



**Public Utilities Commission**  
**STATE OF CALIFORNIA**

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

**CITATION**  
**ISSUED PURSUANT TO DECISION 16-09-055**

**Electrical Corporation (Utility) To Which Citation is Issued:**

Pacific Gas and Electric Company (U 39 E)

**OFFICERS OF THE RESPONDENT**

Meredith Allen  
Vice President, Regulatory Affairs  
Pacific Gas and Electric Company  
MEAe@pge.com

**CITATION**

Pacific Gas and Electric Company (PG&E or Utility) is cited for one violation, resulting in a financial penalty of \$100,000. On June 14, 2020, the Safety and Enforcement Division (SED) began its investigation into the Drum Fire under Incident Number E20200614-01. Through its investigation, SED identified that PG&E violated General Order (GO) 95, Rule 38 for failing to maintain minimum wire clearances.

**VIOLATIONS**

PG&E is cited for violating GO 95, Rule 38, Table 2 Case No. 17F (Jan. 2020, p. III-29), for failure to maintain clearances of six inches, 5.4 inches if reduced, between conductors on the same crossarm on the Buellton 1101 12 kV circuit.

**GO 95, Rule 38, *Minimum Clearances of Wires from Other Wires***, states in part:

*The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.*

*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. [Emphasis added.]*

(GO 95, Rule 38 (Jan. 2020), p. III-27.)



# Public Utilities Commission

## STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

**GO 95, Rule 43.2, *Light Loading* and Rule 43.2.A *Wind***, state in part:

*Light Loading shall apply in all parts of where the elevation is 3000 feet or less ... under the following conditions: ... A horizontal wind pressure of 8 pounds per square foot of projected area on cylindrical surfaces.*

(GO 95, Rule 43.2 and Rule 43.2.A (Jan. 2020), p. IV-8.)

### **ENCLOSURES**

The following enclosures were used to establish the findings of fact:

*Enclosure 1 – SED’s Incident Investigation Report, dated February 18, 2022*

*Enclosure 2 – SED’s Notice of Violation (NOV), dated March 18, 2022*

*Enclosure 3 – PG&E’s Response to SED’s NOV, dated April 14, 2022*

### **STATEMENT OF FACTS**

The above violations are documented in the attached *Enclosure 1 – SED Incident Investigation Report* which is based on the following: SED’s field observations; SED’s interviews with witnesses of PG&E personnel, SED’s review of PG&E’s records and responses to SED’s data requests, and SED’s review of PG&E’s NOV response dated April 14, 2022.

### **BACKGROUND**

On June 14, 2020, at 12:39 hours, PG&E’s South Distribution Control Center (DCC) received an alarm for a line-to-line fault. At 12:52 hours the Santa Barbara County Fire Department (SBCFD) received an alarm for a fire near the intersection of Drum Canyon Road and Highway 246 in Lompoc. When the SBCFD personnel arrived on scene, they identified a conductor belonging to PG&E on the ground. The SBCFD personnel while on-site also observed the center phase of the same span fail and fall to the ground.

The fire burned until June 17, 2020, when the SBCFD cleared the area. The fire burned 696 acres, did not damage or destroy any structures, and resulted in no injuries or fatalities. SBCFD’s investigation of the fire determined that the origin was a result of conductor-to-conductor contact.



**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

At the time of the incident, wind speeds in the area were recorded to be between 25-30 miles per hour (mph). GO 95, Rule 38 allows for wire clearances to be reduced by no more than 10% during loading conditions set forth in Rule 43 (“loading conditions” refers to vertical, transverse, and longitudinal components of all loads induced by wind or ice, and accounting for the effects of temperature). The incident took place at an approximate elevation of 495 feet which is in a light loading district. As a result, the conductors are required to withstand wind loading of 8 pounds per square foot (psf) or approximately 56 mph.

PG&E is in violation of GO 95, Rule 38 because it failed to maintain the minimum conductor clearance stated in Table 2, Case 17 Column F of 6 inches (or 5.4 inches with the 10% reduction in Rule 38) for conductors of the same circuit on the same pole. The two conductors contacted each other under loading conditions below the requirements of Rule 43, exceeding the 10% allowable clearance reduction as described in GO 95, Rule 43.

