

Docket : A.25-06-017  
Exhibit Number : CA-02  
Commissioner : M. Baker  
Admin Law Judge : R. Haga  
Witness : T. Harahsheh



**PUBLIC ADVOCATES OFFICE**  
**CALIFORNIA PUBLIC UTILITIES COMMISSION**

**TESTIMONY ON**  
**IGNITION**  
**FOR MOUNTAIN VIEW FIRE**  
**COST-RECOVERY APPLICATION**

Origin and Cause of the Mountain View Fire

**PUBLIC**

San Francisco, California  
December 12, 2025

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION .....	1
II. THE MOUTNAIN VIEW FIRE’S ORIGIN .....	1
A. High Winds .....	3
III. THE MOUNTAIN VIEW FIRE’S CAUSE .....	6
A. Faults and Recloser Activity .....	7
1. Phase-to-Phase Faults .....	8
2. Phase-to-Ground Fault .....	10
B. Conductor Separation .....	11
1. Evidence #1 .....	12
2. Evidence #2 .....	15
C. Ignition Point and Fire Spread Indicators .....	18
1. Ignition Points .....	20
2. Fire Spread Indicators .....	20
D. Metallurgical Analysis .....	23
E. Consistent Aspect of Witness Reports .....	24
F. No Significant Evidence Showing an Alternate Cause .....	25
IV. TIMELINE .....	25
V. CONCLUSION .....	29
APPENDIX A – Witness Of Qualifications	
APPENDIX B – Supporting Attachments	

1                   **ORIGIN AND CAUSE OF THE MOUNTAIN VIEW FIRE**

2   **I.       INTRODUCTION**

3               This exhibit pertains to the application of Liberty Utilities (CalPeco Electric) LLC,  
4   ("Liberty") to recover costs associated with the Mountain View Fire (Application 25-06-  
5   017).<sup>1</sup>

6               This exhibit presents the analyses of the Public Advocates Office (Cal Advocates)  
7   regarding the origin and cause of the Mountain View Fire and relates specifically to  
8   Exhibit Liberty-02, Liberty's testimony on the origin and cause of the Mountain View  
9   Fire ignition.<sup>2</sup>

10              The California Department of Forestry and Fire Protection (CAL FIRE) conducted  
11   an investigation (CAL FIRE Report) into the origin and cause of the Mountain View Fire  
12   and concluded that "most probable cause" of the Mountain View Fire was spark from an  
13   energized segment of Liberty's Topaz 1261 Circuit separating and arcing while  
14   contacting the ground and igniting cured annual grasses.<sup>3</sup> Liberty has provided no  
15   plausible alternative cause of the ignition, and states that neither "the fire agency  
16   investigation nor Liberty's own investigation identified significant evidence showing an  
17   alternate cause of the Mountain View Fire."<sup>4</sup>

18   **II.       THE MOUTNAIN VIEW FIRE'S ORIGIN**

19              This section provides an overview of the Mountain View Fire's ignition.

20              The Mountain View Fire was first reported on November 17, 2020 at 11:58 AM  
21   near the town of Walker in Mono County, California.<sup>5</sup> The fire was reported to be off

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<sup>1</sup> Application of Liberty Utilities (CalPeco Electric) for Authority to Recover Costs Related to the 2020 Mountain View Fire Recorded in the Wildfire Expense Memorandum Account.

<sup>2</sup> Exhibit (Ex.) Liberty-02: Ignition.

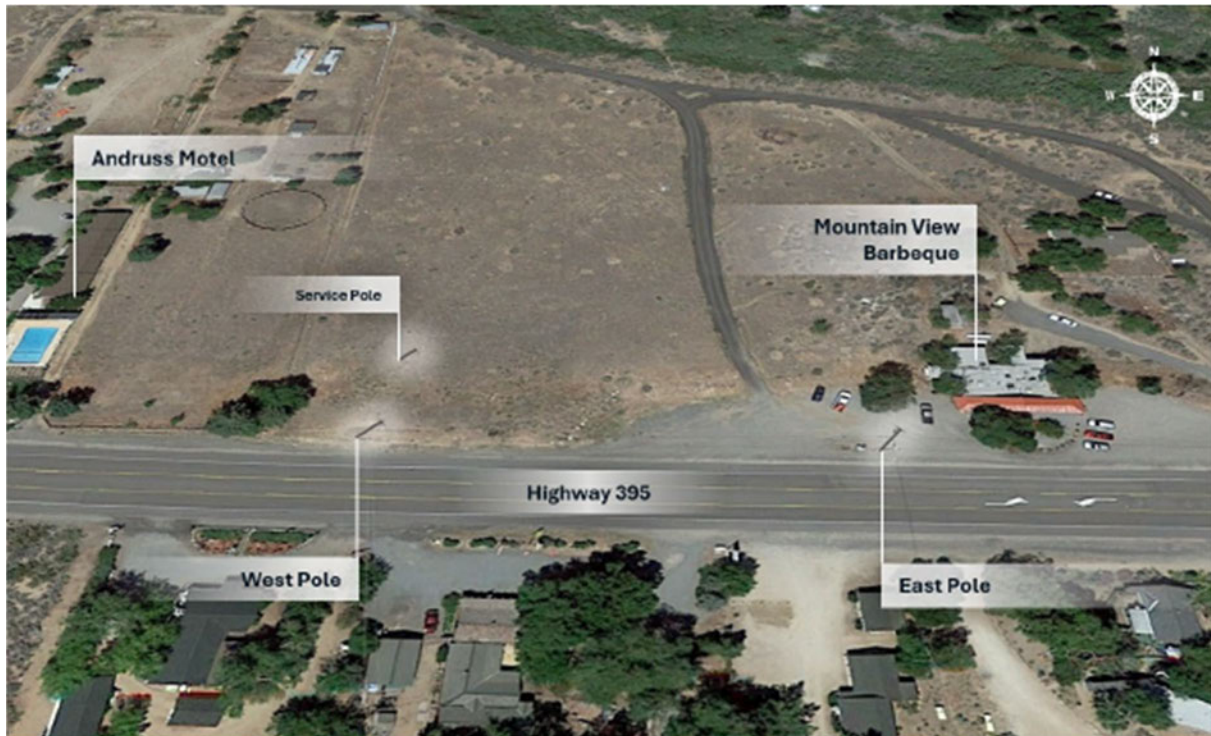
<sup>3</sup> Attachment 1, CAL FIRE Report at 21. "I believe based on my training and experience the most probable cause of the Mountain View fire was ignition of cured annual grasses, due to a spark from a down, energized, conductor contacting the ground. (Attachment 1)

<sup>4</sup> Ex. Liberty-02 at 1.

<sup>5</sup> Ex. Liberty-02 at 1.

1 Highway 395 between the Mountain View Barbeque Restaurant and the Andruss Motel.<sup>6</sup>  
2 CAL FIRE's investigation of the ignition concluded that the cause of the Mountain View  
3 Fire was a downed, energized Liberty conductor igniting cured annual grasses.<sup>7</sup>

4 **Figure 1:**  
5 **Map showing the origin area of the Mountain View Fire<sup>8</sup>**



6  
7 The area between the Mountain View Barbeque Restaurant and the Andruss Motel  
8 (origin area) contains a roadside turnout (parking lot), a field approximately 400-500 feet  
9 wide, and poles which carry a portion of Liberty's electrical distribution line, the Topaz  
10 1261 circuit. At the origin area, witnesses reported hearing a loud noise and visual  
11 observations of glowing items falling to the ground from the power lines.<sup>2</sup> Additional  
12 witness statements included the observation of a downed power line arcing in the parking

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<sup>6</sup> Ex. Liberty-02 at 1.

<sup>7</sup> Attachment 1 at 21.

<sup>8</sup> Ex. Liberty-02 at 2.

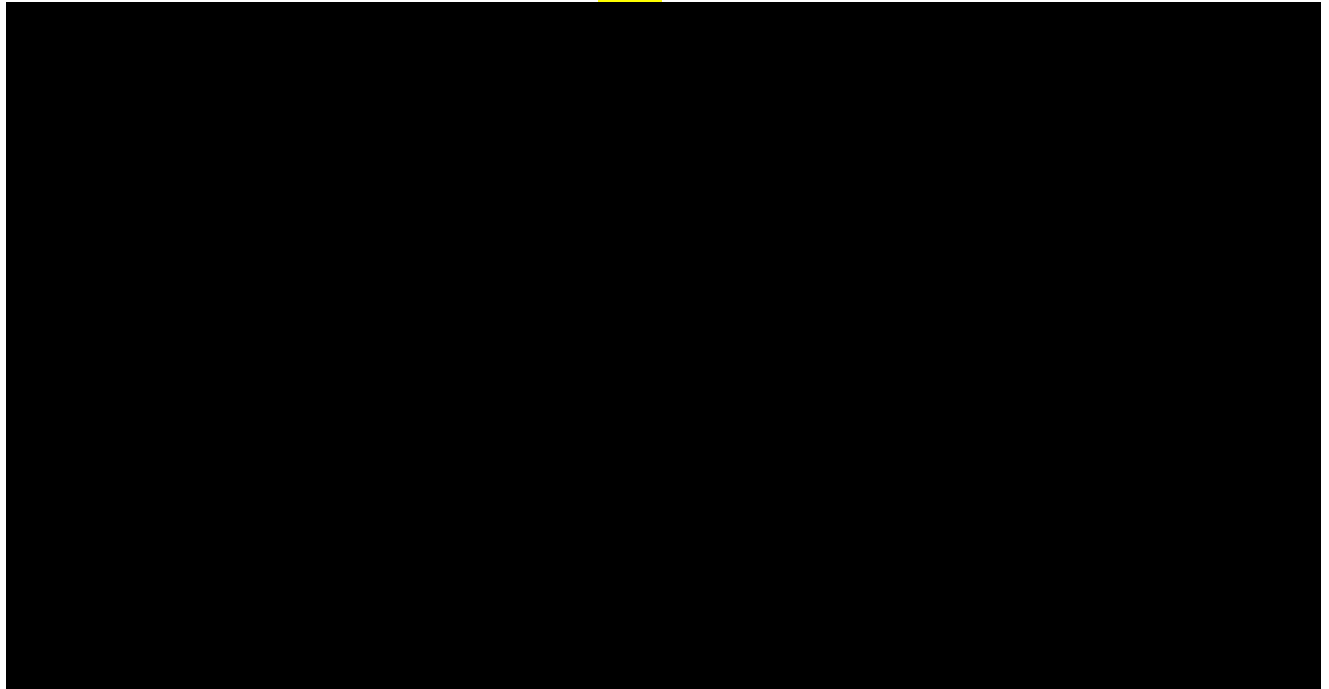
<sup>2</sup> Attachment 1 at 20. A witness "heard a loud noise and looked in the direction of the noise and saw glowing items falling to the ground. The glowing items appeared to be falling from power lines located across the highway from her business."



