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Witnesses:	A. Lykens P. Stoltman S. Moore

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Mountain View Fire Cost Recovery Application

Before the California Public Utilities Commission

Liberty-10: Prudence of Operations Rebuttal

Tahoe Vista, California

January 23, 2026

Liberty-10: Prudence of Operations Rebuttal

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I.

Executive Summary

In the years preceding the Mountain View Fire, Liberty prudently managed its electric system. From design and construction to inspection and maintenance to system operations, Liberty took reasonable steps to deliver safe and reliable service to its customers while making substantial progress on its wildfire mitigation initiatives. Cal Advocates' testimony advances several critiques of Liberty's operations generally and its management of the Topaz 1261 Circuit specifically. In this chapter, Liberty explains how many of these critiques are not supported by the factual record, reflect hindsight, and have no connection to the Subject Span or any alleged causal nexus to the ignition of the Mountain View Fire.

First, Cal Advocates argues that Liberty had unsafe construction practices, positing that conductor-to-conductor contact on the Subject Span means there must have been a clearance issue under General Order ("GO") 95. Yet Cal Advocates does not identify specific deficiencies with Liberty's design and construction standards, and it is undisputed that the configuration on the Subject Span had conductor spacing well in excess of GO 95 requirements. Cal Advocates also ignores the substantial effort Liberty undertook to harden the Topaz 1261 Circuit with covered conductor. In fact, on the morning of the Mountain View Fire, Liberty personnel were actively working on the Topaz 1261 Circuit Rebuild project just a mile away from the Subject Span.

Second, Cal Advocates criticizes various aspects of Liberty's inspection and maintenance practices. Those criticisms do not undermine the reasonableness of Liberty's inspection and maintenance programs, which met or exceeded regulatory requirements. Liberty inspected the Topaz 1261 Circuit no fewer than nine times across eight years in the decade preceding the Mountain View Fire. In fact, this included a detailed inspection of the Subject Span just six months before the fire. Cal Advocates also faults Liberty for identifying at once *too few* issues in its routine patrols of the circuit and *too many* issues as part of the 2020 asset survey. This merely proves the reasonableness of Liberty's different inspection types. Patrols are designed to identify *obvious* problems and hazards on a circuit, and thus a patrol that identifies no issues does not mean it was ineffective. In contrast, detailed inspections are intended to be close and thorough examinations, and thus identifying multiple items for remediation demonstrates the thoroughness of the detailed inspection. Liberty attempted to diligently address repair work using the prioritization framework set forth in GO 95, notwithstanding Cal Advocates' focus on the nomenclature of various condition codes rather than the priority levels assigned by Liberty's experienced and qualified journeymen linemen. Cal Advocates also points to certain

recordkeeping imperfections with Liberty's transition to using a dynamic digital data collection tool for its inspection and maintenance programs. Prudence does not demand perfection and accommodates continuous improvement. Indeed, Liberty began this transition in 2020 and was in the process of refining its digital data collection and management methods over time, a fact that the Commission recognized when it approved Liberty's WMP in 2020.

Third, Cal Advocates generally acknowledges the strength of Liberty's vegetation management program. Its only criticisms are limited to the fact that Liberty's records did not specify a due date for the completion of work orders and that Liberty's quality control ("QC") processes needed improvement. These criticisms elevate form over substance. Liberty's vegetation management records clearly showed that it remediated notifications in an appropriate manner, and the 2020 vegetation management audit reported very good results. In any event, none of Cal Advocates' critiques with respect to Liberty's inspection and maintenance and vegetation management programs show a causal connection to the ignition of the Mountain View Fire.

Fourth, Cal Advocates criticizes Liberty's operation of its system in the days leading up to and on the morning of ignition. Cal Advocates' arguments regarding Liberty's situational awareness tools, PSPS protocol, and recloser operations are colored by its after-the-fact review and at times rely on faulty assumptions. At the time of the Mountain View Fire, Liberty had a Commission-approved PSPS protocol designed by Reax Engineering ("Reax"), a firm widely recognized for expertise in fire science and risk modeling. Liberty applied its protocol accurately and consistently prior to the ignition; Cal Advocates does not argue otherwise. At no point in the days leading up to November 17 did forecasts show that conditions were likely to approach or exceed de-energization criteria for all three components contained within Liberty's PSPS protocol. That should end the inquiry. Instead, Cal Advocates critiques Liberty's de-energization thresholds, calling them "insufficient" based on its after-the-fact review of recorded conditions. Cal Advocates raised no such concerns in its comments on Liberty's 2020 WMP, and, in any case, Liberty's thresholds were reasonable on the merits. Moreover, the actions of Southern California Edison ("SCE")—a differently-situated utility executing a different PSPS protocol on circuits that happen to be in the same county—do not determine the reasonableness of Liberty's actions in following *its* Commission-approved PSPS framework. As the statutory reasonableness standard "encompasses a spectrum of possible practices, methods, or acts," it is reasonable and unremarkable for two utilities with distinct service territories to have different PSPS

protocols. In any event, Cal Advocates' claims about what SCE *would* have done had the Topaz Circuit been in SCE's territory are highly speculative and overlook nuances within SCE's own framework.

Cal Advocates' testimony recognizes that Liberty took substantial steps to improve situational awareness on its electric system, acknowledging that Liberty's weather station network was denser on a per-mile basis than even those of SCE and San Diego Gas & Electric ("SDG&E") as of November 2020 and that Liberty performed field fuel moisture sampling at multiple sites across its service territory to support monitoring of fire risk. Cal Advocates faults Liberty for installing some weather stations that did not record fuel moisture data at the time of installation and for not continuing to collect field fuel moisture samples after November 3, 2020. Neither critique holds water. As Cal Advocates concedes, Liberty retrofitted its stations over time with equipment capable of recording fuel moisture data, and Liberty's decision to discontinue field fuel moisture sampling was reasonable in light of the regional snowfall in early November that signaled the effective end of fire season.

In an attempt to second-guess Liberty's operational decisions on the day of the fire, Cal Advocates presents a lengthy, after-the-fact review of conditions recorded by various weather stations on November 17, 2020. Cal Advocates posits that Liberty should have been aware that recorded conditions met Red Flag Warning criteria. This analysis is colored by hindsight. As a starting point, it is undisputed that the Reno office of the National Weather Service ("NWS") did not issue a Red Flag Warning or Fire Weather Watch for November 17, 2020, not in the preceding days and not on the morning of as conditions evolved. Forecasts from the local NWS office in the preceding days and on November 17, 2020, indicated the possibility for strong winds, but definitively communicated no risk of fire weather because there was "lots of moisture." The region had seen its first significant snowfall of the season just over a week before, which led NWS and Liberty's fire science and risk consultant to conclude that fire season was over. This conclusion was consistent with historical data showing that large fires are exceedingly rare after recent snowfall.

Taking Cal Advocates' analysis of day-of conditions at face value, Cal Advocates' conclusion that conditions met Red Flag conditions rests on a faulty premise. As Liberty understands them, Red Flag criteria require that forecasts exceed thresholds for *each* of the three identified conditions (wind gusts, relative humidity, and fuel moisture) for three hours or more—a requirement that, even under Cal Advocates' own analysis, would not have occurred until 1:40 p.m. for the closest weather station to where the Mountain View Fire ignited (LIB26), *nearly two hours after* the Mountain View Fire ignited. At other points, Cal Advocates implies that because wind speeds observed on November 17 exceeded

those seen during many Red Flag Warning periods in 2020, Liberty should have been on alert as to wind risk that morning. As Liberty acknowledged in *Liberty-03*, NWS issued a high wind warning for the area. The comparison beyond that makes little sense as Red Flag Warnings involve the confluence of winds, humidity, and fuel moisture or thunderstorm/dry lightning conditions that pose an elevated fire risk. That NWS Reno did not in fact issue a Red Flag Warning for November 17 demonstrates no such risk was expected that day.

Cal Advocates' criticisms of Liberty's system protection settings and its response to events on the morning of November 17 similarly reflect hindsight and rest on a misunderstanding of key facts. As an initial matter, Cal Advocates does not dispute that Liberty appropriately placed its system protection into "normal" mode on November 10 after the first regional snowfall effectively ended fire season. Instead, Cal Advocates argues Liberty should have changed these settings in response to a transient fault that did not trigger any protective operation and of which Liberty had no contemporaneous notice. Finally, Cal Advocates' assertion that the Mountain View Fire would have been avoided had the 1261 R2 Recloser been in "fire mode" settings is speculative, unsupported by the evidentiary record, and does not appear to grasp that the 1261 R2 Recloser was never in "fire mode" on the morning of the Mountain View Fire. The record shows that Liberty promptly responded to events on its system on November 17, 2020, informed by the judgment of its field personnel. For example, field personnel completed an outage patrol of the Topaz 1261 Circuit downstream of the 1261 R2 Recloser, including the Subject Span, *just hours* before the phase-to-phase fault and conductor separation, which confirmed there were no obvious issues on the Subject Span.

II.

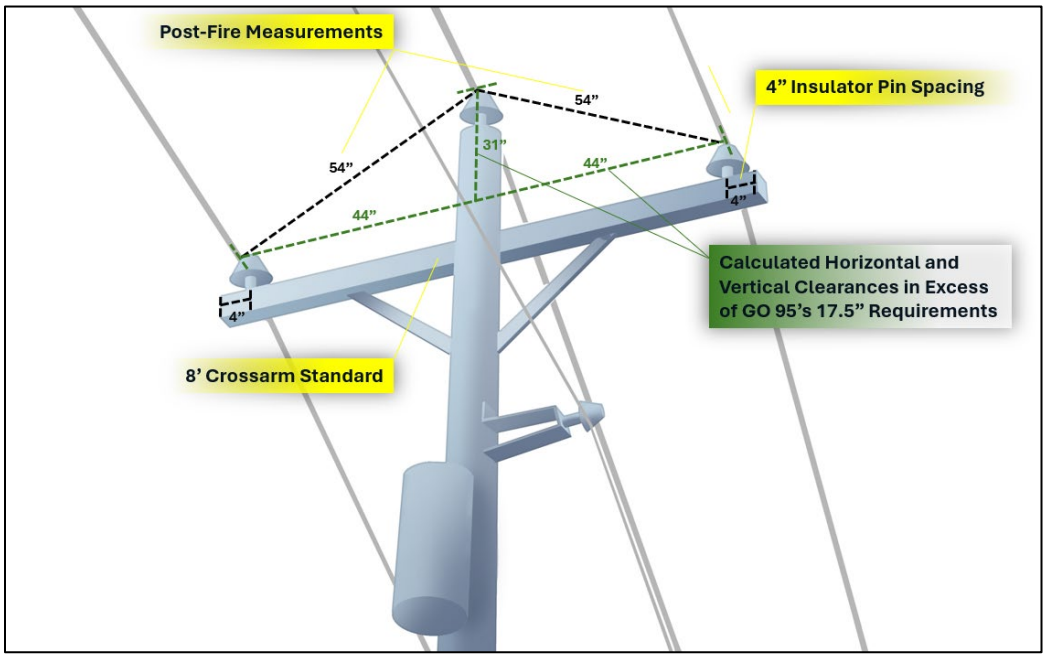
Liberty Prudently Designed and Constructed Its Facilities

A. The Specific Facilities Were Appropriately Constructed and Had Ample Conductor Clearance

As set forth in *Liberty-03*, the Specific Facilities near the origin of the Mountain View Fire were appropriately constructed and had conductor clearances well in excess of GO 95 requirements. The Specific Facilities employed a triangular crossarm configuration, with the outer phase conductors attached to crossarms and the center phase conductor on top of the pole, thereby enhancing clearances and mitigating the risk of conductor contact. Post-fire measurements confirmed radial clearances of 54 inches at the West Pole. In Figure 1 below, Liberty reproduces Figures 1 and 2 from *Liberty-03* showing the triangular crossarm configuration and conductor clearance measurements.

