DR01 and violated Public Utilities Code Section 316 for failing to cooperate fully with the Commission in its investigation.