lot.<sup>10</sup> Specifically, CAL FIRE determined that the ignition that caused the Mountain View Fire was originated from grassy fuels between two of Liberty’s electric poles, Pole #266731 (west pole) and Pole #40288 (east pole).<sup>11</sup>

CAL FIRE investigators identified segments of broken conductor from the adjacent west and east poles in the parking lot within the origin area.<sup>12</sup>

**Figure 2:**  
**Cut power line cable on ground near east pole<sup>13</sup>**



#### **A. High Winds**

The National Weather (NWS) Service issued a High Wind Warning for the origin area of the Mountain View Fire for November 17, 2020.<sup>14</sup> According to data from Liberty weather stations, specifically Liberty’s nearest weather station LIB26, on the

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<sup>10</sup> Attachment 1 at 18. A witness “saw a downed power line arcing in the parking lot.”

<sup>11</sup> Attachment 1 at 20.

<sup>12</sup> Ex. Liberty-02 at 2. “[T]he report concludes that the ‘most probable’ cause of the fire was an energized conductor contacting the ground and igniting grassy fuels between the East and West Poles.”

<sup>13</sup> Attachment 2, CAL FIRE Report, Confidential Photo Attachments by Joseph Pidgeon, P-JP-010 taken on 11/18/2020 9:00:12 AM. (Attachment 2)

<sup>14</sup> Ex. Liberty-03 at 40. “The NWS issued a high wind warning for the area but did not issue a Red Flag Warning.”

1 Topaz 1261 Circuit, winds were gusting above 30 miles per hour (mph) at 9:30 AM, two  
2 and a half hours prior to the time that the Mountain View Fire ignited.<sup>15</sup> <sup>16</sup> The NWS  
3 issues a Red Flag Warning when wind gusts are forecasted to be greater than or equal to  
4 30 mph, relative humidity less than or equal to 15%, and fuel moisture level at critical  
5 levels<sup>17</sup> for 3 hours or greater.<sup>18</sup>

6 At the time of ignition, there were sustained winds of 30.1 mph and gusts of up to  
7 60.5 mph were recorded.<sup>19</sup> By 3:00 PM, wind conditions increased in intensity with  
8 sustained winds of 40.6 mph and gusts up to 72.7 mph.<sup>20</sup> Wind speeds progressively  
9 increased throughout the day on November 17, 2020 and did not begin to subside until  
10 approximately midnight.<sup>21</sup> Further details on the weather conditions on November 17,  
11 2020 is described in Cal Advocates' testimony CA-04.<sup>22</sup>

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<sup>15</sup> Attachment 3, Liberty's response to data request CalAdvocates-LIB-A2506017-035, Question 15, subpart a. "...the NWS's Reno office issued Red Flag Warnings when it determined that the following conditions were forecasted...[for the] Outside Basin: greater than or equal to 30 mph wind gusts, relative humidity less than or equal to 15%, and critical fuel moisture levels for 3 hours or greater." (Attachment 3)

<sup>16</sup> Attachment 4, Weather station measurements from University of Utah, MesoWest at: <https://mesowest.utah.edu/>. For LIB26. (Attachment 4)

<sup>17</sup> Attachment 5, Liberty does not define "critical levels" for fuel moisture. The Oklahoma Mesonet, Oklahoma Climatological Survey, available at: [https://content.mesonet.org/mesonet/okfire/OK-FIRE\\_Basics\\_for\\_Fire\\_Danger.pdf](https://content.mesonet.org/mesonet/okfire/OK-FIRE_Basics_for_Fire_Danger.pdf). For 10-hour dead fuel moisture, a range of **6-15%** could lead to "[i]ncreasing fire danger as dead fuel moisture values decrease," a range of **5-6%** could indicate "containment [of fire] becomes difficult; quick ignition; spot fires increase" and a range less than 5% could indicate "[e]xtreme fire behavior; spot fires frequent." (Attachment 5)

<sup>18</sup> Attachment 3 at Question 15, subpart a.

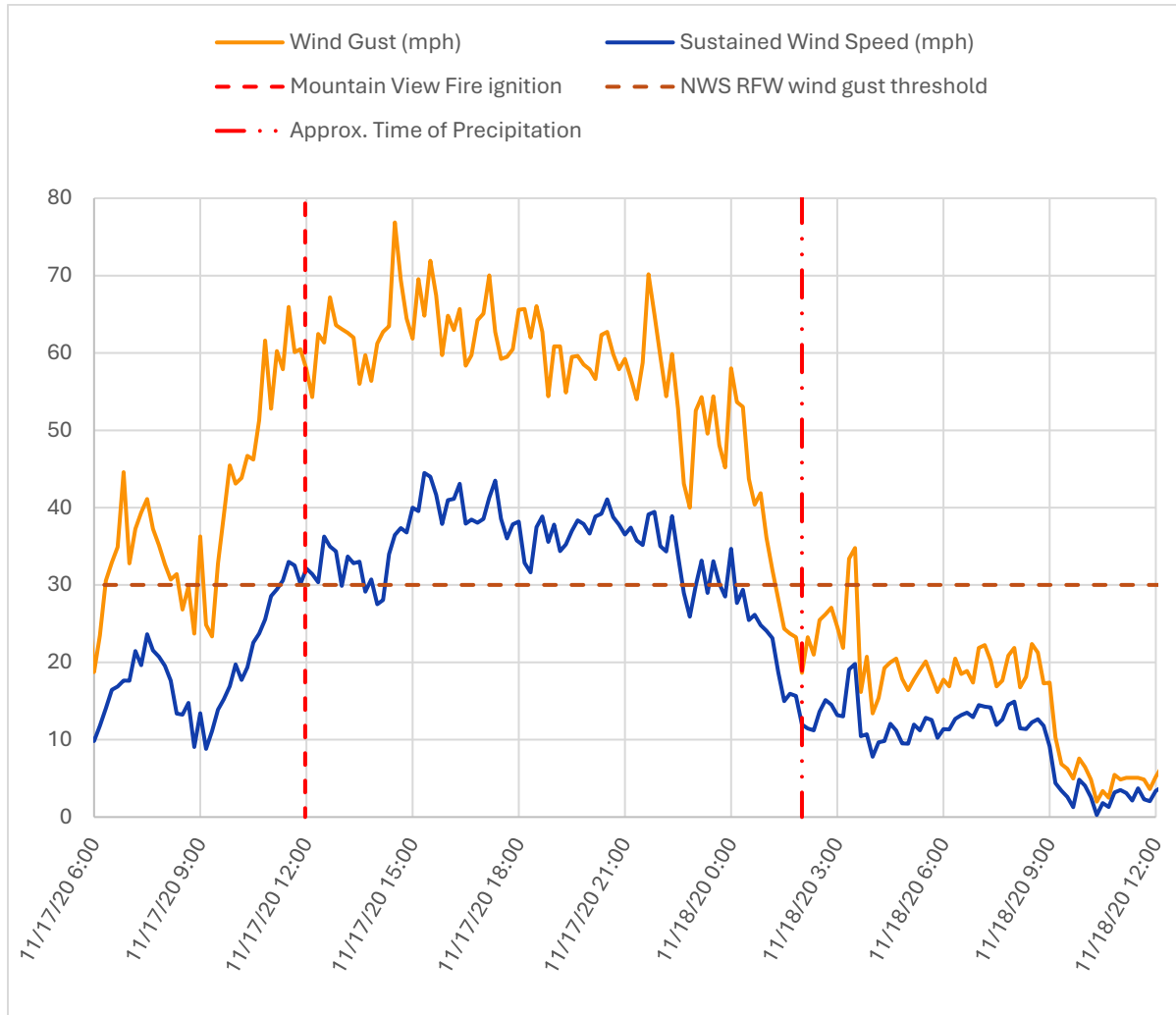
<sup>19</sup> Attachment 4.

<sup>20</sup> Ex. Liberty-04 at 11.

<sup>21</sup> Ex. Liberty-04 at 11. "These high winds persisted for the first 12-14 hours of the fire, subsiding to below 30 mph sustained and 40 mph gusts in the 1:00 a.m. hour on November 18, shortly before rain began to fall."

<sup>22</sup> Cal Advocates testimony on Situational Awareness CA-04.

**Figure 3:  
Wind Speeds Near Origin Area (November 17-18, 2020)<sup>23</sup>**



Witnesses from the Mountain View Barbeque Restaurant stated that they have never observed winds that strong in that area as they did on November 17, 2020.<sup>24</sup> Another witness to the Mountain View Fire described efforts to prepare their place of business in response to an anticipated wind storm, including damage to the south rear

<sup>23</sup> Attachment 4.

<sup>24</sup> Attachment 1 at 18. Witnesses “said they had never observed winds that strong in the area.”