Figure 1: Post-Fire Conductor Radial Clearance Measurements at the West Pole[1]

Figure 2: Annotated Demonstration of Measured Radial and Calculated Horizontal and Vertical Conductor Clearances



[1] Distance of 54 inches between the center and road phase conductors (left photograph) and between center and field phase conductors (right photograph).

As described in more detail below, the Specific Facilities were subject to detailed inspections just six months prior to the Mountain View Fire, and no conductor-related issues were identified.[2] In the civil litigation related to the Mountain View Fire, even plaintiffs' designated expert concluded that the Specific Facilities were constructed in accordance with GO 95.[3]

Cal Advocates does not identify a particular deficiency with respect to the Subject Span, nor does it suggest any alternative construction. Rather, Cal Advocates concludes that there must have been a GO 95 clearance issue because the conductors came into contact during the strong, chaotic winds of November 17, 2020.[4] Yet momentary contact during extreme winds does not evidence a GO 95 violation or any imprudence. Cal Advocates suggests that GO 95, Rule 38 means that clearances can never be reduced by more than ten percent under any circumstances.[5] But Rule 38 applies only to the "temperature and loading" conditions contemplated by the Rule, not any circumstances, no matter how extreme.[6] GO 95's Heavy Loading standard, as well as Liberty's standards, requires conductor clearances to be maintained under a temperature of 0°F and loading of 6 pounds per square foot, which equates to a wind speed of roughly 48 mph (a wind speed well exceeded on the day of the Mountain View Fire).[7] GO 95 rules are written in terms of design, construction, and maintenance, not as an operational protocol. They establish minimum clearances and wind loading margins to reasonably mitigate the potential for contact—not to eliminate all conceivable risk.

Cal Advocates further suggests that Liberty's sagging standards are "dangerous" because "phase-to-phase contact would be possible" with 54 inches of radial clearance in a triangular crossarm

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[2] An experienced journeyman lineman performed a detailed inspection of the Specific Facilities on May 6, 2020. These thorough inspections identified only a Level 3 issue with an idle insulator pin on the secondary arm of the East Pole for removal.

[3] *See* Expert Opinions of Mr. David Geier provided in response to Question 8 of CalAdvocates-LIB-A2506017-010, attached in App'x A (conclusion of Liberty's designated expert on utility standards that the Specific Facilities were compliant with GO 95 and indicating this as an area of agreement with plaintiffs' designated expert).

[4] *See* CA-08 at 2; App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 12 (contending that the Specific Facilities were non-compliant with GO 95 Rule 38 based on Table 2, case number 17, column F).

[5] CA-08 at 2–3.

[6] GO 95 Rule 38.

[7] GO 95 Rule 43.1.

configuration.[8] To try to support this claim, Cal Advocates references the 28 inches of sag specified in Liberty's sagging standards for #2 ACSR to assert that "[t]he midpoint clearance" on the Subject Span "with 54-inch crossarm clearance and 28 inches of sag is 54 – 2*28 = -2 inches, indicating likely contact."[9] This argument incorrectly assumes that the collective sag on two lines must exceed the radial clearance between them—*i.e.*, the clearance must be at least twice the line's sag. In fact, GO 95 proves otherwise. For example, Appendix C to GO 95 identifies ***multi-foot*** sag values for bare copper conductors over spans of approximately 300 feet.[10] Those sag values well exceed corresponding conductor clearances specified in Rule 38, Table 2. In other words, accepting Cal Advocates' criticism of Liberty's sagging standards and assertion of "likely" conductor contact would mean the GO 95 sag specifications are somehow deficient, as well as sag tables provided to Cal Advocates by other California utilities in response to data requests served by Cal Advocates.[11] That is obviously incorrect. Liberty's sagging tables are consistent with both GO 95 and industry standards, and Cal Advocates has not shown otherwise.[12]

B. Cal Advocates' Additional Critiques of Liberty's Design and Construction Standards Are Unfounded

Cal Advocates critiques Liberty's design and construction standards by reference to SAIDI metrics, indicia of poor historical performance of the Topaz 1261 Circuit, and pole loading record retention. These critiques are unfounded and have no causal nexus to the Mountain View Fire.

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[8] *See* CA-08 at 6 & n.31. This suggestion is particularly surprising given 54 inches is roughly three times GO 95's 17.5-inch minimum clearance between conductors on the same cross-arm.

[9] *See id.* at 6, n.31. Cal Advocates makes no showing that the sag table is applicable to the Subject Span, which was approximately 300 feet and used #4 ACSR.

[10] *See* GO 95, Appendix C.

[11] *See, e.g.*, App'x A, CO 150, SCE Distribution Overhead Construction Standards, 2020 Fourth Quarter (specifying sag of over ten feet for a 300-foot span of #4 ACSR at 100°F under Heaving Loading, which would require radial clearances under Cal Advocates' methodology of over twenty feet); App'x A, Figure 12, PG&E Sags and Tensions for Overhead Conductors on Pole Lines at 20 (specifying almost six feet of sag for a 300-foot span of #4 ACSR with a 400-foot ruling span under Heavy Loading, which would require radial clearances under Cal Advocates' methodology of around twelve feet).

[12] Liberty provided Cal Advocates with its 1,372-page Concatenated Overhead Electric Standards in effect in 2020. Cal Advocates has identified no credible deficiencies in these comprehensive standards.

Cal Advocates suggests there were problems with the design and construction of the Topaz 1261 Circuit based on historical performance metrics. That reliance is misplaced. Liberty appropriately evaluated performance issues on the circuit after acquiring it from NV Energy in 2011 and ultimately undertook a proactive project to harden the Topaz 1261 Circuit through the Topaz Line Rebuild Project. Reporting of circuit performance metrics is an industry-standard practice, and a key indicia for utility prioritization of upgrade and hardening projects. Cal Advocates' criticism of the pace of the hardening project is unjustified. The project was in the planning phase at the time of Liberty's 2019 GRC and was approved as a multi-year project that would proceed in phases. As described in *Liberty-09*, Liberty re-scoped the Topaz Line Rebuild Project to upgrade the Specific Facilities to covered conductor and was very near to reaching the Specific Facilities when the Mountain View Fire ignited.

Cal Advocates' reliance on SAIDI metrics as a proxy for poor construction and maintenance is also flawed because it does not analyze whether the outages reflected in those metrics are attributable to design or construction issues—particularly where the substation and power supply for the circuit are owned and operated by a different utility in a different state.[13] Absent such analysis, outage history alone does not support a conclusion of imprudent design or construction and in any event, would have no causal nexus to the Mountain View Fire given the evidence shows that the construction of the Subject Span met or exceeded GO 95 requirements.

Finally, Cal Advocates' critiques of Liberty's recordkeeping related to pole loading calculations are irrelevant and unfair.[14] As an initial matter, these critiques have no connection to the ignition given that the West and East Poles did not fail and were not even arguably overloaded at the time of the fire (Cal Advocates does not suggest otherwise in its testimony). More broadly, Cal Advocates' critique does not undermine the prudency of Liberty's design and construction practices. Cal Advocates faults Liberty's pole loading practices based on a request for pole loading records for twenty randomly selected GPS coordinates throughout Liberty's service territory, which Cal Advocates then speculatively—and without evidentiary support—associates with an increased risk of phase-to-phase contact and unsafe grid operation.[15] Cal Advocates further emphasizes that Liberty was unable to locate

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[13] *See* CA-08 at 3–5.

[14] *See id.* at 6–8.

[15] *Id.* at 7–8.

pole loading calculations for the East and West Poles from prior to November 17, 2020.[16] But as Liberty explained in discovery, these poles were installed well before Liberty acquired the utility system in 2011; records indicate that the East Pole was installed in 1947 and the West Pole in 2000 or 2001.[17] That Liberty was unable to locate these historical records created, if at all, between 20 and over 70 years prior to the Mountain View Fire, does not demonstrate any imprudence on Liberty's part. Liberty provided pole loading records for all of the specified poles that were constructed/replaced or materially changed by Liberty after its acquisition of the utility, consistent with the pole loading practices described in Liberty's 2020 WMP.[18]

III.

Liberty Prudently Inspected and Maintained Its System

As described in detail in *Liberty-03*, at the time of the Mountain View Fire, Liberty had reasonable inspection and maintenance programs that met or exceeded regulatory requirements. Between when Liberty acquired the utility from NV Energy in approximately 2011 and November 2020, Liberty inspected the Topaz 1261 Circuit through patrols, detailed inspections, or intrusive pole inspections no fewer than nine times across eight out of ten years, and most recently in May 2020. Cal Advocates advances several critiques of Liberty's inspection and maintenance practices, ranging from an alleged failure to timely address hazards on the Topaz 1261 Circuit to identifying at once *too few* issues in its routine patrols of the circuit and *too many* issues as part of the 2020 asset survey to Liberty's purported lack of diligence at the time it acquired the utility from NV Energy 15 years ago.

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[16] *See id.* at 6–7.

[17] Liberty identified and provided to Cal Advocates a pre-fire pole loading record for the West Pole from June 2017 that was prepared by a third-party telecommunications attacher. Cal Advocates faults Liberty for purported errors in this record, but fails to acknowledge that the record was prepared by a third party and thus is not suggestive of imprudence by Liberty.

[18] *See also* Liberty Utilities (CalPeco Electric) LLC (U 933-E), *Revised 2020 Wildfire Mitigation Plan* (Feb. 28, 2020), Section 5.3.3.13 at 62 (CA-05-SA, App'x B, Attachment 12, at CA-05-1321), available at https://california.libertyutilities.com/uploads/R1810007-Liberty%20CalPeco's%20Revised%202020%20WMP.PDF (explaining that Liberty "does not have a Pole Loading Assessment program but does pole loading calculations on all poles that are being replaced or have an increase in loading from proposed new attachments, pursuant to G.O. 95."). Cal Advocates sought one records for twenty poles identified only by GPS coordinates. One set of coordinates corresponds with a pole owned by Truckee Donner Public Utility District that supports no Liberty facilities, and another was not associated with any pole. *See, e.g.*, CA-08, App'x B, Attachment 13, Liberty's response to CalAdvocates-LIB-A2506017-036, Question 1 (38.765644, -119.783447 (GPS coordinates associated with no pole)).

These criticisms are based on a selective presentation of information related to Liberty's conduct and its records, from which Cal Advocates infers a "pattern of neglect" on the Topaz 1261 Circuit that has no basis in fact. At the very minimum, none of the issues Cal Advocates raises were causal to the ignition of the Mountain View Fire. Indeed, detailed inspections conducted just six months before the fire identified no safety hazards at the Specific Facilities and confirmed they were in good condition.

A. Liberty Prudently Inspected and Maintained the Topaz 1261 Circuit in the Years Preceding the Mountain View Fire

Between when Liberty acquired the utility from NV Energy in approximately 2011 and 2020, Liberty inspected the Topaz 1261 Circuit no fewer than nine times in ten years through its various inspection and maintenance programs. As Cal Advocates acknowledges, Liberty conducted routine patrols on the Topaz 1261 Circuit in 2013, 2015, and 2017.[19] In its annual GO 165 reports submitted to the Commission, Liberty confirmed that it completed patrols on all circuits on its system in 2018 and 2019. In other words, between 2011 and 2020, the Topaz 1261 Circuit was patrolled no fewer than five times. Consistent with GO 165, Liberty also performed detailed inspections on the Topaz 1261 Circuit in 2011, 2016, and 2020. The 2020 detailed inspection was part of a systemwide asset survey Liberty completed that year to update its asset inventory and to better assess risks on its electric system.[20] As part of this systemwide asset survey, Liberty examined the Subject Facilities just six months before the fire. During those inspections, inspectors documented the Subject Facilities' condition in a detailed inspection survey form and in photographs.[21] Those inspections irrefutably showed that the Subject Facilities were in good condition, with no outstanding safety hazards, at the time of the fire.[22] In fact, the inspector who performed the detailed inspection of the Subject Facilities was so thorough that he noted an insulator pin on the secondary arm and flagged it as a Level 3 issue for remediation. For both routine patrol inspections and detailed inspections, Liberty used experienced and qualified inspectors, all of whom were certified journeymen linemen. The inspectors who examined the Subject Facilities in

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[19] CA-07 at 11.