**SED CITATION ANALYSIS**

Element	Staff Finding
Number of violation(s) and duration of violation(s)	One violation of GO 95, Rule 38, Table 2, Case No. 17F (Jan. 2020, p. III-29) for 1 day.
Severity or gravity of the offense	<b>Economic Harm:</b> 696 acres of Tier 2 <b>High Fire-Threat District</b> (HFTD) wildlands were burned. No structures were damaged or destroyed.



# Public Utilities Commission

## STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

Element	Staff Finding
	<p>345 customers experienced a sustained outage. 302 customers had their power restored after 2 hours. The remaining 43 customers had their power restored after 15 hours.</p> <p><b>Physical Harm:</b> There were no injuries or fatalities associated with the fire.</p> <p><b>Regulatory Harm:</b> SED identified one violation of GO 95, Rule 38 in the course of its investigation.</p> <p><b>Number of Violations:</b> SED identified one violation of GO 95, Rule 38.</p>



**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

Element	Staff Finding
Conduct of the utility	<p>GO 95, Rule 38 <i>Minimum Clearances of Wires from Other Wires</i> (Jan. 2020, p. III-27) states in part:</p> <p><i>The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.</i></p> <p><i>The clearances in Table 2 shall in no case be reduced more than <b>10 percent</b>, 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 <b>loading as specified in Rule 43</b> or because of a difference in size or design of the supporting pins, hardware or insulators. [Emphasis added.]</i></p> <p>GO 95, Rule 43.2 <i>Light Loading</i> (Jan. 2020, p. IV-8) states in part:</p> <p><i>Light loading shall apply in all parts of California where the elevation above sea level is 3000 feet or less... under the following conditions:</i></p> <p><i>43.2.A. A horizontal wind pressure of 8 pounds per square foot of projected area on cylindrical surfaces....</i></p> <p>The PG&amp;E conductors, which were at an approximate elevation of 495 feet, contacted each other, violating the minimum distance of six (6) inches (or 5.4 inches with the 10% reduction in Rule 38) that was to be maintained between wires from the same circuit on the same pole.</p>



# Public Utilities Commission

STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

Element	Staff Finding
Prior history of similar violation(s)	<p>SED's incident investigations have found PG&amp;E in violation of similar policies and laws at least four times since July 2017. Examples include:</p> <ul style="list-style-type: none"><li>• <b>E20170721-02:</b> On July 20, 2017, on 35<sup>th</sup> Ave., San Francisco, San Francisco County, an energized secondary conductor and a neutral wire contacted causing a fire at the location. The fire caused damage exceeding \$50,000.</li><li>• <b>E20171020-06:</b> On October 08, 2017, on Cascade Way, Browns Valley, Yuba County, two overhead 12kV conductors contacted and ignited the Cascade Fire. The Cascade Fire burned 9,989 acres of land, destroyed 264 structures, damaged 10 structures, and resulted in four fatalities.</li><li>• <b>E20191030-01:</b> On October 27, 2019, near Barington Dr., Vallejo, Solano County, a 12kV and 21kV conductor on the same pole contacted and ignited a grass fire. The fire burned approximately 150 acres and damaged several nearby properties.</li><li>• <b>E20191223-01:</b> On October 27, 2019, on Anderson Ave., Fremont, Alameda County, two energized secondary conductors on the same pole contacted and ignited a vegetation fire. The fire caused damage exceeding \$50,000 at the incident location.</li></ul>



**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

Element	Staff Finding
Self-reporting of the violation	PG&E self-reported this incident under the media attention criterion set forth in D.06-04-055 (Apr. 28, 2006). After PG&E self-reported this incident, SED followed up with an incident investigation.
Financial resources of the utility	PG&E provides natural gas and electric service to approximately 16 million people. PG&E's operating revenue in 2021 was \$20.642 billion.
The totality of the circumstances	<p>Aggravating factors include:</p> <ul style="list-style-type: none"> <li>• Three prior Notices of Violation for conductor-to-conductor contact.</li> <li>• The Cascade Fire was a conductor-to-conductor violation that was settled as part of the CPUC's 2017 Wildfire Order Instituting Investigation (OII).</li> <li>• The incident occurred in a Tier 2 HFTD.</li> </ul> <p>Mitigation factors include:</p> <ul style="list-style-type: none"> <li>• PG&amp;E's general cooperation with SED for the duration of the investigation.</li> </ul> <p>Circumstantial factors include:</p> <ul style="list-style-type: none"> <li>• PG&amp;E self-reported this incident under the media attention criterion set forth in Decision 06-04-055 (Apr. 28, 2006).</li> </ul>
The role of precedent	The CPUC has not previously issued a citation for this type of violation to PG&E. However, the Cascade Fire, caused by a conductor-to-conductor contact, was included in the settlement with PG&E for the 2017 Wildfire OII.
<b>Resultant Citation Taking All of These Factors Into Account</b>	<b>\$100,000 consistent with the administrative limit on citations adopted in Decision 16-09-055, Phase Two Decision (Sept. 30, 2016).</b>