1 corner of their business. In response, they began boarding up the building at around 11:30  
2 AM as a result of the winds before 12:00 PM.<sup>25</sup>

### 3 **III. THE MOUNTAIN VIEW FIRE’S CAUSE**

4 The sole determined cause of the Mountain View Fire was the ignition of ground  
5 vegetation by a downed energized conductor from Liberty’s Topaz 1261 circuit in the  
6 area between the Mountain View Barbeque Restaurant and the Andress Motel.<sup>26</sup>

7 This conclusion is supported by the CAL FIRE report findings, and by relevant  
8 evidence including the following:

- 9 • Liberty’s recloser activity on November 17, 2020 shortly before 12:00  
10 PM, consistent with a phase-to-ground fault;
- 11 • The presence of conductor on the ground after the start of the ignition;
- 12 • Ignition point and fire spread indicators identified by CAL FIRE;
- 13 • Metallurgical analysis of conductor segments; and
- 14 • Consistent aspects of witnesses’ statements.<sup>27</sup>

15  
16 Liberty’s center and field phase conductors spanning the east and west poles  
17 experienced phase-to-phase contact, which lead to the separation of the field phase  
18 followed by a phase-to-ground contact fault that ignited the Mountain View Fire.<sup>28</sup>

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<sup>25</sup> Attachment 6, Liberty’s response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. City of Mono vs Liberty Utilities, Deposition of Person Most Qualified and Custodian of Records of CAL FIRE (Chief Jospheh Pidgeon) on November 16, 2022, Riverside CA (JP Testimony) at 122. “I moved one of our U-Haul trucks to block metal art for protection. After securing yard art, I went in my building to do a walkthrough check. I felt wind inside my building. Went towards breeze. I had damage to south rear corner of my building. I called a local man, Mark Shetler, to help me screw boards up for protection of building.” (Attachment 6)

<sup>26</sup> Attachment 1 at 21.

<sup>27</sup> Ex. Liberty-02 at 6-7.

<sup>28</sup> Ex. Liberty-02 at 8.

1           **A.     Faults and Recloser Activity**

2           Four days before the Mountain View ignition, Liberty states that it deactivated its  
3 fire mode when the NWS transitioned to “off season” fire weather forecasting.<sup>29</sup> Liberty  
4 states that its fire mode is a non-reclose mode on its automatic reclosers, which prevents  
5 reclosers from re-energizing the line if a fault was detected.<sup>30</sup> This section provides a  
6 brief overview of Liberty’s testimony on recloser activity. For detailed discussion of  
7 Liberty’s recloser settings and activity, see Cal Advocates’ testimony CA-06.<sup>31</sup>

8           On the morning of November 17, 2020, Liberty states that its 1261 R2 Recloser  
9 was placed in hotline tag mode, disabling the recloser, due to reconductoring work on the  
10 Topaz Circuit.<sup>32</sup> Around 9:48 AM, the 1261 R2 Recloser recorded a phase-to-phase fault  
11 and, as a result, the line de-energized because the fault was detected while in hotline tag  
12 mode.<sup>33</sup> After Liberty’s patrol of the line at 10:41 AM, the 1261 R2 Recloser was closed,  
13 and the line was re-energized.<sup>34</sup> Approximately at 10:41 AM, at the same time Liberty re-  
14 energized customers, Liberty also disabled the 1261 R2 Recloser’s hotline tag mode  
15 returned it to normal mode, allowing for automatic reclosing if a fault was detected.<sup>35, 36</sup>

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<sup>29</sup> Ex. Liberty-03 at 42. “Just four days before the fire, the local NWS office indicated it would be moving to ‘off season’ fire weather forecasting. In light of this shift in weather and fire risk, and in consultation with its third-party fire science and risk modeling expert, Liberty deactivated fire mode / non-reclose mode on its automatic reclosers, including on the Topaz 1261 Circuit.”

<sup>30</sup> Ex. Liberty-03 at 41. “During fire season, Liberty put its automatic reclosers in ‘non-reclose mode’ or ‘fire mode,’ depending on the recloser’s capabilities, meaning that the reclosers would not automatically attempt to reclose if they operated to de-energize a section of a circuit.”

<sup>31</sup> Cal Advocates testimony on Reclosers CA-06.

<sup>32</sup> Ex. Liberty-03 at 43.

<sup>33</sup> Ex. Liberty-03 at 43.

<sup>34</sup> Ex. Liberty-03 at 43.

<sup>35</sup> Attachment 7, Liberty’s response to Data Request TURN-Liberty-004, Question 12, subpart c. “Liberty’s records indicate that the hotline tag mode for the 1261 R2 Recloser was disabled at the same time Liberty reenergized customers at approximately 10:41 a.m.” (Attachment 7)

<sup>36</sup> Ex. Liberty-03 at 43. “Following a patrol of the affected line, at 10:41 a.m. the 1261 R2 Recloser was closed, re-energizing the line and restoring power to the affected customers. In coordination with field personnel supervising the reconductoring work, the hotline tag mode was disabled and the 1261 R2 Recloser was returned to normal mode.”

1 At 10:53 AM, Liberty recorded a second phase-to-phase fault, which did not trip the  
2 recloser.<sup>37</sup>

3 At 11:55:08 AM on November 17, 2020, Liberty's 1261 R2 Recloser, now  
4 operating in normal mode, recorded a third phase-to-phase fault between the center and  
5 field phases.<sup>38</sup> Approximately 2 seconds later, the 1261 R2 Recloser detected a phase-to-  
6 ground fault on the field phase<sup>39</sup> and performed the first ground fault trip at 11:55:14  
7 AM.<sup>40</sup> At 11:55:16 AM, the 1261 R2 Recloser again re-energized the line. At 11:55:22  
8 AM, the 1261 R2 Recloser again recorded the ground fault and tripped the circuit. The  
9 1261 R2 Recloser once again reclosed and re-energized the line at 11:55:37 AM. The  
10 final reclose and lockout by the 1261 R2 Recloser occurred at 11:55:43 AM.<sup>41</sup> The  
11 lockout occurred approximately 30 seconds after the first ground fault trip.

## 12 **1. Phase-to-Phase Faults**

13 Liberty's Topaz 1261 Circuit uses a four-wire configuration, which has three phase  
14 conductors labeled as a road phase, center phase, and field phase in addition to a neutral  
15 wire,<sup>42</sup> as shown in Figure 4 below.

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<sup>37</sup> Ex. Liberty-02 at 11. "Subsequent review of recloser records following the fire also identified a transient phase-to-phase fault recorded by the 1261 R2 Recloser at approximately 10:53 a.m. on November 17, 2020."

<sup>38</sup> Ex. Liberty-02 at 10.

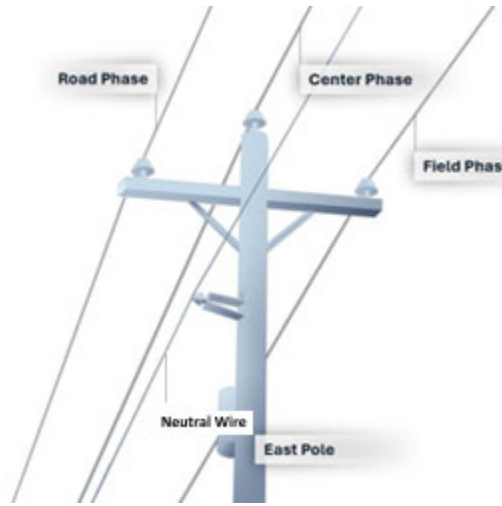
<sup>39</sup> Ex. Liberty-02 at 10-11. "Approximately two seconds later, the 1261 R2 Recloser began detecting a series of phase-to-ground faults on the field phase (C phase) as the broken conductor contacted the ground in the field."

<sup>40</sup> Attachment 8, Liberty's response to Data Request CalAdvocates-LIB-A2506017-013, Question 1, subpart d. (Attachment 8)

<sup>41</sup> Attachment 8 at Question 1, subpart d.

<sup>42</sup> Ex. Liberty-03 at 7.

1 **Figure 4:**  
2 **Configuration of Equipment on the East Pole<sup>43</sup>**



3  
4  
5 The road and field phases are attached to insulators mounted on crossarms and the  
6 center phase is elevated and attached to an insulator mounted on the top of the pole.<sup>44</sup>

7 The fourth neutral wire is attached to horizontal insulators mounted to the pole.<sup>45</sup>

8 A phase-to-phase fault is a common type of short circuit when two conductors in a  
9 circuit come into direct contact with each other.<sup>46</sup> The phenomenon of two conductors  
10 coming into contact, also known as conductor slap, is a common cause of wildfires that  
11 can occur on overhead electric lines during wind gusting, electromagnetic pendulum  
12 forces during sequential faults, or external forces such as vegetation, animals, or on-  
13 ground incidents.<sup>47</sup> Conductor slap, an extremely high energy event, has the ability to  
14 eject molten material, which could ignite ground-level vegetation.<sup>48</sup> A conductor slap

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<sup>43</sup> Ex. Liberty-03 at 9, with the addition of a label for the Neutral Wire.

<sup>44</sup> Ex. Liberty-03 at 8.

<sup>45</sup> Ex. Liberty-03 at 8.

<sup>46</sup> Attachment 9, EPRI, Avoiding Conductor Slap, <https://distribution.epri.com/ex-weather/public/results/conductor-slap/>. (Attachment 9)

<sup>47</sup> Attachment 9.

<sup>48</sup> Attachment 9.

1 incident also progressively erodes and weakens the conductor raising the potential of a  
2 broken conductor and a wire-down event.<sup>49</sup>

3 On November 17, 2020, the center and field phases within the portion of the 1261  
4 Topaz circuit between the Mountain View Barbeque Restaurant and the Andress Motel  
5 experienced direct contact, which is supported by Liberty's 1261 R2 Recloser activity  
6 and metallurgical analysis of gathered conductor segments from the field and center  
7 phases.<sup>50</sup>

## 8 **2. Phase-to-Ground Fault**

9 Approximately two seconds after Liberty's 1261 R2 Recloser recorded the third  
10 phase-to-phase fault between the center and field phases, the 1261 R2 Recloser began  
11 recording a series of phase-to-ground faults on the field phase indicating contact between  
12 the field phase conductor and the ground.<sup>51</sup>

13 A phase-to-ground fault is the direct contact between an energized conductor and  
14 the ground. A phase-to-ground fault delivers the flow of high electrical currents to the  
15 ground at the point of the fault.<sup>52</sup> Consequences of phase-to-ground faults include arcing  
16 at the point of ground contact, sparking, heating of the point of contact, ejection of  
17 molten material, and ignition of vegetation at or near the point of contact.<sup>53</sup>

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<sup>49</sup> Attachment 10, Texas Wildfire Mitigation Project, Power Line Phenomena Detectable with Intelligent Monitoring (Partial List), <https://wildfiremitigation.tees.tamus.edu/faqs/detectable-line-phenomena>: "Each incident also progressively erodes the circuit conductors, weakening them and raising the potential for a broken conductor." (Attachment 10)

<sup>50</sup> Ex. Liberty-02 at 1.