[20] As the Topaz 1261 Circuit was subject to a detailed inspection in 2016, the 2020 detailed inspection/asset survey was conducted one year ahead of schedule compared to the timeline prescribed by GO 165.

[21] *See* App'x A, 2020 Inspection Records of Subject Facilities.

[22] As Liberty referenced in *Liberty-03*, the only condition issue identified on the Subject Poles was a minor Level 3 "idle hardware" issue on the East Pole. *See* Liberty-03E at 22.

detailed inspections between 2011 and 2020 all had years of experience working on Liberty's system. In 2013, Liberty conducted intrusive pole inspections of the entire Topaz 1261 Circuit. These inspections, which were conducted by a qualified contractor, yielded detailed records of each pole, including pole type, treatment type, and pole strength. The Subject Facilities were not identified as needing replacement during that inspection.

Figure 3: May 6, 2020 Photographs of the West and East Poles From Detailed Inspection/Asset Survey

Despite this record of prudent inspection and maintenance, Cal Advocates claims that Liberty could not substantiate whether it met its GO 165 obligations.[23] Liberty substantiated patrols conducted on the Topaz 1261 Circuit between 2013–2017 with maps signed and dated by the inspectors who completed the patrols. Though Liberty was unable to locate patrol maps for 2018 and 2019, Liberty affirmed in its contemporaneous GO 165 reports that patrols were completed on all its circuits in 2018 and 2019 (a fact explained to Cal Advocates in discovery and omitted from Cal Advocates' testimony).

[23] *See, e.g.*, CA-07 at 13.

In short, the record shows that Liberty *did* meet its GO 165 obligations, which required biannual patrols on rural circuits prior to June 30, 2019, and annual patrols after that date if a circuit was, like the Topaz 1261 Circuit, located in a Tier 2 HFTD area. In any case, Liberty's patrol cadence was not causal to the ignition of the Mountain View Fire, as the entire Topaz 1261 Circuit was subject to detailed inspections just six months prior to the fire.

As mentioned above, Liberty also conducted detailed inspections on the Topaz 1261 Circuit in 2011 and 2016 and intrusive pole inspections in 2013. Even though Liberty produced extensive records of the 2011 and 2016 detailed inspections, totaling several thousand pages, Cal Advocates essentially ignores these detailed inspections in its testimony in its assessment of Liberty's inspection and maintenance practices. Liberty also provided pole-by-pole results of the 2013 intrusive pole inspections to Cal Advocates and, contrary to Cal Advocates' claim, Liberty used this information to replace poles on the circuit, where necessary, and verified that these pole replacements were complete through various systems and databases.

1. Liberty's Inspection and Maintenance Programs Effectively Monitored Asset Conditions and Identified Issues for Remediation

Cal Advocates makes the sweeping and inaccurate statement that Liberty operated its utility system "without comprehensive knowledge of [its] system from 2011 to 2020."[24] That is contrary to the factual record and ignores the numerous inspections and regular maintenance work Liberty had conducted on the Topaz 1261 Circuit since its acquisition of the utility in 2011. Cal Advocates simultaneously criticizes Liberty for identifying *too few* conditions during its routine patrols of the Topaz 1261 Circuit and *too many* conditions during its detailed inspections. Both critiques miss the mark. Cal Advocates faults Liberty for identifying no corrective work on the Topaz Circuit in 2013, 2015, and 2017 despite the circuit being ranked as one of Liberty's most unreliable circuits during that timeframe.[25] This argument misunderstands the purpose of routine patrols, which, as Cal Advocates acknowledges, were "designed to identify *obvious* structural problems and hazards."[26] The Topaz 1261 Circuit's reliability metrics could be impacted by factors that no routine patrol would be able to identify, such as outages caused by

[24] *Id.* at 28.

[25] *Id.* at 11.

[26] *Id.* at 12 n.51 (emphasis added).

upstream events on the Nevada portion of the circuit, by flying debris or animal contact, by vehicle contact with poles, or by stormy weather conditions. A routine patrol that did not identify corrective work on a circuit with a higher-than-average number of outages like the Topaz 1261 Circuit in no way suggests that the patrol was ineffective.

Cal Advocates then faults Liberty for identifying what it perceives to be "an overwhelming number of defects" on the Topaz 1261 Circuit during the 2020 detailed inspection/asset survey.[27] Liberty has acknowledged in past WMP filings that the 2020 asset survey did yield a significant number of conditions requiring remediation. Rather than demonstrating imprudence, identifying conditions for potential repair is the very purpose of detailed inspections. That Liberty found a significant number demonstrates the inspections were working as intended. In turn, Liberty diligently addressed those issues, prioritizing Level 1 and Level 2 conditions, including pole replacements classified as one of those two levels, before turning to Level 3 issues, which included pole replacements identified as less urgent.

Cal Advocates is also wrong that Liberty did not track conductor splices. Liberty documented the general location and the number of splices on the Topaz 1261 Circuit as part of the 2020 asset survey, which it disclosed to Cal Advocates in an amended data request response.[28] In any case, tracking splices was not a regulatory requirement or standard industry practice; for example, the Pacific Gas and Electric Company ("PG&E")—which Cal Advocates commends for having an infrared inspection program that could detect deteriorated splices—did not track splices through any formal asset management system or field reporting tool nor require documentation or mapping of splices as of 2020.[29] And both PG&E and SCE have stated that they are not aware of any industry standards regarding when cumulative splices on a conductor would compromise conductor integrity and/or electrical reliability.[30]

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[27] *Id.* at 26.

[28] *See* App'x A, Liberty's amended response to CalAdvocates-LIB-A2506017-001, Question 8.

[29] App'x A, PG&E's response to CalAdvocates-PGE-A2506017-003, Questions 5(a) and 6(a). While SCE was tracking splice installation in its inspection documentation, it did not require documentation or mapping of the presence of splices in field records or asset databases. *See* App'x A, SCE's response to CalAdvocates-SCE-A2506017-004, Question 6(a).

[30] *See* App'x A, PG&E's response to CalAdvocates-PGE-A2506017-003, Question 4(b) and App'x A, SCE's response to CalAdvocates-SCE-A2506017-004, Question 4(a).

Cal Advocates also exaggerates the seriousness of issues identified on the Topaz 1261 Circuit during the 2020 detailed inspection/asset survey. The vast majority of corrective work identified during those inspections was classified by Liberty's experienced journeymen linemen as Level 3 issues, meaning that they had an acceptable level of safety or reliability risk, as defined by GO 95. Contrary to Cal Advocates' claims, the proportion of 2020 inspections on the Topaz 1261 Circuit classified as "failed" did not "reflect[] widespread equipment degradation."[31] An inspection could be classified as a "failed" inspection even if it resulted in a minor Level 3 issue, which did mean that the asset did not require urgent repairs. Among the condition issues that Cal Advocates characterizes as "direct indicators of potentially compromised structural integrity,"[32] the vast majority were classified as Level 3. Cal Advocates' view of the severity of an issue appears to be based on the nomenclature of Liberty's condition codes alone. But in practice, even when Liberty's inspectors identified condition issues interpreted by Cal Advocates as "directly implicat[ing] structural integrity,"[33] the seriousness of the condition was taken into account in assigning a priority level. For instance, a pole might be designated for future replacement even when it posed no immediate threat of failure, or a pole may be deemed "cracked" or "split" even if a crack was minor.

Cal Advocates criticizes Liberty for failing to complete a comprehensive assessment of assets on the Topaz 1261 Circuit and associated condition records when Liberty purchased the utility from NV Energy 15 years ago. This criticism is unfounded and does not show any imprudence. At the time of Liberty's acquisition of the utility from NV Energy in approximately 2011, NV Energy had operated the utility for many years. Liberty's acquisition marked a change in ownership, not a change in the utility's day-to-day operations. As part of the acquisition agreement, Liberty committed, to the extent possible, to keeping the same employees in the same roles to operate the utility. That made good sense, as those employees had intimate knowledge of the electric system, including field personnel who had extensive experience inspecting and maintaining the Topaz 1261 Circuit. As part of the acquisition agreement, Liberty and NV Energy also agreed to provide mutual access to inspect each other's utility systems, and

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[31] CA-07 at 14.

[32] *Id.* at 16.

[33] *Id.* at 17.

operation and maintenance records, as needed. Liberty assumed ownership of existing inspection and maintenance records for the portion of the utility being purchased.

Cal Advocates points to no example where a utility purchasing an existing operational utility and keeping the same operations personnel in place conducted a comprehensive review of all assets being purchased and the associated inspection and maintenance records prior to acquisition. Indeed, Cal Advocates cites no regulatory requirement or industry practice that would have required Liberty to conduct such a review prior to or after the acquisition. And in any case, as explained above, Liberty inspected the Topaz 1261 Circuit through patrols, detailed inspections, and intrusive pole inspections at least nine times across eight of the ten years between acquiring the utility in 2011 and the Mountain View Fire in 2020. Through these inspections, Liberty monitored asset condition on the Topaz 1261 Circuit and effectively remediated condition issues, making Cal Advocates' criticisms non-causal and irrelevant.

2. Cal Advocates' Critiques of Liberty's Maturing Process for Digitizing Its Inspection and Maintenance Practices Do Not Show Imprudence

As referenced in *Liberty-03*, prior to 2020, Liberty completed inspections and repairs using hard-copy paper forms. Starting with the 2020 asset survey, Liberty transitioned to using Fulcrum, a dynamic digital data collection tool, which allowed Liberty to more efficiently collect inspection and asset data and track maintenance and repair work. Liberty understands that PG&E, California's largest IOU, was also transitioning its inspection records for overhead distribution facilities to a digital system around this time.[34] As Fulcrum was Liberty's first digital tool for managing collection of inspection data in the field, Liberty refined data collection and management methods over time. Liberty added and modified fields in the Fulcrum application used for the 2020 detailed inspection/asset survey based on the needs of inspectors in the field and other Liberty staff who used the inspection data for operational purposes. As an example, this process of refinement eventually led Liberty to develop process documents to guide inspectors on filling out digital inspection forms and to track individual asset conditions separately, with separate priority levels and corresponding due dates and repair dates. That Liberty's digitization of its inspection and maintenance practices was a maturing process in 2020 during the COVID-19 pandemic does not show any imprudence. In fact, in approving Liberty's

[34] *See* App'x A, PG&E's response to CalAdvocates-PGE-A2506017-003, Question 7.

2020 WMP, the Commission recognized that Liberty's "data governance program [was] in the very early stages of development"[35] and, in 2022, the Office of Energy Infrastructure Safety ("OEIS") acknowledged that Liberty's shortcomings in data reporting "did not amount to a failure to substantially comply with its 2020 WMP."[36] Contrary to Cal Advocates' claims, Liberty's efforts to modernize its inspection and maintenance recordkeeping show that it was a reasonable operator that focused on continuously improving its operational processes, and certainly do not show imprudence.

