

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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June 20, 2024

CA2024-1191

Marie Censoplano
SVP & General Counsel
Vyve Broadband (Vyve)
1819 Airport Drive
Shawnee, OK 74804

SUBJECT: Communications Infrastructure Provider (CIP) Audit of Vyve Broadband's Mt Shasta Region

Ms. Censoplano:

On behalf of the Electric Safety and Reliability Branch (ESRB) of the California Public Utilities Commission (CPUC), Emiliano Solorio and Sajjad Mansuri of ESRB staff conducted a CIP audit of Vyve's Mt Shasta Region from April 29, 2024 through May 3, 2024. During the audit, ESRB staff conducted field inspections of Vyve's facilities and equipment and reviewed pertinent documents and records.

As a result of the audit, ESRB staff identified violations of General Order (GO) 95 and GO 128. A copy of the audit findings itemizing the violations and observations is enclosed.

Please provide a response no later than July 19, 2024, via electronic copy of all corrective actions and preventive measures taken by Vyve to correct the identified violations and prevent the recurrence of such violations and observations. Please note that ESRB will be posting the audit report and your response to the audit on the CPUC website. If there is any information in your response that you want us to consider as confidential, we request that in addition to your confidential response, you provide us with a public version (a redacted version of your confidential response) to be posted on our website.

If you have any questions concerning this audit, please contact Emiliano Solorio at (916) 216-0249 or Emiliano.solorio@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rickey Tse".

Rickey Tse, P.E.
Program and Project Supervisor
Electric Safety and Reliability Branch

Safety and Enforcement Division
California Public Utilities Commission

Enclosure: CPUC Audit Findings of Vyve Broadband Mt Shasta Region

Cc: Lee Palmer, Director, Safety and Enforcement Division (SED), CPUC
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**CPUC AUDIT FINDINGS OF
VYVE BROADBAND MT SHASTA REGION
APRIL 29 – MAY 3, 2024**

I. Records Review

During the audit, Electric Safety and Reliability Branch (ESRB) staff reviewed the following records:

- Mt Shasta Region Facility Statistics as of February 2024, including miles of overhead lines, miles of underground lines, number of poles, number of UG structures, and number wired customers Vyve Broadband serves.
- Mt Shasta Region Facility Maps as of February 2024.
- Mt Shasta Region Work Order List containing data of facility locations, overhead or underground facility types, identified deficiencies, repair priority levels, corrective action due dates, and work completion dates from March 2019 through February 2024.
- Mt Shasta Region Inspection Data containing data for the inspected facility type, facility location, fire threat district location, inspection date, and resulting inspection findings from March 2019 through February 2024.
- Safety Hazards Notifications Vyve Received from Third Party Utilities from March 2019 through February 2024.
- Safety Hazard Notifications Vyve Sent to Third Party Utilities from March 2019 through February 2024.
- Mt Shasta Region Pole Loading Analysis Projects List from March 2019 through February 2024.
- Mt Shasta Region Pole Loading Analysis and Safety Factor Calculation Samples from March 2019 through February 2024.
- Vyve Broadband Mt Shasta Region Employee Training Statistics, Training Schedules, and Training Materials from March 2019 through February 2024.
- List of new Vyve construction projects from April 2023 through March 2024.

II. Records Violations

ESRB observed the following violations during the record review portion of the audit:

1. GO 95, Rule 80.1A(1) – Inspection Requirements for Joint-Use Poles in High Fire-Threat District states in part:

“In Tiers 2 and 3 of the High Fire-Threat District, inspection intervals for (i) Communication Lines located on Joint Use Poles (see Rule 21.8) that contain Supply Circuits (see Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.”

Inspection	Tier 2	Tier 3
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Although Vyve patrols their facilities with ride-outs every quarter, Vyve did not provide any records regarding completed detailed inspections in Tiers 2 and 3 High Fire Threat Districts (HFTD). Vyve did not meet the detailed inspection frequency requirements for all their facilities in HFTDs. Vyve currently uses a Last Tech Out program for their detailed inspections. The Last Tech Out program includes a comprehensive list of items for inspection that the technician performs after completing a work order. However, the program is used for work orders that have been created and it does not ensure that facilities without a work order will have a detailed inspection carried out within the required inspection cycle. Therefore, Vyve can not rely on the program to meet GO 95, Rule 80.1A(1) requirement.

2. GO 95, Rule 80.1A(1) – Inspection Requirements for Joint-Use Poles in High Fire-Threat District states in part:

“Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.”