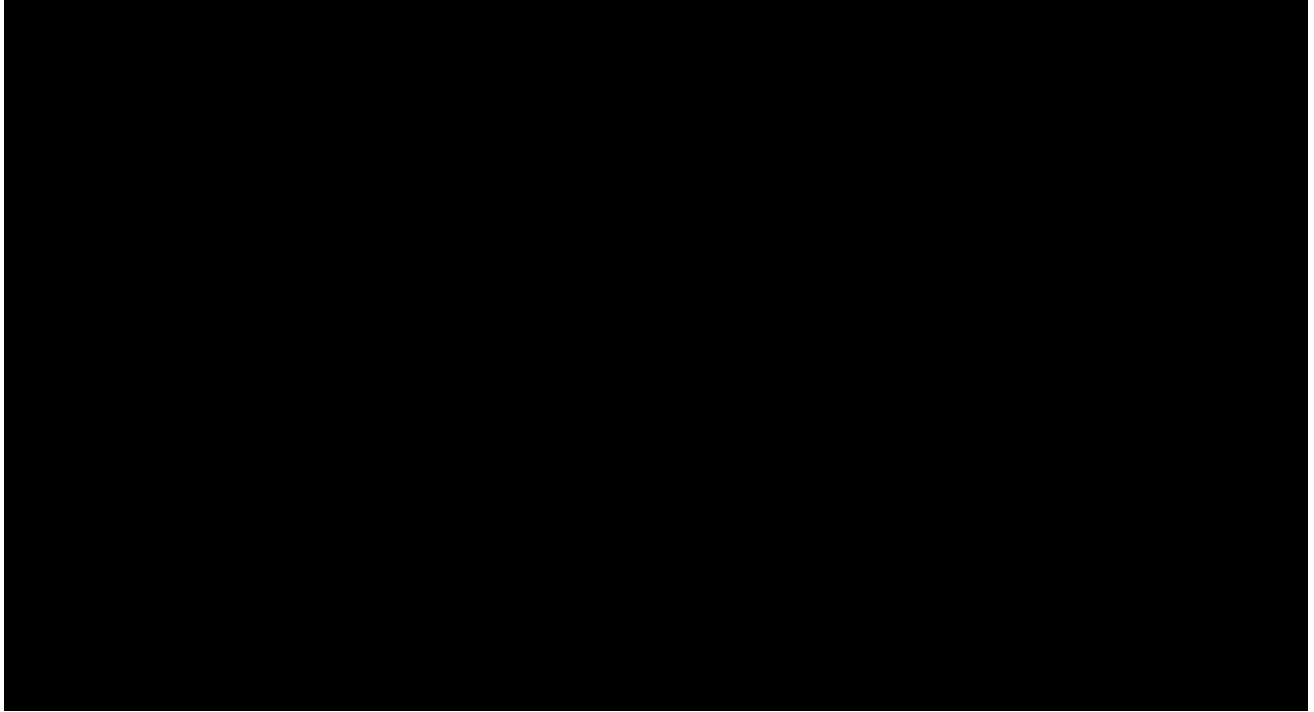
<sup>51</sup> Ex. Liberty-02 at 10-11.

<sup>52</sup> Attachment 11, A. Eberle HmbH & Co. KG, Earth Fault Electrically Conductive Connection Between Electrical Conductor and Earth, <https://www.a-eberle.de/en/knowledge/earth-fault/>. (Attachment 11)

<sup>53</sup> Attachment 11.



1 **Figure 5:**  
2 **Arc burn on rock near downed powerline.<sup>54</sup>**  
3



4  
5  
6 **B. Conductor Separation**

7 Once CAL FIRE investigators arrived on the scene on November 18, 2020, they  
8 identified two conductor segments on the ground in the origin area.<sup>55</sup> The two conductor  
9 segments were later identified to be segments of the field phase conductor that was  
10 previously suspended between the east and west poles.<sup>56</sup> CAL FIRE collected the two  
11 segments as evidence (Evidence #1 and Evidence #2).<sup>57</sup>

12 CAL FIRE additionally collected an approximately 20 foot span of the center  
13 phase conductor (Evidence #3) that was still suspended between the east and west  
14 poles.<sup>58</sup> CAL FIRE utilized assistance from a Liberty crew member to cut and retrieve

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<sup>54</sup> Attachment 12, CAL FIRE Report, Confidential Photo Attachments by Matthew Kirkhart, P-MK-017 taken on 11/18/2020. (Attachment 12)

<sup>55</sup> Attachment 1 at 17.

<sup>56</sup> Attachment 1 at 17.

<sup>57</sup> Attachment 6 at 14.

<sup>58</sup> Attachment 1 at 20.

1 the portion of the center phase conductor, which CAL FIRE believed to be the area where  
2 the conductor slap occurred between the center and field phases.<sup>59</sup> CAL FIRE  
3 determined the portion of interest of the center phase conductor by visual observation of  
4 arc marks of the overhead center phase conductor cable.<sup>60</sup> The damage observed by CAL  
5 FIRE included melting and charring on the lateral side of the conductor cable on its north  
6 side.<sup>61</sup>

7 The field phase conductor spanned 304 feet between the east and west poles.<sup>62</sup>

#### 8 **1. Evidence #1**

9 Of the two segments of the field phase conductor identified by CAL FIRE  
10 investigators, the first segment, referred to as Evidence #1, was identified adjacent to the  
11 east pole lying in the turnout, also known as the Mountain View Barbeque Restaurant  
12 parking lot.<sup>63</sup>

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<sup>59</sup> Attachment 6 at 86.

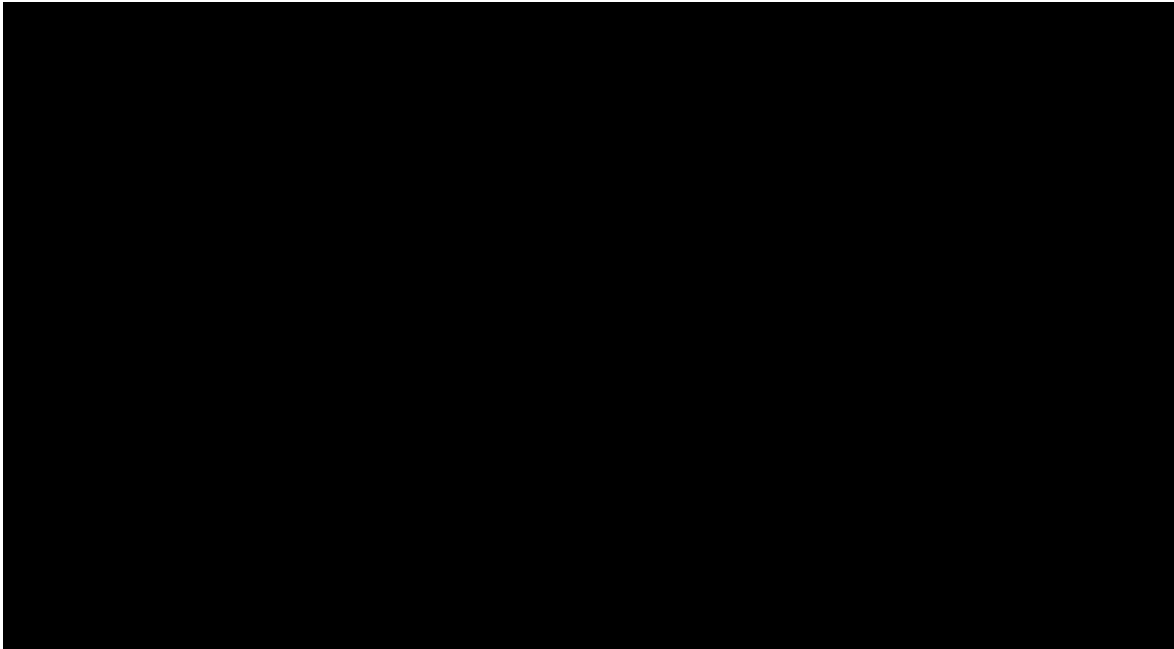
<sup>60</sup> Attachment 6 at 126. “[T]he only reason we took the piece out of the one that was still attached because we observed arc marks on the line that was still suspended.”

<sup>61</sup> Attachment 1 at 20.

<sup>62</sup> Attachment 13, Liberty’s response to Data Request CalAdvocates-LIB-A2506017-010, Question 8. Opinions of Gary J. Fowler regarding the Mountain View Fire at 1. (Attachment 13)

<sup>63</sup> Attachment 1 at 17.

**Figure 6:**  
**Segments of cable observed in roadside turnout adjacent to power poles.<sup>64</sup>**



The east end of Evidence #1 was found adjacent to the east pole, cut off from the remaining conductor traversing east.<sup>65</sup> The remaining cable beginning from the east pole was secured to the east pole.<sup>66</sup> Liberty personnel had made the cut to prevent arcing if the line was re-energized.<sup>67</sup>

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<sup>64</sup> Attachment 2, P-JP-010 taken on 11/18/2020 at 9:00:12 AM.

<sup>65</sup> Ex. Liberty-03 at 45. “Liberty personnel and contractors quickly responded to the conductor lying on the ground, cutting each end of the separated conductor near the East and West Poles to facilitate first responder access to the scene. Liberty personnel then secured the portion of the conductor hanging down from the insulator to ensure public safety.”

<sup>66</sup> Ex. Liberty-03 at 45.

<sup>67</sup> Ex. Liberty-03 at 45.