Cal Advocates also argues that Liberty's inspection processes in 2020 resulted in poor data quality that hindered Liberty's ability to address safety issues on the Topaz 1261 Circuit. Cal Advocates overstates the point. For instance, the fact that there was only one repair date and one priority level field in the Fulcrum inspection form did not necessarily mean Liberty was bundling more serious conditions with less serious ones or had no way to track repairs for individual conditions. The Fulcrum form also included comment fields where inspectors and maintenance crews could provide information regarding specific conditions or repairs. In addition, though Liberty systematically entered due dates for corrective work into the Fulcrum application used for the 2020 detailed inspections/asset survey after the inspections had been completed, this did not "render[] the entire work monitoring system ineffective."[37] Even without due dates explicitly recorded in Fulcrum, Liberty prioritized conditions based on the risk assessment framework set forth in GO 95 and focused its resources on addressing Level 1 and 2 issues identified from the 2020 detailed inspections/asset survey in the 2020-2021 timeframe.[38]

Cal Advocates' contention that Liberty's "2020 asset survey data, as originally produced, did not fully convey the condition, context, or risk profile of the Topaz 1261 Circuit" unfairly characterizes Liberty's effort to provide Cal Advocates with information responsive to its

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[35] Resolution WSD-007 (June 19, 2020) at 8.

[36] *See* Office of Energy Infrastructure Safety, *Annual Report on Compliance*, *Liberty Utilities' 2020 Wildfire Mitigation Plan* (Dec. 2022) ("OEIS WMP Compliance Report") at 1, available at https://tinyurl.com/336tsr32.

[37] CA-07 at 27.

[38] *See, e.g.*, Liberty Utilities (CalPeco Electric) LLC (U 933-E), *2021 Wildfire Mitigation Plan Update, Public Version* (Mar. 5, 2021) at 90 (CA-09, App'x B, Attachment 1), available at https://california.libertyutilities.com/uploads/R1810007-Liberty%20CalPeco%202021%20WMP%20Update%20PUBLIC.PDF.

voluminous discovery requests while navigating limitations related to its maturing process during the relevant timeframe.[39] In Liberty's original response to Cal Advocates' data request asking for a list of corrective work identified on the Topaz 1261 Circuit, Liberty provided a spreadsheet of select data fields from the Fulcrum application used for its 2020 detailed inspection/asset survey that it understood to be responsive to Cal Advocates' request. That original spreadsheet of 2020 asset survey data included inspection records as they existed at the time the records were outputted from Fulcrum in September 2025, not, as Cal Advocates contends, "inspection results as they existed when the 2020 Asset Survey results were first consolidated and organized."[40] That first spreadsheet included all inspection records from the Topaz 1261 Circuit, whether or not an inspection identified corrective work. In the course of responding to other data requests, Liberty produced to Cal Advocates the complete output history for inspection records from the 2020 asset survey associated with the Topaz 1261 Circuit, which included data from all fields and the full event history of each inspection as recorded in Fulcrum.[41] Using this more complete output, Liberty then selected the versions of each inspection record that were updated in 2020 and that had a priority level identified as Level 1, 2, or 3, or where inspectors selected or filled in condition codes for issues identified during the inspection, as well as the most recent event history available, as of October 3, 2025, when the data was exported from Fulcrum. Liberty produced this more focused spreadsheet in its amended response in an attempt to provide Cal Advocates with a more tailored response to its question requesting a list of corrective work identified on the Topaz 1261 Circuit in 2020. In other words, Liberty did this because *Cal Advocates' request* focused on inspections *that identified repair work*. This renders hollow Cal Advocates' critique that "nearly every inspection represented in the amended production identifies at least one condition requiring corrective action."[42]

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[39] CA-07-S at 10.

[40] *Id.* at 4.

[41] *See* CA-07-SA, App'x B, Attachment 3, Liberty's response to CalAdvocates-LIB-A2506017-031, Question 3.

[42] CA-07-S at 8–9.

B. Liberty Diligently Inspected Vegetation and Appropriately Remediated Issues on the Topaz 1261 Circuit

As set forth in *Liberty-03*, Liberty's vegetation management program at the time of the Mountain View Fire was consistent with regulatory requirements and Liberty diligently inspected and addressed vegetation conditions identified on the Topaz 1261 Circuit. Just weeks before the Mountain View Fire, Liberty conducted a LiDAR scan on approximately half of its overhead line miles, including on the Topaz 1261 Circuit. As Cal Advocates acknowledges, this LiDAR scan indicated that no vegetation was detected within 12 feet of the conductors at the Subject Span.[43] Liberty's contractors also conducted inspections and pole clearing work compliant with the requirements of Public Resources Code §§ 4292 and 4293 and GO 95. At the Subject Span, Liberty performed pole clearing inspections on the West and East Poles and cleared vegetation from both on September 23, 2020, just a few months prior to the fire. And in 2022, OEIS "found Liberty substantially compliant with the substantial portion of the vegetation management requirements in [Liberty's] approved 2020 WMP."[44]

Cal Advocates generally acknowledges the strength of Liberty's vegetation management program.[45] Indeed, Cal Advocates states that during "the two months prior to the Mountain View Fire, Liberty conducted vegetation management inspections and mitigation work to address the vegetation clearances around the electrical equipment at the location of the Mountain View Fire ignition."[46] Cal Advocates' limited criticisms of Liberty's vegetation management program have no merit, and in any event would not justify any disallowance given Cal Advocates concedes that "vegetation growth was not a direct cause or contributor to the start of the Mountain View Fire Ignition."[47]

First, Cal Advocates points to vegetation management related notifications on the Topaz 1261 Circuit prior to November 17, 2020, and notes that Liberty's records did not specify a due date for the

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[43] CA-09 at 3.

[44] OEIS WMP Compliance Report at 20.

[45] CA-01 at 11 ("Cal Advocates reviewed Liberty's vegetation management practices at the time of the ignition and found them to be largely consistent with industry standards and Commission regulations.… Liberty's records in the area were adequate to show that it was performing inspections and mitigation work consistent with regulatory requirements and with its commitments in the 2020 Wildfire Mitigation Plan.").

[46] CA-09 at 2.

[47] *Id.* at 1, 12.

completion of vegetation management work.[48] Cal Advocates' criticism elevates form over substance as the records clearly show that Liberty appropriately remediated all of these vegetation management-related notifications. As Cal Advocates acknowledges, "[m]ost of the open notifications (12 of 14) were addressed within a two-week period of the inspection date"; the remaining two were not identified as "immediate" or "critical" priority items. In any event, none of these open notifications were on the Subject Span or the West or East Poles.

Second, Cal Advocates argues that pre- and post-inspection processes and sampling of QC audits were "unsatisfactory and needed improvement" based principally on the results of a 2020 audit report by JH Land Consultants, LLC ("JHLC").[49] In fact, the JHLC report underscores the *prudence* of Liberty's vegetation management and its commitment to continual improvement.[50] The report stated that "[t]ree locations reviewed showed very good results" and that the "8ft- Conductor pole clearing specification results were very good."[51] Cal Advocates further concedes that "Liberty implemented the recommendations made by JHLC, related to auditing contractor vegetation work and formalized procedures for performing Q/C audits in its finalized Post Work Verification Procedures (VM-04) in May 2021," or six months after issuance of the report.[52]

IV.

Liberty Prudently Operated Its System

As described in detail in *Liberty-03*, Liberty had prudent procedures and processes at the time of the Mountain View Fire to promote the safe operation of its electric system and to reduce the risk of ignition. Liberty's approved PSPS protocol appropriately balanced reducing the risk of ignition on extreme fire weather days with the public safety risks posed by power shutoffs, and Liberty followed

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[48] *Id.* at 9.

[49] *Id.* at 12–13.

[50] The audit was conducted as part of Liberty's quality control procedures to verify vegetation management work, which as of November 2020, required a minimum 15% random sample of contractor work conducted by internal staff and contractor supervisors, as Cal Advocates acknowledges. *See id.* at 10–11.

[51] CA-09, App'x B, Attachment 3, Liberty response to CalAdvocates-LIB-A2506017-020, Question 6, internal attachment JH Land Consultants, LLC, *Liberty Utilities Pole Clearing and Tree Work Audit 2020*, at 3.

[52] CA-09 at 12. As noted by Cal Advocates, the JHLC report was published three days after the Mountain View Fire, and its recommendations could not have been adopted beforehand.

that protocol in the days leading up to and including November 17, 2020. On the day of the fire, Liberty field personnel were performing work on the Topaz 1261 Circuit and responded promptly and diligently to events that day. While Cal Advocates is now critical of Liberty's operations and response to events, its after-the-fact review is inconsistent with the contemporaneous data showing that no Red Flag Warning or Fire Weather Watch issued for November 17 and that very morning, the forecast from the local NWS office reported "no concerns" of fire weather.

A. The Commission Should Reject Cal Advocates' Criticisms of the PSPS Protocol Approved as Part of Liberty's 2020 Wildfire Mitigation Plan

As a wildfire mitigation tool of last resort, Liberty's Commission-approved PSPS protocol was designed to balance the risk of wildfires on extreme weather days with the significant public safety risks implicated by a power shutoff. Cal Advocates does not dispute that Liberty adhered to its PSPS protocol in effect at the time of the Mountain View Fire. Rather, its main critique is that Liberty's PSPS thresholds were "insufficient," which reflects classic hindsight and does not show imprudence. Its comparison of Liberty's actions with SCE's decision to de-energize two circuits more than 30 miles away pursuant to SCE's distinct PSPS protocol also does not show imprudence. In short, Liberty had a reasonable PSPS protocol, which it followed consistently in the days leading up to and including November 17, 2020.

1. Liberty Followed Its Approved PSPS Protocol on November 17, 2020

Cal Advocates' testimony does not dispute that Liberty followed its PSPS protocol in the days leading up to and on November 17, 2020. As set forth in *Liberty-03*, Liberty's PSPS protocol used three components: (a) Energy Release Component ("ERC"); (b) wind gusts; and (c) Fosberg Fire Weather Index ("FFWI"). Together, these components were intended to capture the risk of wildfire ignition and spread based on longer-term environmental conditions and shorter-term weather conditions. Fire occurrence and size are strongly correlated with ERC; FFWI complement ERC's seasonal considerations by measuring short-term weather conditions conducive to rapid fire spread; and higher wind gusts increase the likelihood of hazards that could result in outages and other risk events.[53] For the Topaz 1261 Circuit, Liberty's de-

[53] CA-05-SA, App'x B, Attachment 8, Liberty supplemental response to data request Cal Advocates-LIB-A2506017-032, Question 1, internal attachment De-energization Thresholds for Prevention of Catastrophic Wildfires ("Reax PSPS White Paper") at CA-05-0374–CA-05-0380.

energization guidelines set thresholds for these components as follows: (a) ERC exceeding the 92nd percentile; (b) wind gusts exceeding 45 mph; and (c) FFWI exceeding 60.

In the days leading up to November 17, 2020, Liberty monitored weather forecasts for these three components on its fire weather dashboard. Liberty's fire science and risk modeling consultant created the dashboard to help Liberty operationalize its PSPS protocol and operational protocols. The PSPS weather forecasts were displayed on the dashboard alongside Liberty's Fire Potential Index ("FPI") forecasts.[54] Pursuant to Liberty's PSPS protocol, Liberty would activate for a potential PSPS event only if forecasts showed that conditions were likely to approach or exceed de-energization criteria for all three components.[55] At no point in the days leading up to November 17 was that the case. In particular, ERC forecasts were nowhere close to the 92nd percentile threshold. In fact, over the preceding seven days, the highest forecasted ERC value for November 17 was just above the 60th percentile, well below the required threshold.