GO 95, Rule 80.1A(2) – Statewide Inspection Requirements states in part:

“Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- *Fire threat*
- *Proximity to overhead power line facilities*

- *Terrain*
- *Accessibility*
- *Location, including whether the Communications Lines are located in the High Fire-Threat District”*

Rule 80.1A(2) also states:

“Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.”

Vyve did not provide procedures describing its inspection methodology to ensure that all communication lines are subject to the required inspections. Patrol inspections require a checklist that specifies problems that inspectors should identify. Vyve did not provide sufficient evidence to show that it has a checklist for patrol inspections. Vyve provided ESRB what their technicians look out for during their daily ride-outs. However, Vyve must also develop a checklist for its patrol inspections that inspectors can use to identify obvious structural problems and hazards.

3. GO 95, Rule 80.1.A.(4) – Record Keeping states:

“Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).”

The inspection spreadsheet provided by Vyve Broadband did not indicate if the inspections were patrol or detailed inspections in Tier 2 and Tier 3 HFTD areas. The spreadsheet is also missing the personnel who performed each inspection, and the personnel who performed each correction action.

III. Field Inspection

During the field inspection, ESRB inspected the following facilities:

Location #	Structure Type	Address	City
1	OPB Box	116 Ridgeview Dr.	Montague
2	Pedestal	116 Ridgeview Dr.	Montague
3	Pedestal	101 Ridgeview Dr.	Montague
4	Pedestal	122 Ridgeview Dr.	Montague
5	Pedestal	154 Ridgeview Dr.	Montague
6	Pole	131 N. 6 th St.	Montague
7	Pole	121 N. 6 th St.	Montague
8	Pole	600 E. Webb St.	Montague
9	Pole	621 E. Webb St.	Montague
10	Pole	661 E. Webb St.	Montague
11	Pole	210 N. 13 th St.	Montague
12	Pole	251 N. 14 th St.	Montague
13	Pole	250 N. 13 th St.	Montague
14	Pole	351 W. Prather St.	Montague
15	Pedestal	1007 Quarry Ct.	Yreka
16	Pedestal	1003 Limestone Cr.	Yreka
17	Pedestal	828 N. View Dr.	Yreka
18	Pedestal	831 N. View Dr.	Yreka
19	Pole	722 Yama St.	Yreka
20	Pole	724 Yama St.	Yreka
21	Pole	726 Yama St.	Yreka
22	Pole	746 Yama St.	Yreka
23	Pole	614 Lane St.	Yreka
24	Pole	621 Lane St.	Yreka
25	Pole	631 Lane St.	Yreka
26	Pole	1121 S. Oregon St.	Yreka
27	Pole	309 Lawrence Ln.	Yreka
28	Pedestal	1404 Nugget Way	Yreka
29	Pedestal	1409 Nugget Way	Yreka
30	Pole	1500 Fairlane Rd.	Yreka
31	Pole	331 Valley Dr.	Yreka
32	Pole	316 Valley Dr.	Yreka
33	Pole	836 Dewitt Park	Yreka
34	Pole	835 Dewitt Park	Yreka
35	Pole	3135 Squaw Valley Rd.	McCloud
36	Pole	3116 Spring Meadows Rd.	McCloud
37	Pole	1817 Memeo Rd.	McCloud
38	Pole	1817 Memeo Rd.	McCloud