1 **Figure 7:**  
2 **Cut power line cable, secured to east power pole.<sup>68</sup>**  
3



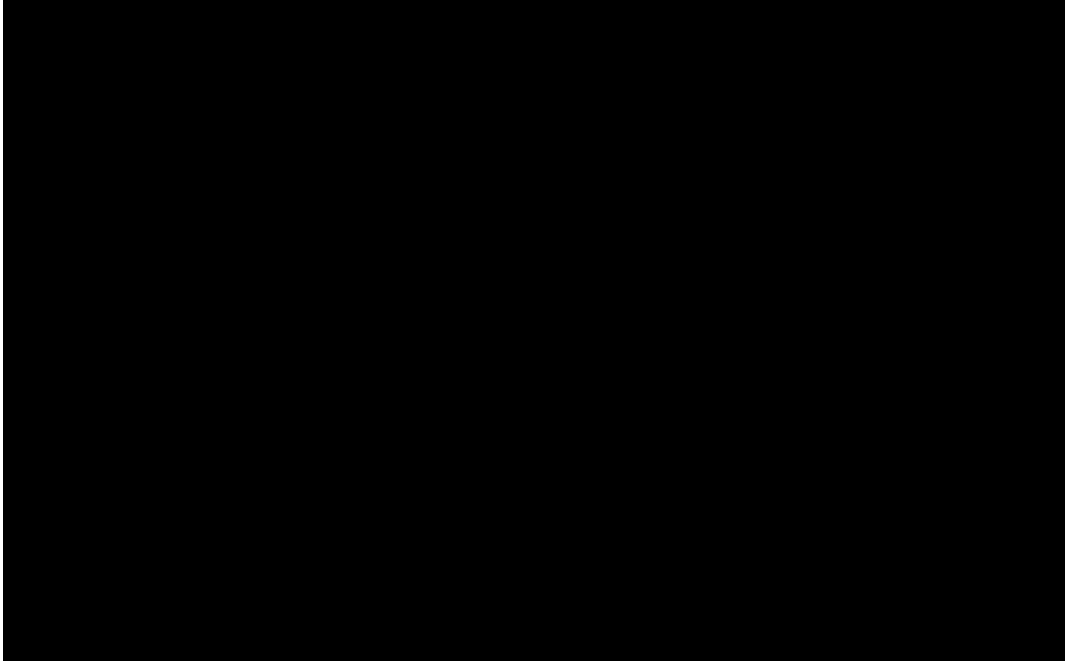
4  
5  
6 The other end of the conductor segment of Evidence #1, the point of separation,  
7 exhibited melting of the steel core and aluminum strands.<sup>69</sup>

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<sup>68</sup> Attachment 2, P-JP-009 taken on 11/18/2020 at 8:59:57 AM.

<sup>69</sup> Ex. Liberty-02 at 8.

**Figure 8:**  
**West end of power line cable in parking area (separation point).<sup>70</sup>**



The field phase conductor separated at a distance of approximately 133 feet (in addition to the length of the cut section from the east pole to where it was secured as shown in Figure 7) from the east pole.<sup>71</sup>

## **2. Evidence #2**

The second segment, referred to as Evidence #2, was identified adjacent to the west pole lying within the burn area.<sup>72</sup> The field phase conductor separated approximately 135 feet and 8 inches from the west pole.<sup>73</sup>

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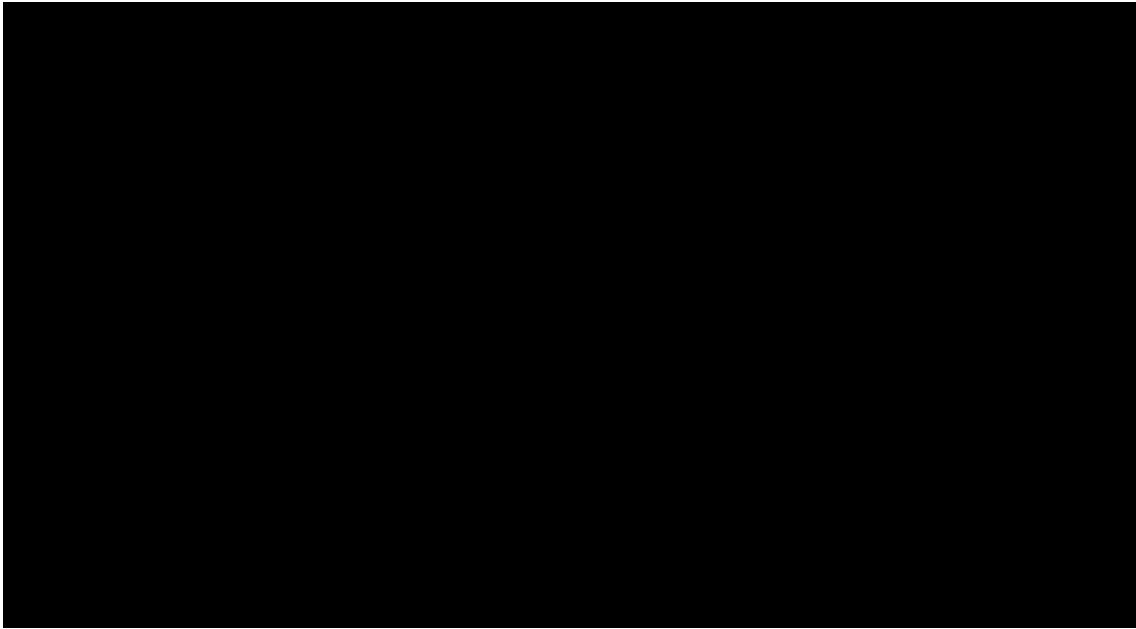
<sup>70</sup> Attachment 2, P-JP-049 taken on 11/18/2020 at 9:42:58 AM.

<sup>71</sup> Attachment 14, Liberty's response to Data Request TURN-Liberty-002, Question 4. Opinions of Dr. Kumar on the Mountain View Fire at 1. (Attachment 14)

<sup>72</sup> Attachment 1 at 19.

<sup>73</sup> Attachment 13 at 1.

**Figure 9:**  
**Power line cable near base of west power pole.<sup>74</sup>**



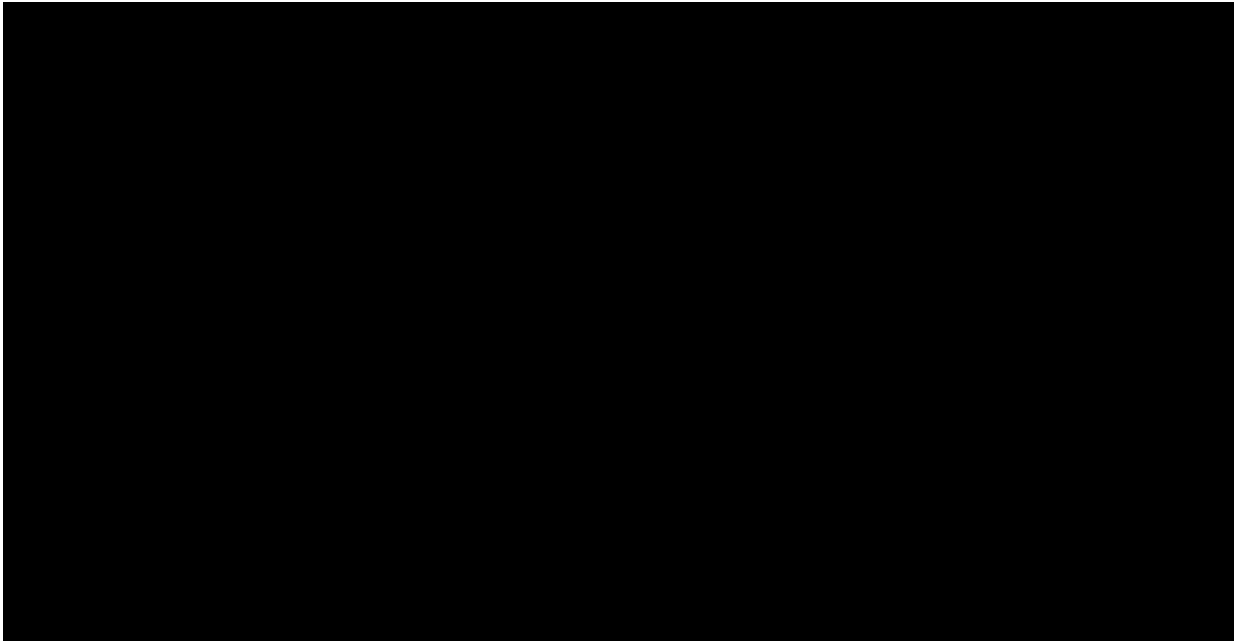
Similar to the segment collected as Evidence #1, the Evidence #2 segment adjacent to the west pole was cut off from the remaining conductor traversing west. The remaining cable beginning from the west pole was secured to the west pole.<sup>75</sup>

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<sup>74</sup> Attachment 2, P-JP-018 taken on 11/18/2020 at 9:33:37 AM.

<sup>75</sup> Ex. Liberty-03 at 45.