Cal Advocates also faults Liberty for not using real-time data recorded by its weather stations. As referenced *infra* in Part IV.A.4, as of 2020, Liberty was in the process of expanding its weather station network and refining its use of data reported by these stations. These stations were intended, in part, to provide information on a more granular scale than pre-existing weather stations to support Liberty's PSPS operations. On November 17, 2020, Liberty did not rely on live data from its weather stations because forecasts for its PSPS criteria did not simultaneously approach or exceed de-energization thresholds. Had these forecasts prompted Liberty to activate for a potential PSPS event, Liberty *would* have used live weather station data alongside live field observations to inform its de-energization decisions.[56] For PSPS activation purposes, however, using forecasts rather than live observations was reasonable and, indeed, necessary. Given the public safety risks inherent in power shutoffs, particularly on high-fire threat days, advance notification to customers and public safety partners is of paramount importance and required by Commission guidelines. Planning and executing such notifications is possible only when PSPS activation decisions are made in advance, based on forecasted information. SCE's PSPS protocol, which Cal Advocates references in its testimony, also used forecasts to determine

[54] FPI was a situational awareness tool developed by Liberty's fire science and risk modeling consultant that Liberty used to guide decisions regarding operations and field work.

[55] *Id.* at CA-05-0407.

[56] *Id.*

whether SCE needed to activate its Incident Management Team ("IMT").[57] Similar to Liberty, only after IMT activation were live weather station data used to inform SCE's de-energization decisions, which were made alongside forecasted values of SCE's FPI tool and other factors.[58]

Cal Advocates also faults Liberty for relying on its fire weather dashboard, which Cal Advocates alleges contained unreliable data and graphical errors. In the 2019–2020 timeframe, Liberty's fire weather dashboard was a new situational awareness tool that Liberty and its fire science and risk modeling consultant were continuously refining and improving. Cal Advocates has not shown that the data anomalies and minor graphical errors it identified affected Liberty's actual PSPS decision-making. Indeed, none of the data anomalies Cal Advocates identifies were contained within forecasts displayed between the afternoon of November 15 and November 17. Some of the data that Cal Advocates alleges were "erratic"—such as the dashboard displaying ERC forecast values of 0.0—could be explained by the fact that there was snow cover on the ground. Other purported data anomalies cited by Cal Advocates could possibly be attributed to delays in the reporting or incorporation of certain data from third parties, such as the Wildland Fire Assessment System ("WFAS"). In any case, Cal Advocates has not pointed to specific evidence that these gaps hindered Liberty's ability to monitor fire weather risks across its service territory in the days leading up to November 17, 2020 or that the missing data potentially contained information that would have alerted Liberty to elevated fire risk or conditions that would have triggered Liberty's PSPS thresholds prior to that day. Indeed, it is undisputed that all three PSPS criteria were never simultaneously exceeded in the days leading up to November 17, 2020. Thus, the fact that the visual indicators of Liberty's PSPS thresholds may have been placed incorrectly in the fire weather dashboard is irrelevant and does not suggest imprudence in any event as Liberty's operations personnel were familiar with PSPS thresholds and did not rely exclusively on the visual placement of thresholds on Liberty's fire weather dashboard.

2. Liberty's PSPS Thresholds Were Developed by a Qualified Expert and Approved as Part of Liberty's 2020 Wildfire Mitigation Plan

As Liberty explained in *Liberty-03*, PSPS is a mitigation tool of last resort, one that can have a substantial impact on customers, critical infrastructure, and public safety. As the

[57] CA-05-SA, App'x B, Attachment 3, SCE PSPS Post Event Report – November 14 to November 18, 2020 at CA-05-0014.

[58] *Id.* at CA-05-0020.

Commission has explained: "While PSPS events may reduce the risk of utility-associated wildfires, PSPS events can leave communities and essential facilities without power, which brings its own risks and hardships, especially for vulnerable communities and individuals."[59] For this reason, a PSPS protocol must balance the risk of wildfire ignition during extreme fire weather conditions with the public safety risks posed by power shutoffs. Liberty intended to strike this balance with its de-energization thresholds and set forth those thresholds in its 2020 Wildfire Mitigation Plan for review and comment by the Commission and other stakeholders. Thus, Cal Advocates' hindsight critiques of the de-energization thresholds in Liberty's Commission-approved protocol are untimely and without merit.

Pursuant to the Commission's requirements and SB 901, Liberty developed a PSPS protocol to reduce utility-caused ignition risks and mitigate the safety impacts of proactive de-energizations. Given its small size, Liberty recognized the need for external expertise in developing a sophisticated and workable PSPS protocol tailored to its service territory. To that end, in 2019, Liberty engaged Reax to design a PSPS framework, including de-energization criteria, based on historical weather conditions and localized risks. As set forth in an extensive white paper, Reax analyzed historical weather data and fire history in Liberty's service territory, evaluated appropriate criteria consistent with the purpose of PSPS, and recommended de-energization thresholds for PSPS.[60] Liberty chose Reax to perform this analysis and to recommend de-energization criteria based on the firm's expertise and experience with fire science and risk modeling work for other utilities and for the Commission itself. For instance, in the Commission's fire safety rulemaking initiated following the 2007 wildfires in Southern California (R.08-11-005), the Commission adopted a set of fire threat maps "developed jointly by the University of California at Berkeley and Reax Engineering Inc."[61] In the Commission's follow-on rulemaking (R.15-15-006), the Commission appointed Reax as a co-lead, alongside PG&E and SDG&E, of the Peer Development Panel, to further refine the state's fire-threat maps. In its Revised 2020 WMP, Liberty described in detail the PSPS protocol that Reax developed, including de-energization thresholds. On June 11, 2020, through Resolution WSD-0007, the

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[59] *See, e.g.*, https://www.cpuc.ca.gov/psps/.

[60] *See* Reax PSPS White Paper at CA-05-366–CA-05-411.

[61] D.12-01-032 at 137.

Commission ratified the Wildfire Safety Division's conditional approval of Liberty's WMP submission.[62]

Cal Advocates' various after-the-fact criticisms of the de-energization criteria set forth in Liberty's approved WMP should be rejected. Tellingly, Cal Advocates did not raise any concerns related to Liberty's PSPS protocol in its comments on Liberty's 2020 WMP.[63] Indeed, crediting Cal Advocates' arguments here would countermand the Commission's own approval of Liberty's 2020 WMP.[64] And in any case, Cal Advocates' critiques do not show any imprudence. For instance, Cal Advocates criticizes Liberty for having wind gust thresholds that are slightly higher for its windier circuits. As noted by Reax in its white paper on PSPS, the Topaz 1261 Circuit is a historically windy area.[65] Thus, adjusting the wind gust threshold upward by 5 mph was appropriate to support reliable service while reducing the risk of wildfire ignition under the most extreme fire weather conditions. That balance was all the more important in the days leading up to the Mountain View Fire, when Liberty and weather forecasters were tracking an incoming winter storm.[66] The 45-mph gust threshold Liberty established for the Topaz 1261 Circuit is especially appropriate given that Heavy Loading criteria equates to wind speeds of approximately 48 mph. In other words, the 45-mph gust threshold helped to substantially reduce the likelihood of load failure due to excessive winds.

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[62] *See* Resolution WSD-007 (June 19, 2020). None of the conditions on which the approval was contingent related to Liberty's PSPS protocol.

[63] Comments of the Public Advocates Office on the 2020 Wildfire Mitigation Plans (Apr. 7, 2020) at 36–39, available at https://energysafety.ca.gov/wp-content/uploads/docs/misc/wmp/public-comments/public-advocates-office-comments-2020-wmp.pdf .

[64] *See* Resolution WSD-007 (June 19, 2020).

[65] *See* Reax PSPS White Paper at CA-05-0398.

[66] Cal Advocates criticizes the forecast ERC data that Liberty used for the Topaz 1261 Circuit for being "inadequate" and alleges that Liberty "cannot demonstrate that any of the ERC percentile forecasts" were for the correct area. *See* CA-05-A at 23. Contrary to Cal Advocates' unsupported claim that Liberty could not show that those forecasts corresponded to the correct location, Liberty ingested both the WFAS' ERC forecasts based on RAWS data and geographically gridded maps and generated percentile forecast values by PSPS zone by running statistics for each zone. Cal Advocates also contents that FFWI "should have been given higher priority when assessing wildfire risk." *Id.* at 24. While FFWI was placed third on Liberty's de-energization decision tree, Liberty de-energized circuits only when all conditions exceeded thresholds for all three components of its PSPS protocol, making FFWI no more or less important than the other two components.

Cal Advocates also presents a list of suspected wire slap incidents on the Topaz 1261 Circuit based on Liberty's outage records[67] and corresponding wind speeds in an attempt to show that Liberty's wind gust threshold was set too high. But in fact, Cal Advocates' analysis shows merely that on a few windy days over an eight-year period, the circuit experienced a few outages potentially caused by contact between conductors each year, including some during conditions less windy than those observed on November 17, 2020. As explained in *Liberty-09*, outages caused by conductor contact are not uncommon for California utilities.[68] Moreover, between 2012–2020, there were 353 days when daily maximum wind gusts were *higher* than the median wind gust associated with Cal Advocates' list of suspected wire slap events, close to 90% of which saw no outages of any cause. Likewise, had Liberty established a wind gust threshold corresponding to the lowest gust speed associated with a suspected wire slap incident presented by Cal Advocates (7 mph), historical weather data at the Walker RAWS station shows that 99.7% of days between January 1, 2012 and November 17, 2020 would have hit this threshold. Even setting the threshold at the mean wind gust presented in Cal Advocates' table of suspected wire slap events (35.5 mph) would still have resulted in nearly one-fifth (18%) of all days exceeding that trigger. Those thresholds would have severely compromised Liberty's ability to deliver reliable service on the Topaz 1261 Circuit and increased the public safety risks implicated by power shutoffs. Indeed, Cal Advocates presents no specific alternative threshold that it believes would have been more reasonable than Liberty's Commission-approved threshold.

Cal Advocates is also incorrect that Liberty's California operations personnel and its New Hampshire system control personnel were "siloed."[69] In the event of a PSPS activation, and, indeed, any other type of emergency event, staff from Liberty's System Control Center maintain close contact with California operations staff in real time. Liberty's California staff keeps System Control informed of risks on the ground and System Control executes operational changes as needed. These coordination protocols were outlined in Liberty's Emergency Response PSPS Playbook.

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[67] *See* CA-05-A at 16 (tbl. S3).

[68] *See* Liberty-09 at 24 & n.67.

[69] CA-05-A at 38.

3. SCE's Execution of a PSPS in Southern Mono County on November 17, 2020 Has No Bearing on Liberty's Prudence

Cal Advocates' observation that SCE de-energized two of its circuits in southern Mono County pursuant to a PSPS event on November 17, 2020 does not show any imprudence on Liberty's part. As a threshold matter, it is perfectly reasonable for two uniquely situated utilities to have different PSPS protocols. As described in more detail in *Liberty-09*, the statutory framework expressly recognizes that reasonable conduct "encompasses a spectrum of possible practices, methods, or acts consistent with utility system needs, the interest of the ratepayers, and the requirements of governmental agencies of competent jurisdiction."[70] SCE's implementation of its own PSPS protocol in no way undermines the prudence of Liberty properly following its own PSPS protocol on November 17, 2020. Indeed, PSPS activations and de-energization decisions should be executed with localized wildfire and public safety risks in mind, and SCE and Liberty were differently situated with respect to their service areas, size, and customer base.

More specifically, Cal Advocates' contention that the Topaz 1261 Circuit would have met SCE's de-energization criteria[71] is highly speculative and oversimplifies SCE's PSPS decision-making as explained by SCE in response to discovery served by Cal Advocates. Liberty understands that SCE activated its PSPS IMT to monitor certain circuits in Inyo, Mono, San Bernardino, Kern, Los Angeles, Tuolumne, and Ventura counties, based on forecasts of elevated fire risk. By contrast, as described in detail in Part IV.B.1, NWS forecasts and Liberty's Reax predictive tool showed no anticipated elevated fire threat in Liberty's service area for November 17, 2020. SCE further explained that its de-energization decisions were not based on wind speed and gust thresholds alone. As described in its PSPS Post Event Report for the November 14–18, 2020 event, "SCE's decision to shut off power [was] dynamic" and considered assessments from meteorologists based on weather station data, SCE's FPI, and wind trends and wind speeds.[72] SCE's FPI value was calculated using weather data, fuel conditions, and

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[70] *See* Pub. Util. Code §451.1(b).