39	Pole	921 Firenze St.	McCloud
40	Pole	925 Firenze St.	McCloud
41	Pole	912 Firenze St.	McCloud
42	Pole	904 Firenze St.	McCloud
43	Pole	832 Firenze St.	McCloud
44	Pole	545 Grove Ave.	McCloud
45	Pole	544 Grove Ave.	McCloud
46	Pole	537 Grove St.	McCloud
47	Pole	529 Grove St.	McCloud
48	Pole	533 Grove St.	McCloud
49	Pole	835 Hill St.	McCloud
50	Pole	827 Hill St.	McCloud
51	Pole	831 Hill St.	McCloud
52	Pole	425 Tucci Ave.	McCloud
53	Pole	610 Tucci Ave.	McCloud
54	Pole	30633 Crag View Dr.	Dunsmuir
55	Pole	20833 Financial Ave.	Dunsmuir
56	Pole	20833 Financial Ave.	Dunsmuir
57	Pole	20833 Financial Ave.	Dunsmuir
58	Pole	30859 Crag View Dr.	Dunsmuir
59	Pole	6293 Gillis St.	Dunsmuir
60	Pole	103 Gillis St.	Dunsmuir
61	Pole	6147 Sacramento Ave.	Dunsmuir
62	Pole	Grover St. & Sacramento Ave.	Dunsmuir
63	Pole	4104 Grover St.	Dunsmuir
64	Pole	5709 Shasta Ave.	Dunsmuir
65	Pole	5710 Shasta Ave.	Dunsmuir
66	Pole	5702 Shasta Ave.	Dunsmuir
67	Pole	4318 Buckboard Ln.	Dunsmuir
68	Pole	4908 Mason Ave.	Dunsmuir
69	Pole	4195 Isgrigg St.	Dunsmuir
70	Pole	4191 Isgrigg St.	Dunsmuir
71	Pole	4401 Holly St.	Dunsmuir
72	Pole	2712 S. Old Stage Rd.	Mt Shasta
73	Pole	2707 S. Old Stage Rd.	Mt Shasta
74	Pole	2707 S. Old Stage Rd.	Mt Shasta
75	Pedestal	206 Irene Ln.	Mt Shasta
76	Pedestal	715 W. A Bar Rd.	Mt Shasta
77	Pedestal	639 W. A Bar Rd.	Mt Shasta
78	Pedestal	621 W. A Bar Rd.	Mt Shasta
79	Pole	324 Palmer Rd.	Mt Shasta
80	Pole	316 Palmer Rd.	Mt Shasta
81	Pole	310 Palmer Rd.	Mt Shasta
82	Pole	310 Palmer Rd.	Mt Shasta
83	Pole	310 Palmer Rd.	Mt Shasta

84	Pole	1023 Ream Ave.	Mt Shasta
85	Pole	101 Siskiyou Ave	Mt Shasta
86	Pole	201 Merritt Ave.	Mt Shasta
87	Pole	200 Merritt Ave.	Mt Shasta
88	Pole	202 Merritt Ave.	Mt Shasta
89	Pole	210 Merritt Ave.	Mt Shasta
90	Pedestal	221 Shasta Way	Mt Shasta
91	Vault	212 Shasta Way	Mt Shasta
92	Pedestal	550 Shasta Way	Mt Shasta
93	Pedestal	529 Shasta Way	Mt Shasta
94	Pedestal	529 Shasta Way	Mt Shasta
95	Pedestal	1001 Rockfellow Dr.	Mt Shasta
96	Pedestal	1001 Rockfellow Dr.	Mt Shasta
97	Pedestal	1008 Rockfellow Dr.	Mt Shasta
98	Pole	2035 Pine Grove Dr.	Mt Shasta
99	Pole	2035 Pine Grove Dr.	Mt Shasta
100	Pedestal	705 Sunset Dr.	Mt Shasta
101	Pedestal	648 Sunset Dr.	Mt Shasta
102	Pedestal	709 Sunset Dr.	Mt Shasta
103	Pole	363 Gilman Ave.	Weed
104	Pole	389 Gilman Ave.	Weed
105	Pole	401 Gilman Ave.	Weed
106	Pole	494 Pine St.	Weed
107	Power Supply	494 Pine St.	Weed

IV. Field Inspection Violations

ESRB identified the following violations during the field inspection:

1. GO 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.”

ESRB’s findings are listed in Table 1:

Table 1: GO 95, Rule 31.1 Findings

Location #	Findings	Notes
1	Ground not connected to house OPB box.	Finding corrected in field.
10	Cable not securely attached to pole.	
14	Transfer of facilities to new pole needs to be completed.	
32	Cable not securely attached to pole.	
33	Cable not securely attached to pole.	
45	Wrong pole attachment for cable.	
51	Service drop not secured to pole.	
53	Tension in service drop is tight and pulling cable span.	
55	Cable has broken lashing wire.	
56	Transfer of facilities to new pole needs to be completed.	
57	Transfer of facilities to new pole needs to be completed.	
58	Transfer of facilities to new pole needs to be completed.	
70	Transfer of facilities to new pole needs to be completed.	
71	Transfer of facilities to new pole needs to be completed.	
98	Cable not securely attached to pole.	
103	Transfer of facilities to new pole needs to be completed.	

Location #	Findings	Notes
106	Transfer of facilities to new pole needs to be completed.	

2. GO 95, Rule 31.6, Abandoned Lines states:

“Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property. For the purposes of this rule, lines that are permanently abandoned shall be defined as those lines that are determined by their owner to have no foreseeable future use.”

ESRB’s findings are listed in Table 2:

Table 2: GO 95, Rule 31.6 Findings

Location #	Findings
9	Abandoned Vyve service drop.
11	Abandoned Vyve service drop.
42	Abandoned Vyve service drop.
43	Abandoned Vyve service drop.
50	Abandoned Vyve service drop.
74	Abandoned Vyve service drop.
89	Abandoned Vyve service drop.