1 **Figure 10:**  
2 **Separation point of west conductor segment, Evidence #2.<sup>76</sup>**  
3



4  
5  
6 The separation point of Evidence #2 was found discolored due to the ground fire.<sup>77</sup>  
7 The steel core exhibited melting.<sup>78</sup> Multiple aluminum strands exhibited melting and  
8 high temperature fracture due to the heat generated during arcing when the conductors  
9 experienced contact in the mid-span area.<sup>79</sup>

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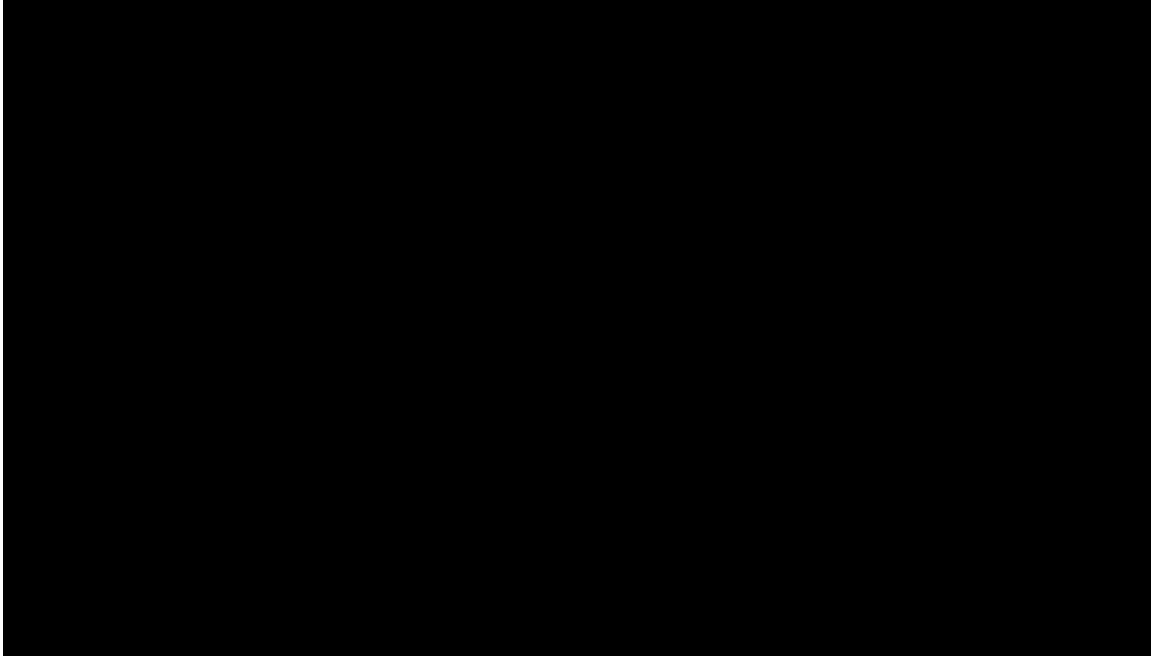
<sup>76</sup> Attachment 2, P-JP-021 taken on 11/18/2020 at 9:33:57 AM.

<sup>77</sup> Attachment 13 at 1.

<sup>78</sup> Attachment 13 at 1.

<sup>79</sup> Attachment 13 at 1.

**Figure 11:**  
**End section of power line with char and beading.<sup>80</sup>**



**C. Ignition Point and Fire Spread Indicators**

CAL FIRE Investigators identified ignition points and fire spread indicators within the origin area.<sup>81</sup> Ignition points were identified through the observation of white char marks on rocks.<sup>82</sup> Fire spread indicators were identified through the observation of angle of char on brush and grass clumps, the observation of staining on large rocks, and the presence of incomplete consumption of fuels in the origin area.<sup>83</sup>

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<sup>80</sup> Attachment 12, Attachment P-MK-014 taken on 11/18/2020.

<sup>81</sup> Attachment 1 at 19.

<sup>82</sup> Attachment 6 at 189.

<sup>83</sup> Attachment 1 at 19.



Figure 12:  
CAL FIRE's Fire Investigation Sketch.<sup>84</sup>

State of California CAL FIRE WILD (REV. 10-2018)	Fire Investigation Sketch CONFIDENTIAL Wildland Origin & Cause Report	Incident Number 20CAOV0030860	Incident Date Nov 17, 2020
Sketch			
Notes:		N ↑ Not to Scale	
Incident Name: Mountain View Incident Location: Walker, CA (38 30.7814, -119 28.0424)			
Reporting Officer:	M. KIRKHART	Signature:	Date: Dec 18, 2020

Figure 12 above shows ignition points marked as [X], the red arrows show advancing fire indicators, the yellow [V] shaped symbols show lateral advancing fire indicators, and the blue [U] shaped symbols show backing fire spread indicators.<sup>85</sup>

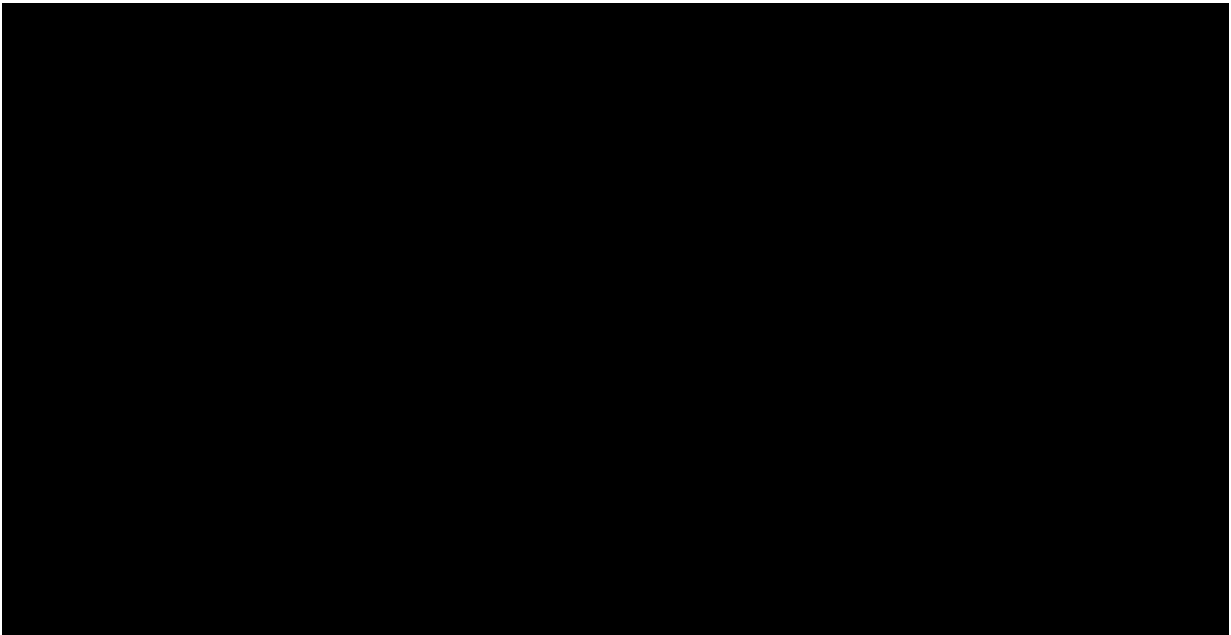
<sup>84</sup> Attachment 15, Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. Exhibit 15 JP Testimony at 2. (Attachment 15)

<sup>85</sup> Attachment 16, Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. City of Mono vs Liberty Utilities, Deposition of Matthew Kirkhart on March 17, 2023, Riverside CA (MK Testimony) at 54. "[S]o each one of the red arrows, the yellow, we'll call them Vs and blue Us are examples of where those colored flags were in that we'll call it fire area, whether it's the general or specific origin, I can't tell you from the sketch. But those are representative of where the flags were placed. And then the Xs are ignition points which we were calling the arc marks that we were finding on the ground." (Attachment 16)

1                   **1.     Ignition Points**

2                   CAL FIRE identified ignition points within the origin area by observing white  
3 char marks on rocks.<sup>86</sup> The white char marks on the rocks indicate discoloration from  
4 high heat.<sup>87</sup> CAL FIRE deduced that the powerline segment adjacent to the rocks with  
5 the white char marks was the only possible heat source to cause the white charring.<sup>88</sup>

6  
7                                   **Figure 13:**  
8                                   **Arc burns on rocks.**<sup>89</sup>



12                   **2.     Fire Spread Indicators**

13                   To determine the direction of the Mountain View Fire’s spread and its origin area,  
14 CAL FIRE investigators identified fire spread indicators in the area between the east and  
15 west poles.<sup>90</sup> As shown in Figure 12, CAL FIRE identified advancing, lateral, and  
16 backing fire spread indicators.

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<sup>86</sup> Attachment 6 at 189.

<sup>87</sup> Attachment 6 at 177.

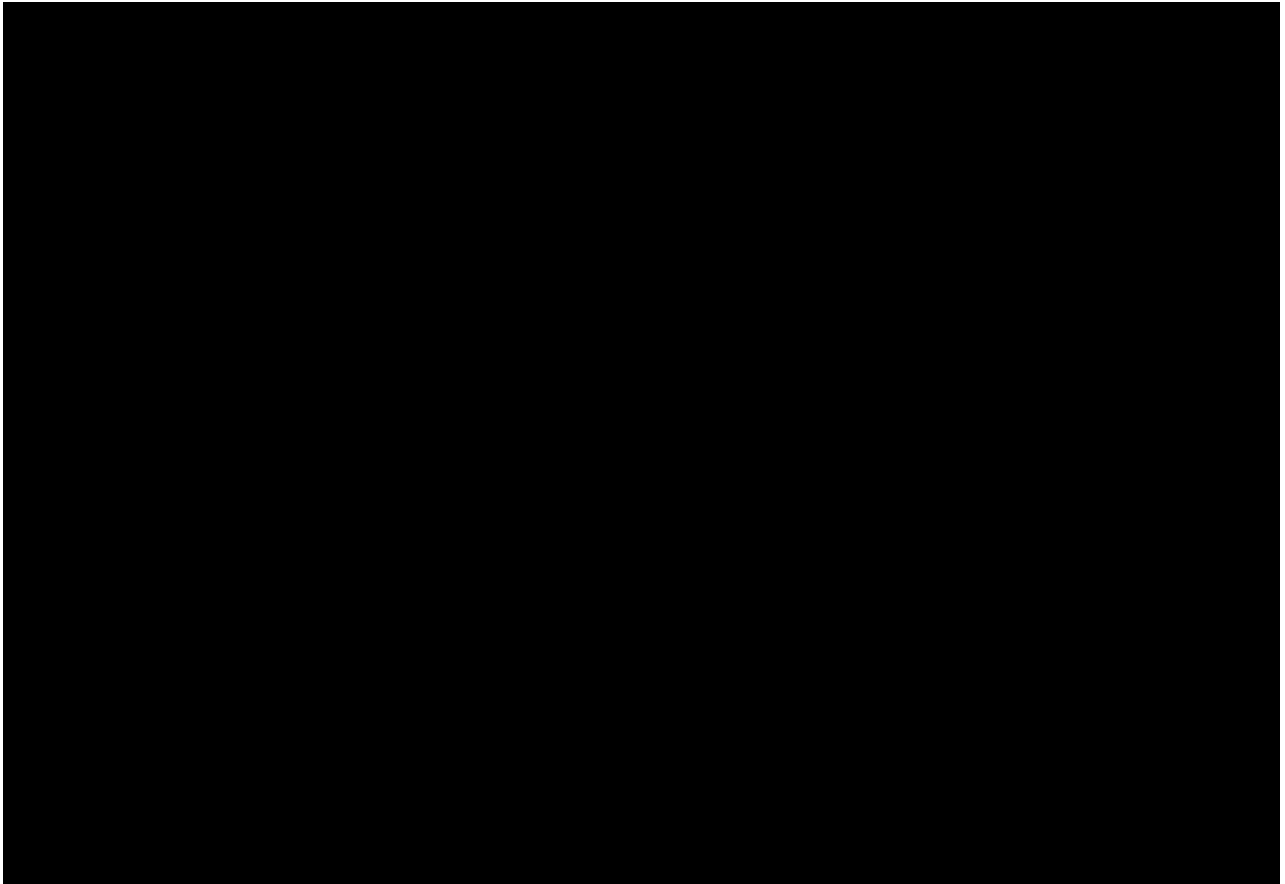
<sup>88</sup> Attachment 6 at 178.