[71] Based on recorded wind data alone, Cal Advocates goes so far as to assert based on recorded wind data alone that "[h]ad Topaz 1261 been an SCE circuit, under these conditions it would have met SCE's criteria for de-energization." *See* CA-01 at 6.

[72] CA-05-SA, App'x B, Attachment 3, SCE PSPS Post Event Report – November 14 to November 18, 2020 at CA-05-0020.

vegetation moisture content, using a numerical scale between 1 and 15. As of November 2020, SCE indicated that its FPI (like Liberty's FPI) could not be updated in real time, a fact Cal Advocates omitted from its testimony.[73] Without knowing what SCE's forecast FPI value would have been for the Topaz 1261 Circuit and how SCE's PSPS team would have dynamically assessed the relevant data for that circuit, it cannot be assumed that the Topaz 1261 Circuit would have been de-energized.

In other words, SCE's actions with respect to two circuits in the southern portion of Mono County over 30 miles away reveal little about how SCE would have acted had the Topaz 1261 Circuit been located in SCE's service territory. NV Energy, a utility that also manages an adjacent service area and which owns the upstream portion of the Topaz 1261 Circuit in Nevada, did not de-energize its portion of the circuit or other feeders in areas near Walker on November 17, 2020 pursuant to NV Energy's proactive de-energization protocol.

4. Liberty Prudently Enhanced Situational Awareness on Its Electric System

Prior to the Mountain View Fire, Liberty took substantial steps to improve situational awareness on its electric system, to support its PSPS operations should the need arise and to monitor wildfire risk and other weather risk more generally within its service territory. For instance, Liberty installed 29 weather stations by November 2020. As Cal Advocates acknowledges, this network of weather stations—which was still in the process of expansion at the time—was *denser* on a per-line-mile basis than those of SCE and SDG&E at the time.[74] Considering Liberty's small size relative to those large IOUs, and the fact that Liberty only began installing weather stations in 2019, this rapid deployment of weather stations across its service territory demonstrates Liberty's commitment to enhancing situational awareness.

Cal Advocates likewise acknowledges that Liberty performed field fuel moisture sampling at multiple sites across its service territory during the 2020 fire season, which "provided 'information regarding longer-term fuel moisture trends and conditions of live

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[73] App'x A, SCE's response to CalAdvocates-SCE-A2506017-001, Question 2(b).

[74] *See* CA-04 at 3 (observing that Liberty had deployed approximately one station for every 23.9 miles of overhead distribution lines, compared with one station for every 34 miles for SDG&E and one for every 81 miles for SCE). In other words, Liberty's weather station network was approximately one and a half times denser than SDG&E and three times denser than SCE's networks as of November 2020.

fuels.'"[75] This sampling followed recommendations in the U.S. Forest Service fuel moisture collection and equipment guide.[76] The fuel moisture data was then monitored and analyzed by Liberty's fire science and risk modeling consultant, who discussed trends with Liberty personnel on a regular basis to provide enhanced situational awareness of potential fire risk posed by fuels.

Despite acknowledging these efforts, Cal Advocates makes several critiques of these situational awareness initiatives, none of which have merit. *First*, Cal Advocates faults Liberty for installing some weather stations in 2019 and 2020 that did not record fuel moisture data at the time of installation. This was not imprudent. As Cal Advocates concedes, Liberty retrofitted these stations to expand its ability to monitor fuel moisture data at more locations.[77] Moreover, Cal Advocates acknowledges that a substantial majority of Liberty's weather stations *were* collecting fuel moisture data as of November 17, 2020 *and* Liberty also was separately monitoring fuel trends across its service territory through continual field fuel moisture sampling during fire season.[78] Installing a weather station network and incorporating its weather data into Liberty's operations was intended to be a multi-year process. Contrary to Cal Advocates' contentions, Liberty's efforts to retrofit its weather stations with the necessary sensors to gather fuel data show that it was continuously improving its wildfire mitigation tools over time.

Second, Cal Advocates claims that based on Liberty's field fuel moisture data, "Liberty was aware of the growing threat of steadily decreasing fuel moisture in the southern part of its service territory" and thus should not have "abruptly halt[ed]" its field fuel moisture sampling after November 3, 2020, when the last samples were taken for the season.[79] There is nothing remarkable about dead and live fuel moisture generally declining over the summer and autumn months. Importantly, Cal Advocates ignores that Liberty concluded its fuel moisture sampling after November 3, 2020 because the fire season was declared over after the greater Tahoe region

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[75] *Id.* at 13.

[76] *See* Liberty Utilities (CalPeco Electric) LLC (U 933-E), *Revised 2020 Wildfire Mitigation Plan* (Feb. 28, 2020), Section 4.2 at 28 (CA-05-SA, App'x B, Attachment 12, at CA-05-1287), available at https://california.libertyutilities.com/uploads/R1810007-Liberty%20CalPeco's%20Revised%202020%20WMP.PDF

[77] CA-04 at 18.

[78] *Id.* at 13, 18.

[79] *Id.* at 17.

had received its first significant snowfall around November 8, 2020.[80] With input from its fire science and risk modeling consultant, Liberty reasonably concluded from this change in weather patterns that the fire season had ended, a conclusion shared by NWS Reno, as explained in more detail *infra* in Part IV.B.1. Liberty's decision to conclude field fuel moisture sampling for the season was reasonable.

Third, Cal Advocates faults Liberty for not continuously monitoring live observations from its weather stations on November 17, 2020 and for not making operational changes based on those observations. As explained in detail *infra* in Part IV.B.1, Liberty was not on notice of any elevated fire threat that day and reasonably relied on forecasts issued by NWS Reno. In any case, as Liberty's weather stations were a new situational awareness tool that Liberty was focused on expanding across its service territory, Liberty's practices around incorporating live weather station observations into its operations were still maturing at the time. Cal Advocates also presents no evidence that continuous monitoring of weather station data outside of a PSPS event or other anticipated weather emergency was standard industry practice.

B. Liberty Reasonably Operated the Topaz 1261 Circuit on November 17, 2020

1. NWS Forecasts Confirmed No Elevated Fire Risk

The record overwhelmingly demonstrates that the information available to Liberty in the days and hours preceding the Mountain View Fire's ignition on November 17, 2020 confirmed there was no elevated fire risk. The NWS Reno office did not issue a Red Flag Warning or Fire Weather Watch for November 17, 2020. Indeed, that very morning, that office issued a forecast affirming the potential for high winds and winter storms, with ***"no concerns" of fire weather***. As explained in *Liberty-03*, the Tahoe region experienced its first significant snowfall around November 8, 2020. This weather event left behind snow cover in the Walker area for several days, a fact Cal Advocates acknowledges.[81] The shifting weather also led the NWS Reno office and Liberty's fire science and risk modeling consultant to conclude that the region's fire season

[80] *See* Liberty-03E at 40–43.

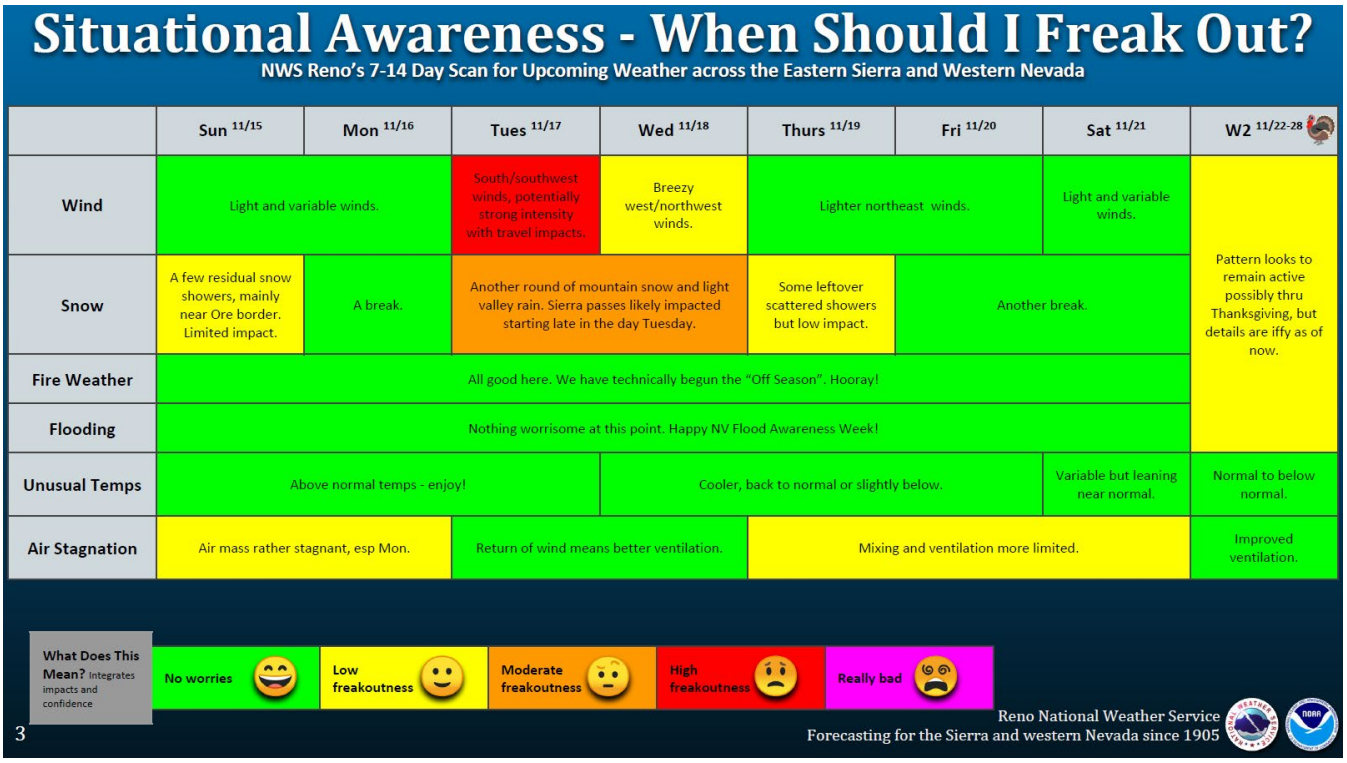
[81] CA-03-A at A-32–A-33.