3. GO 95, Rule 37, Table 1, Case No. 3B requires the following:

Vertical clearance of communication conductors crossing or along thoroughfares in urban districts or crossings thoroughfares in rural districts must be at least 18 feet.

ESRB’s findings are listed in Table 3:

Table 3: GO 95, Rule 37 Findings

Location #	Findings
36	Vyve cable crossing over road appears to be low.
98	Vyve cable crossing over road appears to be low.

4. GO 95, Rule 38, Table 2, Case 16 requires the following:

16(C) Radial separation of conductors on same crossarm, pole or structure between conductors, taps or lead wires of different circuits requires at least three inches of separation from communication conductors.

16(D) Radial separation of conductors on same crossarm, pole or structure between conductors, taps or lead wires of different circuits requires at least eleven and one half inches of separation from service drops between 0-750 volts.

ESRB’s findings are listed in Table 4:

Table 4: GO 95, Rule 38 Findings

Location #	Findings
9	Vyve trunk amp is in close proximity of different companies’ terminal.
12	Vyve cable in contact with different companies’ communication circuits.
52	Vyve cable in contact with different companies’ communication circuits.
59	Vyve cable in contact with different companies’ communication circuits.
64	Vyve cable in contact with different companies’ communication circuits.
82	Vyve cable in contact with different companies’ communication circuits.
83	Vyve cable is in close proximity of different companies’ cable.
88	Vyve cable is in close proximity of different companies’ cable.

5. GO 95, Rule 38, Table 2, Case 18.C requires the following:

Radial separation between guys and span wires passing conductors supported on the same poles requires at least three inches of separation from communication conductors.

ESRB’s finding is listed in Table 5:

Table 5: GO 95, Rule 38 Finding

Location #	Finding
83	Vyve cable in contact with down guy.

6. GO 95, Rule 84.6.B, Ground Wires states:

“Ground wires, other than lightning protection wires not attached to equipment or ground wires on grounded structures, shall be covered by metal pipe or suitable covering of wood or metal, or of plastic conduit material as specified in Rule 22.8–A, for a distance above ground sufficient to protect against mechanical injury, but in no case shall such distance be less than 7 feet. Such covering may be omitted providing the ground wire in this 7 foot section has a mechanical strength at least equal to the strength of No. 6 AWG medium–hard–drawn copper.

Portions of ground wires which are on the surface of wood poles and within 6 feet vertically of unprotected supply conductors supported on the same pole, shall be covered with a suitable protective covering (see Rule 22.8).”

ESRB’s finding is listed in Table 6:

Table 6: GO 95, Rule 84.6B Finding

Location #	Finding
40	Exposed vertical ground wire.

7. GO 95, Rule 86.2, Use states in part:

“Guys shall be attached to structures as nearly as practicable at the center of the load. They shall be maintained taut and of such strength as to meet the safety factors of Rule 44.”

ESRB’s finding is listed in Table 7:

Table 7: GO 95, Rule 86.2 Finding

Location #	Finding
72	Guy wire is slacked.

8. GO 95, Rule 87.7-D (1), Risers, Covered from Ground Level to 8 Feet above the Ground states:

“Risers shall be protected from the ground level to a level not less than 8 feet above the ground by:

- a) Securely or effectively grounded iron or steel pipe (or other covering at least of equal strength). When metallic sheathed cable*

rising from underground non-metallic conduit is protected by metallic pipe or moulding, such pipe or moulding shall be effectively grounded as specified in Rule 21.4-A, or

b) Non-metallic conduit or rigid U-shaped moulding. Such conduit or moulding shall be of material as specified in Rule 22.8”

ESRB’s findings are listed in Table 8:

Table 8: GO 95, Rule 87.7 Findings

Location #	Findings
10	Broken riser on pole.
31	Cable on pole does not have a riser cover.
32	Cable on pole does not have a riser cover.

9. GO 128, Rule 17.1, 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 [the] communication or supply lines and equipment.”

ESRB’s findings are listed in Table 9:

Table 9: GO 128, Rule 17.1 Findings

Location #	Findings	Notes
2	Pedestal cover cannot properly fit over equipment.	Repaired in field.
15	Pedestal cover not secured.	
16	Missing termination cap.	
90	Pedestal cover is missing.	

Location #	Findings	Notes
92	Missing termination caps.	
93	Improper pedestal cover being used.	
102	Missing termination cap.	