# Public Utilities Commission

## STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

### **RESPONSE:**

Respondent is called upon to provide a response to this Citation by: **5:00 PM on November 22, 2022**. By way of such response, Respondent, **within 30 calendar days**, must either pay the amount of the penalty set forth in this citation,<sup>1</sup> or appeal<sup>2</sup> the citation. In addition, the Respondent must do one of the following:

- 1) For violations constituting immediate safety hazards: Respondent must immediately correct the immediate safety hazards.
- 2) For violations that do not constitute immediate safety hazards: Violations that do not constitute immediate safety hazards must be corrected within 30 days after the citation is served. If said violations that do not constitute immediate safety hazards cannot be corrected within 30 days, then the Respondent must submit a detailed Compliance Plan to the Director of SED within 30 days after the citation issues, unless the utility and the Director of SED, before the expiration of the 30-day period, agree in writing to another date, reflecting the soonest that the Respondent can correct the violations. The Compliance Plan must provide a detailed description of when the violation will be corrected, the methodology to be utilized, and a statement supported by a declaration from the Respondent's Chief Executive Officer or appropriate designee (CEO Declaration) stating that in the Respondent's best judgment, the time that will be taken to correct the violation will not affect the safety or integrity of the operating system or endanger public safety.

Note: Respondent will forfeit the right to appeal the citation by failing to do one of the options outlined above within 30 days. Payment of a citation or filing a Notice of Appeal does not excuse the Respondent from curing the violation. The amount of the penalty may continue to accrue until a Notice of Appeal is filed. Penalties are stayed during the appeal process. A late payment will be subject to a penalty of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take additional action to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

---

<sup>1</sup> For fines paid pursuant to Pub. Util. Code §2107 and Decision 16-09-055 Respondent shall submit a certified check or wire transfer payable to California Public Utilities Commission using the attached Citation Payment Form. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and this citation will become final.

<sup>2</sup> Respondent may Appeal this citation by completing and submitting a Notice of Appeal Form. Please see the attached document, "Directions For Submitting An Appeal To A Citation Issued Pursuant to Decision 16-09-055" for information on the appeals process and the attached "Notice of Appeal Of Citation Form."





**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

**NOTIFICATION TO LOCAL AUTHORITIES:**

As soon as is reasonable and necessary, and no later than 10 calendar days after service of the citation is effected, Respondent must provide a notification to the Chief Administrative Officer or similar authority in the city and county where the violation occurred. Within 10 days of providing such notification, Respondent must serve an affidavit to the Director of SED, at the mail or e-mail address noted below, attesting that the local authorities have been notified; the date(s) for when notification was provided; and the name(s) and contact information for each local authority so notified.

The CPUC expects the Utility to take actions, as soon as feasible, to correct, mitigate, or otherwise make safe all violations noted on the Citation regardless of the Utility's intentions to accept or appeal the violation(s) noted in the Citation.

/s/

---

***Lee Palmer***  
Director

Safety and Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[Leslie.Palmer@cpuc.ca.gov](mailto:Leslie.Palmer@cpuc.ca.gov)



**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

**CITATION PAYMENT FORM**

I (we) \_\_\_\_\_ hereby agree to comply with this citation dated \_\_\_\_\_, and have corrected/mitigated the violation(s) noted in the citation on \_\_\_\_\_ and no later than \_\_\_\_\_, \_\_\_\_\_ all work to make permanent corrections to any mitigated, or otherwise remaining concerns related to the violation(s) will be completed as noted in the Compliance Plan we have submitted to the Director of SED and, herewith, pay a fine in the amount of \$\_\_\_\_\_ as included in the citation.

Signature of Electrical Corporation’s Treasurer, Chief Financial Officer, or President/Chief Executive Officer, or delegated Officer thereof

\_\_\_\_\_  
(Signature) (Date)

\_\_\_\_\_  
(Printed Name and Title)

Payment must be with a certified check or wire transfer made payable to the **California Public Utilities Commission** and sent to the below address. Please include the citation number on the memorandum line of the check or money transfer to ensure your payment is properly applied.