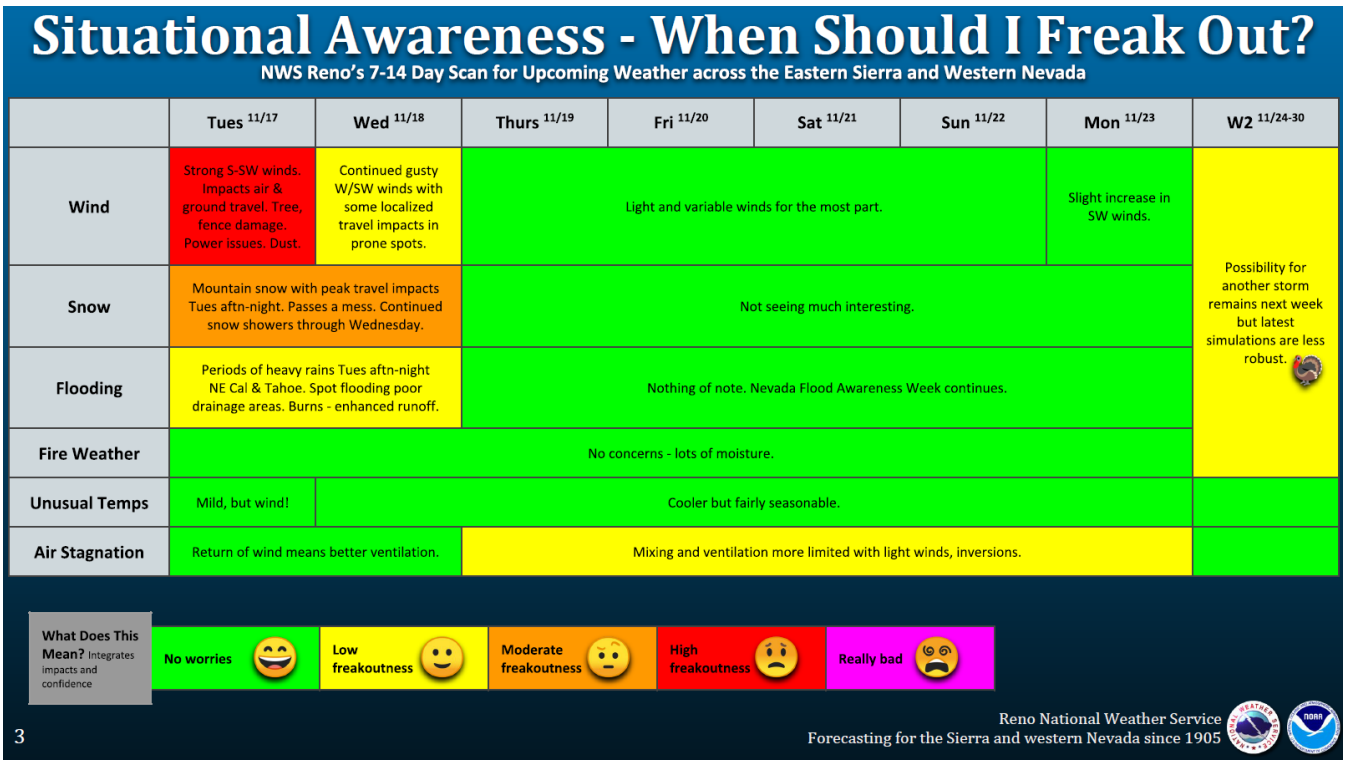
was over.[82] Indeed, forecasts from the NWS Reno office in the days up to and including November 17, 2020 consistently and definitively reported "no concerns" of fire weather on November 17. Illustrative examples of these NWS forecasts from November 15 and November 17, 2020 are shown in Figure 4 below, and a complete set of NWS forecasts for November 11 through 17, 2020 is included in the attached Appendix.[83] Tellingly, the November 15 forecast affirmed the following regarding Fire Weather: "All good here. We have technically begun the 'Off Season'. Hooray!" The November 17 forecast reiterated no concerns of fire weather, noting "lots of moisture."

[82] Cal Advocates disputes this assessment, contending that the amount of precipitation in the Walker area in early November was not sufficient to extinguish the threat of wildfires. Cal Advocates' contention in no way undermines Liberty's reasonable reliance on the conclusion of weather and fire science experts that the regional fire season was over. Cal Advocates' contention also ignores the exceptional rare nature of large wildfires after a recent snowfall. As a proxy for recent snowfall, Liberty examined known wildfires between November and February where, in the preceding 30 days, GridMet data indicated that precipitation fell on a day when the minimum daily temperature was at or below the freezing point. Of the 1,747 known large wildfires (>1,000 acres) in California between 1984-2020, only 64 (~3.7%) occurred between November and February. Of those 64, only nine occurred within 30 days of likely snowfall (~0.5% of all known large wildfires).

[83] Liberty did not locate an NWS weather forecast for November 14, 2020, likely because that was a Saturday.

Figure 4: NWS Reno Situational Awareness Forecasts for Eastern Sierra and Western Nevada: November 15 and 17, 2020





With the fire season deemed over, Liberty had taken its reclosers out of "fire mode" or "non-reclose mode" on November 10, returning the devices to "normal" settings.[84] This decision was made in consultation with Liberty's fire science and risk modeling consultant and was especially prudent in light of the impending winter storms with high winds and rains / snowfall described in NWS forecasts. Outages during winter storms bring heightened customer impacts and public safety risks. Indeed, Cal Advocates concedes that it does not challenge Liberty's decision to put its reclosers back in "normal" mode on November 10.[85]

Cal Advocates' significant focus on presenting an after-the-fact analysis of fire risk based on recorded weather station data from the day of ignition to argue that Liberty should have foreseen fire risk does not show any imprudence. Regardless of Cal Advocates' faulty analysis comparing data recorded by weather stations on November 17, 2020 and NWS Red Flag Warning criteria, it is undisputed that the NWS Reno office ***never issued a Red Flag Warning or Fire Weather Watch***[86] for the Walker area, even as conditions evolved on November 17. Cal Advocates does not contend otherwise.[87] Had NWS determined at any point that actual conditions on November 17 were meeting or imminently about to meet Red Flag Warning criteria, such an alert would have issued. Indeed, Red Flag Warning data indicate the NWS Reno office had regularly done so on short notice, issuing Red Flag Warnings with less than 12 hours' notice dozens of times from 2010 to 2020, including four instances when the Red Flag

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[84] As set forth in *Liberty-03*, this followed a period in which Liberty kept the Topaz 1261 R1 and R2 reclosers in "non-reclose mode" and "fire mode," respectively, *for a continuous span of 165 days* during the 2020 fire season. *See* Liberty-03E at 41.

[85] *See* App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 9.

[86] The NWS Reno office issued a Fire Weather Watch when there is "the potential for development of a Red Flag event in the 18-96 hour time frame (at least 50% confidence)." California Fire Weather Annual Operating Plan 2021 at 14, available at https://gacc.nifc.gov/oscc/cwcg/docs/2021/2021%20CA%20Fire%20Weather%20AOP%20(Final).pdf.

[87] *See* App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 6.

Warning took effect immediately upon issuance.[88] While Cal Advocates is free to disagree with NWS's conclusions based on its after-the-fact review of recorded weather station data, that disagreement in no way undermines Liberty's reasonable reliance on NWS forecasts and reports at the time.[89]

Even taking Cal Advocates' arguments at face value, they do not withstand scrutiny. For example, Cal Advocates' assertion that "all three weather stations [near the origin area] show Red Flag Warning conditions occurred prior to the time of the ignition"[90] relies on an incorrect premise. As indicated in Figure 4, NWS Reno's Red Flag Warning criteria require that wind gusts and relative humidity exceed the relevant thresholds *for three hours or more*.[91] Thus, under Cal Advocates' approach, recorded conditions at LIB26—the weather station closest to the origin area—did not even arguably meet Red Flag Warning criteria until at least 1:40 p.m., nearly two hours *after* the Mountain View Fire ignited.[92]

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[88] Using publicly available databases of historical Red Flag Warnings, Liberty examined all Red Flag Warnings issued by the NWS Reno office between 2010 and 2024. Liberty compared the time when a Red Flag Warning was first issued to the time when the Red Flag Warning period began. Liberty's analysis showed that, in the 2010-2020 time period, NWS Reno issued 42 Red Flag Warnings where the effective period began within 12 hours of initial issuance, which may or may not have been preceded by a Fire Weather Watch.

[89] *See* App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 6.

[90] CA-04 at 6.

[91] Cal Advocates' testimony indicated that only the fuel moisture condition is required "for 3 hours or greater." *Id.* at 8, tbl. 1.

[92] As indicated in Cal Advocates' testimony, recorded conditions at LIB26 first met the relative humidity threshold at 10:40 a.m. and therefore the criterion that relative humidity drop below 15% for three hours or more would not have been satisfied until 1:40 p.m. at the earliest.

Figure 5: Red Flag Warning Criteria for Wind and Humidity for NV421 Forecast Zone, as of 2021 (Highlighted in Yellow)[93]

Areal Description	NWS Fire Weather Zones	Criteria
Northern California West of the Cascade / Sierra Crest	280, 282 (WFO Medford Zones)	4 or more hours: For dry cold fronts: RH < 15%, sustained wind >= 10mph with gusts >= 20 mph. - East winds: RH < 25%, sustained wind >= 15mph with gusts >= 25 mph or more.
Eastern Sierra, Northeast CA	214, 270-271, 274, 278, NV421	RH ≤ 15% with wind gusts ≥ 30 mph for 3 hours or more.
Northeastern CA excluding Surprise Valley	284, 285, 281	≤ 15% with wind gusts ≥ 30 mph for 3 hours or more. OR Daytime Min RH ≤ 10% with wind gusts ≥ 20 mph for 3 hours or more. (Note: Zone 281 must be 6 hours or longer).
Lake Tahoe Basin	272	Relative Humidity ≤ 20% with wind gusts ≥ 30 mph for 3 hours or more. If fuels are at extreme levels: wind gusts ≥ 30 mph for 3 hours or more, regardless of humidity.

Moreover, Cal Advocates suggests that because wind speeds recorded on November 17 exceeded those seen during earlier Red Flag Warning periods in 2020, Liberty should have been on alert as to risks posed by wind that day.[94] That suggestion ignores the distinction between high winds and Red Flag Warning conditions. NWS issued a high wind warning for the area,[95] and Liberty prudently addressed those conditions, including by responding to events on its system as described further below. In contrast, Red Flag Warning conditions involve the ***confluence*** of winds, humidity, and fuel moisture or thunderstorm/dry lightning conditions that pose an elevated fire risk. The fact that at no point did the NWS Reno office issue a Red Flag Warning for November 17 despite its well-forecast anticipation of very high winds underscores that no fire risk was expected that day.

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[93] *See* California Fire Weather Annual Operating Plan 2021 at 18, available at https://gacc.nifc.gov/oscc/cwcg/docs/2021/2021%20CA%20Fire%20Weather%20AOP%20(Final).pdf.

[94] *See* CA-03-A at A-22.

[95] *See Liberty-03E* at 40.

Finally, Cal Advocates contends that Liberty "should have been on alert"[96] due to the August 2020 Slink Fire, going so far as to claim the Slink Fire "threatened the cities of Coleville and Walker until it was fully contained on November 13, 2020, just four days before the Mountain View Fire started."[97] This criticism also does not withstand scrutiny. Cal Advocates presents no evidence that the Slink Fire—a summer wildfire—was materially impacting Walker as of November 2020.[98] The vast majority of the Slink Fire's growth occurred in the first few days after ignition, which is when authorities briefly closed Highway 395 and issued evacuation orders for Walker and Coleville. That threat passed relatively quickly and evacuation orders were lifted for those communities by September 1, 2020.[99] Indeed, though not declared fully contained until November 13, 2020, the Slink Fire reached its approximate final footprint by around September 14, with later progression pushing farther west, away from the Coleville and Walker areas.[100] Most importantly, Cal Advocates fails to explain how the Slink Fire—a fire that ignited during fire season and according to contemporaneous press reports, was caused by lightning[101]—has any bearing on Liberty's prudence related to the Mountain View Fire.

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[96] CA-03-A at A-41.

[97] CA-01 at 3. Cal Advocates also notes that Liberty "deactivated fire mode/non-reclose mode on its automatic reclosers on Topaz Circuit … before the Slink Fire was fully contained." CA-03-A at A-26. As described above, Cal Advocates affirmed in discovery that it does not contend that Liberty should not have put its reclosers back in "normal" mode on November 10, 2020.

[98] When asked to provide factual support for this statement and the basic details of the Slink Fire response, such as containment timelines and evacuation orders, Cal Advocates replied that it does not "keep records on evacuation orders," "have further information regarding the dates on which the evacuation orders were lifted," or "have the dates when containment of the fire reached" various percentages. App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 3.