10. GO 128, Rule 17.8, Identification of Manholes, Handholes, Subsurface and Self-contained Surface-mounted Equipment Enclosures states:

“Manholes, handholes, subsurface and self-contained surface-mounted equipment enclosures shall be marked as to ownership to facilitate identification by persons authorized to work therein and by other persons performing work in their vicinity.”

ESRB’s findings are listed in Table 10:

Table 10: GO 128, Rule 17.8 Findings

Location #	Findings
2	Pedestal cover does not have mark of ownership.
3	Pedestal cover does not have mark of ownership.
4	Pedestal cover does not have mark of ownership.
5	Pedestal cover does not have mark of ownership.
17	Pedestal cover does not have mark of ownership.
18	Pedestal cover does not have mark of ownership.
75	Pedestal cover does not have mark of ownership.
76	Pedestal cover does not have mark of ownership.
77	Pedestal cover does not have mark of ownership.
78	Pedestal cover does not have mark of ownership.
92	Pedestal cover does not have mark of ownership.
94	Pedestal cover does not have mark of ownership.
95	Pedestal cover does not have mark of ownership.
96	Pedestal cover does not have mark of ownership.

Location #	Findings
100	Pedestal cover does not have mark of ownership.
101	Pedestal cover does not have mark of ownership.
102	Pedestal cover does not have mark of ownership.
107	Power supply does not have mark of ownership.

V. Observations

1. GO 95, Rule 18-A, Resolution of Potential Violations of General Order 95 and Safety Hazards states in part:

- (2) *“Where a communications company’s or an electric utility’s (Company A’s) actions result in potential violations of GO 95 for another entity (Company B), that entity’s (Company B’s) remedial action will be to transmit a single documented notice of identified potential violations to the communications company or electric utility (Company A) within a reasonable amount of time not to exceed 180 days after the entity discovers the potential violations of GO 95. If the potential violation constitutes a Safety Hazard, such notice shall be transmitted within ten (10) business days after the entity discovers the Safety Hazard.*
- (3) *If a company, while performing inspections of its facilities, discovers a Safety Hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other entity of such Safety Hazard(s) no later than ten (10) business days after the discovery.*
- (4) *To the extent a company that has a notification requirement under (2) or (3) above cannot determine the facility owner/operator, it shall contact the pole owner(s) within ten (10) business days if the subject of the notification is a Safety Hazard, or otherwise within a reasonable amount of time not to exceed 180 days after discovery. The notified pole owner(s) shall be responsible for promptly (normally not to exceed five business days) notifying the company owning/operating the facility if the subject of the notification is a Safety Hazard, or otherwise within a reasonable amount of time not to exceed 180 days, after being notified of the potential violation of GO95.”*

Table 11 includes all non-Vyve (third party) findings that ESRB observed during the audit. Vyve must notify the responsible utility for the items below:

Table 11: Third-Party Audit Observations

Location #	Findings
6	AT&T abandoned service drop.
7	AT&T abandoned service drop.
9	Pacificorp guy wire slacked.
10	AT&T broken riser at pole base.
12	AT&T abandoned service drop.
23	AT&T service drop is low.

Location #	Findings
32	AT&T cable not secured to pole.
33	Pole is decayed at top.
36	AT&T cable is damaged.
37	AT&T abandoned service drop.
46	AT&T abandoned service drop.
47	AT&T service drop is low.
52	Frontier unsecured cable on pole.
53	PacifiCorp guy wire in contact with communications cables.
54	AT&T abandoned service drop.
57	PacifiCorp secondary power in contact with Vyve cable.
58	AT&T needs to transfer facilities to new pole.
61	AT&T needs to transfer facilities to new pole.
62	AT&T needs to transfer facilities to new pole.
66	AT&T abandoned service drop.
68	AT&T abandoned service drop.
69	AT&T cable attached to Vyve cable.
70	AT&T needs to transfer facilities to new pole.
71	AT&T needs to transfer facilities to new pole.
72	AT&T pedestal is damaged.
79	AT&T needs to transfer facilities to new pole.
80	AT&T needs to transfer facilities to new pole.
81	AT&T needs to transfer facilities to new pole.
83	PacifiCorp guy wire is slacked.
84	AT&T abandoned service drop.
85	AT&T abandoned service drop.
85	Cal-Ore cable contacting other communication companies' cable.

Location #	Findings
102	PacifiCorp conductor coming out of ground.
105	AT&T lashing wire is broken.
106	AT&T needs to transfer facilities to new pole.
106	PacifiCorp guy wire is slacked.