<sup>89</sup> Attachment 12, P-MK-015 taken on 11/18/2020.

<sup>90</sup> Attachment 1 at 19.

1 Advancing fire spread indicators show the general direction a fire is travelling and  
2 produce an angular burn on vegetation with wind as the primary influence.<sup>21</sup>

3  
4 **Figure 14:**  
5 **Advancing fire indicator – angle of char on grass.**<sup>22</sup>



7  
8  
9  
10 Lateral fire indicators show fire movement perpendicular to wind and the general  
11 direction of the fire and are indicative of the fire beginning to spread outwards. Areas of  
12 lateral fire spread are characterized by low-intensity burning.<sup>23</sup>

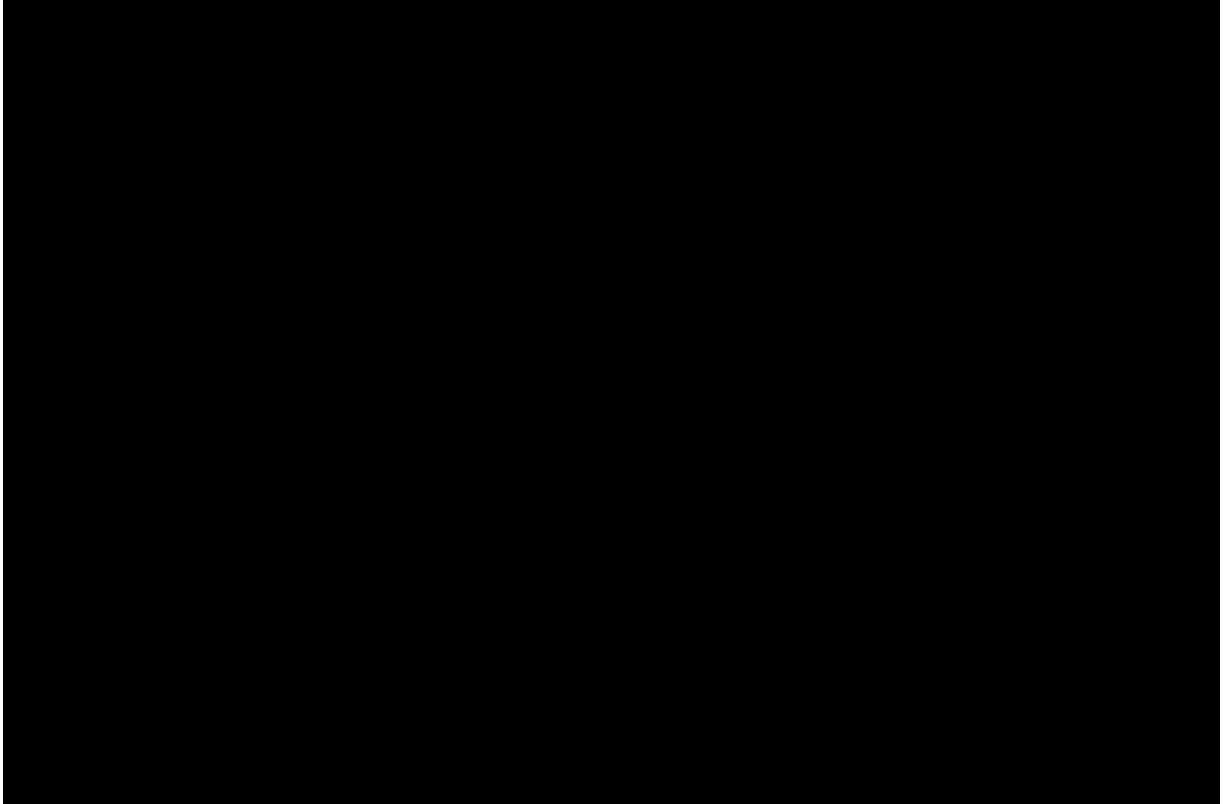
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<sup>21</sup> Attachment 17, National Wildfire Coordinating Group FI-110 Unit 4: Identifying the General Origin Area, <https://training.nwcg.gov/dl/fi110/fi-110-ig04.pdf>. (Attachment 17)

<sup>22</sup> Attachment 12, P-MK-009 taken on 11/18/2020.

<sup>23</sup> Attachment 17.

**Figure 15:**  
**Transition (lateral) fire indicator – low level burning on brush.<sup>94</sup>**



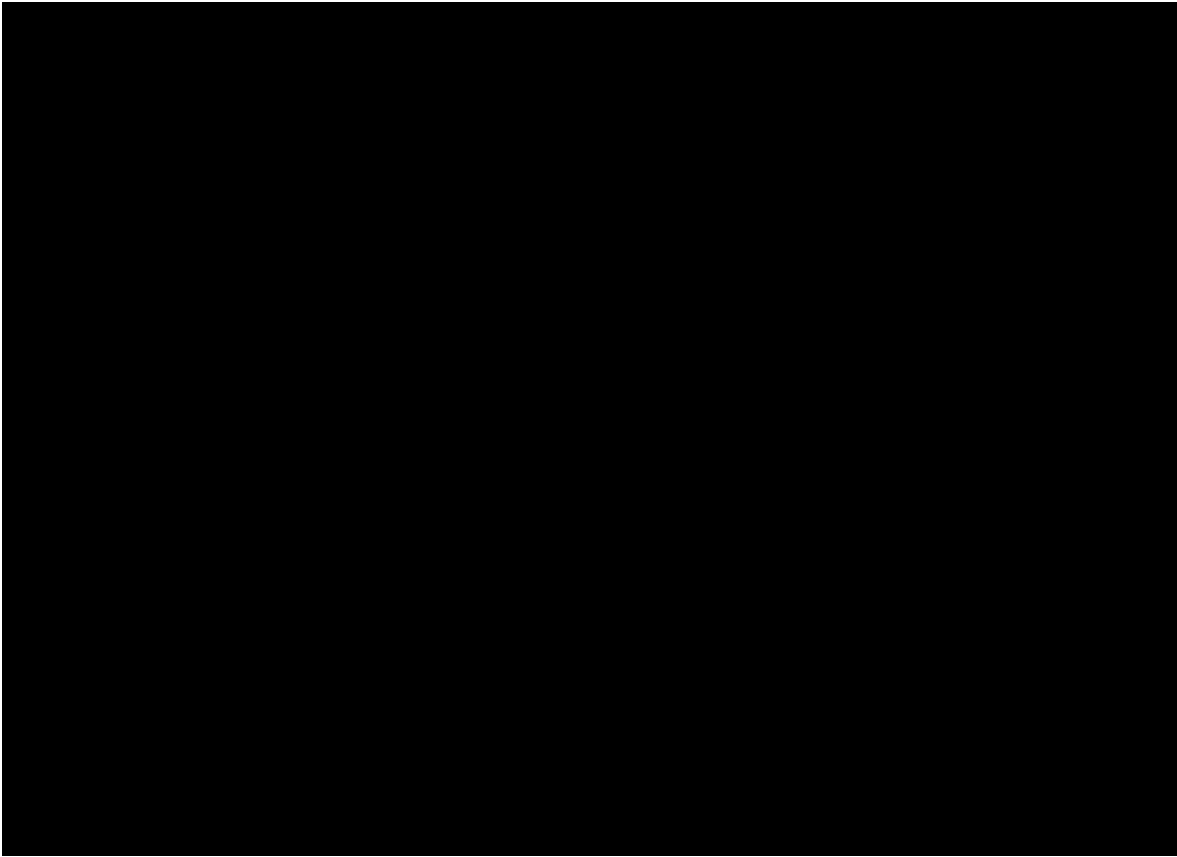
Backing fire spread indicators show fire movement beyond what was determined to be the ignition point in a direction opposite to that of the general fire movement's direction. Backing fire indicators are characterized by low intensity non-angular burns that burn slower than advancing fuels.<sup>95</sup>

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<sup>94</sup> Attachment 12, P-MK-011 taken on 11/18/2020.

<sup>95</sup> Attachment 17.

1 **Figure 16:**  
2 **Backing fire indicator – stem fall and low intensity consumption.<sup>96</sup>**  
3



4  
5  
6 **D. Metallurgical Analysis**

7 Metallurgical analysis of the evidence gathered by CAL FIRE covered three  
8 segments of conductor.<sup>97</sup> [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED].<sup>98</sup> [REDACTED]

12 Liberty states that metallurgical analysis of the collected conductor evidence  
13 identified damage consistent with phase-to-phase contact between the field and center

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<sup>96</sup> Attachment 12, P-MK-024 taken on 11/18/2020.

<sup>97</sup> Attachment 1 at 20.