[99] CA-03-SA, App'x B, Attachment 14, NBC News 4 and Fox 11, "Slink Fire grows to 26,752 acres with 86% containment; evacuations lifted," September 28, 2020, available at https://mynews4.com/news/local/slink-fire-west-of-coleville-grows-to-4700-acres-5-contained.

[100] Progression Map, Slink Fire, NV-HTF-030684, September 21, 2020, available at https://ftp.wildfire.gov/public/incident_specific_data/great_basin/2020_Incidents/2020_Slink/Maps/progression_archC_port_20200921_1015_Slink_NVHTF030684_.pdf.

[101] *See* ThePinetree.Net, "Slink Fire Grows to 11,000 Acres, Evacuations Lifted, Hwy 395 Reopens & Smoke Output Drops," September 1, 2020, available at https://new.thepinetree.net/?p=106522. Cal Fire's records do not assign a known cause to the fire.

2. Liberty's Response to Events on the Day of the Fire Was Reasonable

Liberty responded diligently and prudently to events that occurred on the Topaz 1261 Circuit on November 17, 2020. Because crews were actively working on the circuit that day as part of the Topaz Line Rebuild Project, field personnel were able to respond almost immediately and were monitoring on-the-ground conditions on the circuit as they evolved that day. Following the outage at approximately 9:48 a.m. that day,[102] Liberty's System Operator promptly notified field personnel, who patrolled the circuit downstream of the 1261 R2 Recloser to the end of the line. This patrol included the Subject Span and no issues were identified with that span. Ultimately, field personnel decided to proactively remove slack from a section of the Topaz 1261 Circuit in "hot arms" where the reconductoring work was being performed that day. This was a prudent precautionary measure given this specific section of the line downstream of the R2 Recloser was in a different configuration and not at its usual tension due to the result of spreading from the hot arms.[103] These actions were consistent with Liberty's policies for patrol and re-energization of lines and Cal Advocates does not contend otherwise.

Cal Advocates' primary criticism of Liberty's operational response on November 17 is that Liberty should have "disabled the reclose function of Recloser R2 1261 Topaz after the second phase-to-phase fault at 10:53 a.m." that day.[104] However, Liberty was not even aware of the 10:53 a.m. phase-to-phase fault until it reviewed the data downloaded from the recloser after the fire. That data indicates that the fault self-cleared, meaning it was of insufficient duration and magnitude to cause recloser operation, and no alarm came into Liberty's System Control Center. Cal Advocates does not explain how it believes Liberty could have responded at the time based on information that only became available days later. Thus, Cal Advocates'

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[102] This outage was caused by a phase-to-phase fault and lockout of the 1261 R2 Recloser, which was in "hotline tag" mode that morning in connection with the reconductoring work.

[103] This corrective work occurred on a portion of the circuit separated from the Subject Span by a dead-end pole. As a result, the re-tensioning activity could not have altered conductor tension between the East and West Poles associated with the ignition location, as erroneously suggested by SBUA. *See* SBUA-01 at 12 (stating that the work on the circuit "may have changed tension on the Subject Span").

[104] CA-06 at 1–2.

criticisms that Liberty "decided to leave he [sic] recloser settings in 'normal' mode" after the transient fault and "took no action in response" fall flat.[105]

Moreover, Cal Advocates seems to conflate "fire mode" and "hotline tag" mode, which are distinct recloser settings. The 1261 R2 Recloser was not in fire mode on November 17, 2020.[106] In the early morning of November 17, the recloser was in hotline tag mode to support a non-reclose assurance held by Liberty field personnel in connection with the reconductoring. Hotline tag mode is utilized for worker safety—not wildfire mitigation—and is required by Liberty's Electric Operating Procedure for "clearance and control."[107] Field personnel released the non-reclose assurance at 10:41 a.m. when restoring from the outage, because maintenance was no longer being performed near energized lines that required "hotline tag" mode. Thus, Liberty restored the 1261 R2 Recloser to "normal" mode, consistent with its reasoned policies and procedures. This decision was made in consultation with experienced field personnel on the ground that day. Cal Advocates offers no basis to second-guess the judgment of those in the field.[108]

3. Cal Advocates' Contention that "Non-Reclose" Mode Settings Could Have Prevented the Mountain View Fire Is Speculative and Inconsistent with Electrical Events

Cal Advocates asserts that "[t]he Mountain View wildfire could likely have been prevented" if the recloser had been in "fire mode" at the time of ignition.[109] As an initial matter, and as discussed at length above, the fact that the 1261 R2 Recloser was in "normal" mode rather

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[105] CA-06 at 8; CA-01 at 8.

[106] *See id.* at 8 ("The Mountain View wildfire could likely have been prevented if Liberty had not changed the reclose setting from fire mode to normal mode when re-energizing after the 9:48 a.m. fault, or if it had changed the reclose setting back to fire mode after the second phase-to-phase fault at 10:53 a.m.").

[107] Cal Advocates contends that if "hot line mode had been active at the time of the third fault, the Mountain View ignition could have been prevented." CA-01 at 8. As discussed *infra*, that contention is without merit.

[108] Further, Cal Advocates asserts without any basis that all of the phase-to-phase faults on November 17 were the result of "two overhead conductors slapping together." CA-06 at 1. In fact, the cause of the second transient fault at 10:53 a.m. is not known, and as discussed above, Liberty personnel were not alerted to that fault on the day of the fire.

[109] *See id.* at 8.

than fire mode at the time of the fire's ignition does not suggest any imprudence on the part of Liberty. Liberty was not on notice of any elevated fire risk on November 17, 2020.

In any event, Cal Advocates' argument is conjecture and inconsistent with the sequence of electrical events on the day of the fire. Cal Advocates concludes that "[h]ad Liberty elected to change the R2 Recloser settings to fire mode, the phase-to-ground fault that caused the fire would not have occurred."[110] That assertion is unsupported and highly speculative. While "fire mode" would have blocked the reclose attempts, it would not have prevented the initial phase-to-ground fault that resulted from the broken conductor falling to the ground.[111] Under its "normal" settings, the recloser operated on a fast time-current curve for the initial trip, as acknowledged by Cal Advocates.[112] Due to the chaotic nature of ground faults,[113] even with this fast curve protection, the energized line was in contact with and arcing to ground for multiple seconds before the recloser operated. Under its fire mode settings, the recloser would have operated on a slow time-current curve, meaning the energized line would likely have been arcing to ground for *even longer*.[114] Moreover, despite acknowledging that the phase-to-phase fault immediately preceding the phase-to-ground fault—which indisputably did *not* result in any recloser operation because it cleared so quickly—caused arcing and melting,[115] Cal Advocates effectively ignores

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[110] *Id.* at 8.

[111] Cal Advocates broadly asserts that "the magnitude of the fault current of the phase-to-ground fault is much higher than the phase-to-phase fault current, thus making it more hazardous and destructive." *Id.* at 5. This is not correct. The earth is a poor conductor and ground faults are often by their nature chaotic and low-amperage. Recloser data shows that the phase-to-ground faults recorded by the 1261 R2 Recloser on November 17, 2020 were lower amperage than the phase-to-phase faults.

[112] *Id.* at 5 ("The first operation [on normal settings] was on a fast-time-current curve…."). The "normal" settings provided for initial protection with a "fast" time-current curve, followed by two protective actions with a "slow" time-current curve before lockout.

[113] *See* Liberty-02E at 11.

[114] With "fire mode" settings enabled, reclosing functionality is disabled and protection is provided with a "slow" time-current curve to enable coordination with downstream fuses.

[115] CA-06 at 7.

its implications. Under these circumstances, it is simply not possible to conclude the ignition could have been avoided had the recloser been in fire mode.[116]

4. Cal Advocates Overstates the Operational Risks on the Topaz 1261 Circuit

As referenced in Liberty's GRC and WMP filings and in *Liberty-03*, Liberty was aware of the reliability concerns associated with the Topaz 1261 Circuit and the harsh weather conditions to which the circuit was exposed. As explained in *Liberty-03* and *Liberty-09*, these localized risks prompted Liberty to prioritize the circuit for system hardening prior to the Mountain View Fire.[117] And as discussed *supra* in Parts IV.A and IV.B.1, Liberty disabled automatic reclosing on this circuit during fire season to reduce the likelihood of wildfire ignition and had a Commission-approved PSPS protocol as a mitigation tool of last resort. Despite deploying these myriad measures to mitigate known risks on the Topaz 1261 Circuit, Cal Advocates argues that Liberty should have been on notice of unique wildfire risks based on the circuit's performance during Red Flag Warning conditions, the division of NWS forecast zones, and fire history in the area. Each of these arguments is unavailing.

Cal Advocates presents historical outage data in an attempt to correlate historical outage events on the Topaz 1261 Circuit with Red Flag Warning conditions.[118] As an initial matter, as explained above, no Red Flag Warning was issued for November 17, 2020, so this comparison is inapt. In any case, the analysis is self-defeating. Cal Advocates' own data shows that outages occurred on the Topaz 1261 Circuit during only three of 40 Red Flag Warning periods identified by Cal Advocates in the 2016–2020 time frame. Put differently, no outage occurred on the Topaz 1261 Circuit during *more than 90%* of Red Flag Warnings in that timeframe. This shows that the Topaz 1261 Circuit generally operated with no issues even under Red Flag Warning conditions.

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[116] As discussed above, Cal Advocates seems to conflate the "fire mode" and "hotline tag" settings. To the extent Cal Advocates is suggesting the recloser should have remained in "hotline tag" mode even after the crew completed their work on November 17, 2020, *see* CA-01 at 8, there is no basis for that suggestion. As described above, "hotline tag" is a setting for worker safety and not wildfire mitigation, and in any event, that mode was appropriately disabled when Liberty field personnel released their line clearance after completing work that day.

[117] *See* Liberty-03E at 17–18; Liberty-09 at 7–8.

[118] *See* CA-03-A at A-35.

Cal Advocates suggests that Liberty should have been on notice about the southern portion of its service territory having a different level of wildfire risk than areas closer to Lake Tahoe based on the fact that NWS reorganized the Topaz Lake/Walker area into a different forecast zone from the Lake Tahoe/Tahoe Basin for 2020.[119] Cal Advocates explains that the "different risk factors and thresholds" between the two forecast zones created in 2020 are borne out by differing frequencies of Red Flag Warnings and cumulative precipitation levels.[120] Yet, it does not provide any evidence for why NWS chose to reorganize these forecast zones or any explanation of what bearing these differences have on whether Liberty acted prudently with respect to managing risk on the Topaz 1261 Circuit. Even if the weather risks and forecast thresholds differed between these two zones, NWS did not issue a Red Flag Warning or Fire Weather Watch in either zone for November 17, 2020. The NWS weather briefings excerpted above in Part IV.B.1 showing "no concerns" of fire weather covered both the Tahoe Basin and the Eastern Sierra and discussed weather conditions with specific reference to Mono County.[121]

[119] *See id.* at A-12, A-41.

[120] *See* App'x A, Cal Advocates' response to Liberty-CalAdvocates-DR-003, Question 5.

[121] Cal Advocates further suggests that fire risk was higher around the Walker area because there is a higher frequency of historical wildfires in that area than in the Lake Tahoe basin. *Id.* at A-9, A-41. Past fire history is not automatically correlated with wildfire risk, and in response to a Liberty data request, Cal Advocates acknowledged that it had not de-duplicated fire events recorded by different agencies in the combined data set that Cal Advocates used to create Figures 3, 4, and 5 in CA-03, which meant that the frequency of known fires would be overstated in Cal Advocates' testimony. Cal Advocates has informed Liberty that it intends to serve errata testimony correcting this error.