**California Public Utilities Commission**  
**Attn: Fiscal Office**  
**505 Van Ness Avenue**  
**San Francisco, CA 94102-3298**

**NOTE:** A copy of the completed Citation Payment Form must be sent to the Director of the Safety and Enforcement Division, via email or regular mail, to the address provided on the Citation.



# Public Utilities Commission

## STATE OF CALIFORNIA

Citation Date: October 21, 2022  
Citation #: D.16-09-055 E.21-10-001  
Utility/Operator ID#: U 39 E

### DIRECTIONS FOR SUBMITTING AN APPEAL TO A CITATION ISSUED PURSUANT TO DECISION 16-09-055

Within 30 calendar days of the Respondent being served with a **CITATION ISSUED PURSUANT TO DECISION 16-09-055**, Respondent may appeal the citation. Beyond 30 calendar days of being served with the citation, Respondent is in default and, as a result, is considered as having forfeited rights to appeal the citation. The Respondent must still correct the violation(s) as instructed in the Response section of this citation.

To appeal the citation, Appellant must file a Notice of Appeal (including a completed title page complying with Rule 1.6 of the Commission's Rules of Practice and Procedure, and attached Notice of Appeal Form) along with copies of any materials the Appellant wants to provide in support of its appeal with the Commission's Docket Office **and** must serve the Notice of Appeal, at a minimum, on

- 1) The Chief Administrative Law Judge (with an electronic copy to: [ALJ\\_Div\\_Appeals\\_Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov)),
- 2) The Director of the Safety and Enforcement Division
- 3) The Executive Director
- 4) General Counsel
- 5) The Director of the Public Advocates Office at the California Public Utilities Commission

at the address listed below within 30 calendar days of the date on which the Appellant is served the Citation. The Appellant must file a proof of service to this effect at the same time the Appellant files the Notice of Appeal. The Notice of Appeal must at a minimum state: (a) the date of the citation that is appealed; and (b) the rationale for the appeal with specificity on all grounds for the appeal of the citation.

***California Public Utilities Commission***  
***505 Van Ness Ave.***  
***San Francisco, CA 94102***  
***Attn: <Insert Title>***

**NOTE:** Submission of a *Notice of Appeal Form* in no way diminishes Appellant's responsibility for correcting the violation described in the citation, or otherwise ensuring the safety of facilities or conditions that underlie the violations noted in the Citation.

Ex Parte Communications as defined by Rule 8.1(c) of the Commission's Rules of Practice and Procedure, are prohibited from the date the citation is issued through the date a final order is issued on the citation appeal.



# Public Utilities Commission

## STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

After receipt of the Appellant's *Notice of Appeal Form*, a hearing will be convened before an Administrative Law Judge. At least ten days before the date of the hearing, the Appellant will be notified and provided with the location, date, and time for the hearing. At the hearing,

- (a) Appellant may be represented by an attorney or other representative, but any such representation shall be at the sole expense of the Appellant;
- (b) Appellant may request a transcript of the hearing, but must pay for the cost of the transcript in accordance with the Commission's usual procedures;
- (c) Appellant is entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than five business days prior to the date of the hearing;
- (d) Appellant is entitled to a copy of or electronic reference to "Resolution ALJ-377 Modifies and Makes Permanent the Citation Appellate Rules and General Order 156 Appellate Rules (Citation Appellate Rules)"; and
- (e) Appellant may bring documents to offer in evidence (Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies) and/or call witnesses to testify on Appellant's behalf. At the Commission's discretion, the hearing in regard to the Appellant's appeal can be held in a CPUC hearing room at either of the following locations:

**San Francisco:**

505 Van Ness Avenue  
San Francisco, CA 94102

**Los Angeles:**

320 West 4<sup>th</sup> Street, Suite 500  
Los Angeles, CA 90013

The hearing(s) held in regard to the Appellant's appeal will be adjudicated in conformance with all applicable Public Utilities Code requirements.





**Public Utilities Commission**  
STATE OF CALIFORNIA

**Citation Date:** October 21, 2022  
**Citation #:** D.16-09-055 E.21-10-001  
**Utility/Operator ID#:** U 39 E

**Enclosures to Accompany Utility Appeal**

*Utility to add list of Enclosures as appropriate:*