<sup>98</sup> Attachment 18, CAL FIRE Report's Attachment 22, Property Receipt (CAL FIRE LE-92 form) for power line cables collected - Confidential. (Attachment 18)

1 phase conductors followed by the field phase separating and falling to the ground.<sup>99</sup> The  
2 identified damage included the presence of fresh arc marks and the melting of the  
3 conductor's steel core and aluminum strands at the point of separation.<sup>100</sup>

4 Around 50 aluminum strands were found separated on the center and field phase  
5 conductors and this separation was determined to be caused by arcing during conductor  
6 slap (phase-to-phase contact).<sup>101</sup> Wires were found to be melted and fractured due to heat  
7 generated during arcing when the center and field phase conductors came into contact in  
8 the mid-span area between the east and west poles.<sup>102</sup> The separation point of the steel  
9 core exhibited melting.<sup>103</sup> The center phase conductor also exhibited areas of arcing most  
10 prominently evident at the location of the field conductor separation.<sup>104</sup>

#### 11 **E. Consistent Aspect of Witness Reports.**

12 Varying witness reports included visual observation of the fire near the base of the  
13 west pole, loud sounds, flames, sparks, and a power line moving chaotically in the air  
14 while sparking and arcing.<sup>105</sup> Witness reports varied on the timing of the Mountain View  
15 Fire ignition, albeit within a 30 minute window.<sup>106</sup> Additionally, variation in witness  
16 reports included whether the power lines between the east and west poles were suspended  
17 when the fire started, on the ground, or chaotically moving in the air.<sup>107</sup> However,  
18 witness reports converge on one aspect: the general location of the Mountain View

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<sup>99</sup> Ex. Liberty-02 at 7-8. "From my review of the metallurgical evidence, I conclude that it is consistent with the field and center phase conductors coming into contact and arcing on the day of the Mountain View Fire, with the field phase subsequently separating and falling to the ground."

<sup>100</sup> Ex. Liberty-02 at 8.

<sup>101</sup> Attachment 13 at 1.

<sup>102</sup> Attachment 13 at 1.

<sup>103</sup> Attachment 13 at 1.

<sup>104</sup> Attachment 13 at 1.

<sup>105</sup> Attachment 19, Witness statements referenced in Attachment 1, Ex. Liberty-02, and written statement on December 29, 2020. (Attachment 19)

<sup>106</sup> Attachment 19.

<sup>107</sup> Attachment 19.

1 Fire.<sup>108</sup> Witness reports are consistent on the fact that the Mountain View Fire ignition  
2 originated in the area adjacent to Liberty electrical facilities between the Mountain View  
3 Barbeque Restaurant and the Andress Motel.<sup>109</sup>

#### 4 **F. No Significant Evidence Showing an Alternate Cause**

5 The sole determined cause of the Mountain View Fire was the ignition of ground  
6 vegetation by a downed energized conductor from Liberty's Topaz 1261 circuit in the  
7 area between the Mountain View Barbeque Restaurant and the Andress Motel.<sup>110</sup> Neither  
8 CAL FIRE, nor Liberty, nor any other entity has identified reasonable evidence of an  
9 alternate cause of the Mountain View Fire.<sup>111</sup> The gathered evidence to date includes  
10 Liberty's recloser activity (which confirm electrical activity suggestive of conductor  
11 contact and separation); presence of conductor on the ground in the origin area (which  
12 confirms conductor ground contact); metallurgical analysis of the gathered conductor  
13 segments (which confirms conductor contact and separation); and witness reports on the  
14 general timing and location of the Mountain View Fire's origin. The gathered evidence  
15 indicates that Liberty's electrical facilities ignited the Mountain View Fire on November  
16 17, 2020 in the area between the Mountain View Barbeque Restaurant and the Andress  
17 Motel. There is no significant evidence showing an alternate cause of the Mountain View  
18 Fire.

#### 19 **IV. TIMELINE**

20 A general timeline of events related to Mountain View Fire is shown below in  
21 Table 1.  
22

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<sup>108</sup> Ex. Liberty-02 at 7.

<sup>109</sup> Attachment 19.

<sup>110</sup> Attachment 1 at 21.

<sup>111</sup> Ex. Liberty-02 at 1.

**Table 1: Summary of Red Flag Warnings Prior to November 8, 2018**

<b>Time</b>	<b>Event</b>	<b>Entity</b>
<b>November 16, 2020</b>		
<b>12:20 pm</b>	High wind warning for the Sierra and US 395 Corridor <sup>112</sup>	NWS
<b>November 17, 2020</b>		
<b>8:35 am</b>	Liberty field personnel respond to a small outage and found a cut out open on a branch line off Wunderlich Way approximately 2.6 miles away from the Mountain View Barbeque Restaurant <sup>113</sup>	Liberty
<b>Before 9:48 am</b>	Reclosers placed in hotline tag mode due to reconducting work <sup>114</sup>	Liberty
<b>9:48 am</b>	1261 R2 Recloser (Recloser) recorded the first phase-to-phase fault and de-energized line <sup>115</sup>	Liberty
<b>10:41 am</b>	Line patrolled and re-energized. <sup>116, 117</sup> Recloser's hotline tag mode disabled and returned to normal operating mode allowing for automatic reclosing <sup>118</sup>	Liberty
<b>10:53 am</b>	Recloser recorded a second phase-to-phase fault without tripping recloser <sup>119</sup>	Liberty
<b>11:55:08 am</b>	Recloser recorded a third phase-to-phase fault between center and field phases <sup>120</sup>	Liberty

<sup>112</sup> Attachment 20, NWS Reno's Social Media Post on X, November 16, 2020 at 12:20 PM, <https://x.com/NWSReno/status/1328432902556639232>. (Attachment 20)

<sup>113</sup> Ex. Liberty-03 at 45.

<sup>114</sup> Ex. Liberty-03 at 43.

<sup>115</sup> Ex. Liberty-03 at 43.

<sup>116</sup> Ex. Liberty-03 at 43.

<sup>117</sup> Attachment 7 at Question 12, subpart c.

<sup>118</sup> Ex. Liberty-03 at 43.

<sup>119</sup> Ex. Liberty-02 at 11. "Subsequent review of recloser records following the fire also identified a transient phase-to-phase fault recorded by the 1261 R2 Recloser at approximately 10:53 a.m. on November 17, 2020."

<sup>120</sup> Ex. Liberty-03 at 43.



<b>Time</b>	<b>Event</b>	<b>Entity</b>
<b>11:55:10 am</b>	Recloser recorded the first phase-to-ground fault <sup>121</sup>	Liberty
<b>11:55:14 am</b>	First phase-to-ground fault trip <sup>122</sup>	Liberty
<b>11:55:16 am</b>	Recloser re-energized the line <sup>123</sup>	Liberty
<b>11:55:22 am</b>	Recloser recorded a second phase-to-ground fault <sup>124</sup>	Liberty
<b>11:55:37 am</b>	Recloser re-energized the line <sup>125</sup>	Liberty
<b>11:55:43 am</b>	Recloser de-energized the line <sup>126</sup>	Liberty
<b>~11:56 am</b>	System Operator informs field personnel that the recloser tripped to lockout. Field personnel observe smoke and possible fire and begin patrolling the Topaz 1261 Circuit <sup>127</sup>	Liberty
<b>11:58 am</b>	First 911 call reporting the Mountain View Fire <sup>128</sup>	-
<b>12:03 pm</b>	First responders are dispatched to the scene <sup>129</sup>	Antelope Valley Fire Protection District

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<sup>121</sup> Ex. Liberty-02 at 10-11.

<sup>122</sup> Attachment 8 at Question 1, subpart d.

<sup>123</sup> Attachment 8 at Question 1, subpart d.

<sup>124</sup> Attachment 8 at Question 1, subpart d.

<sup>125</sup> Attachment 8 at Question 1, subpart d.

<sup>126</sup> Attachment 8 at Question 1, subpart d.

<sup>127</sup> Attachment 21, Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 5. (Attachment 21)

<sup>128</sup> Attachment 21 at Question 5.

<sup>129</sup> Attachment 22, Antelope Valley Fire Protection District Mountain View Fire Incident Report at 3. (Attachment 22)

Time	Event	Entity
12:06 pm	Liberty field personnel arrive at the scene and secure damaged conductors at west and east pole to allow first responder access <sup>130</sup>	Liberty
12:09 pm	First responders arrive at the scene <sup>131</sup>	Antelope Valley Fire Protection District
12:20 pm	Field personnel report the damaged equipment and fire to dispatchers <sup>132</sup>	Liberty
12:28 pm	System operators disable automatic reclosing on the recloser <sup>133</sup>	Liberty
12:51 pm	1261 R1 Recloser opened to emergency de-energize the Topaz 1261 Circuit downstream of the recloser, including the communities of Walker and Coleville <sup>134</sup>	Liberty
~3:35 pm	Liberty Troubleshooter arrives at the Mountain View Barbeque to assist in securing the scene <sup>135</sup>	Liberty
<b>November 18, 2020</b>		
~7:00 am	CAL FIRE investigator arrives at the scene <sup>136</sup>	CAL FIRE
9:00 am	1261 R1 Recloser is closed to restore power from the mainline up to the Cunningham Lane area <sup>137</sup>	Liberty
Between 10:00 am and 11:00 am	Another CAL FIRE investigator arrives at the scene <sup>138</sup>	CAL FIRE
1:34 pm	Liberty Troubleshooter meets CAL FIRE personnel near the Mountain View Barbeque to retrieve portion of the center phase conductor to support investigation <sup>139</sup>	CAL FIRE
<b>November 19, 2020</b>		
8:09 pm	Recloser is closed to restore power to additional customers <sup>140</sup>	Liberty

1

<sup>130</sup> Attachment 21 at Question 5.

<sup>131</sup> Attachment 22.

1   **V.    CONCLUSION**

2           CAL FIRE states that “the most probable cause of the Mountain View ignition was  
3 ignition of cured annual grasses, due to a spark from a down, energized conductor  
4 contacting the ground.” The available evidence supports this conclusion, and no  
5 significant evidence has been produced indicating an alternate cause.<sup>141</sup> The reasonable  
6 conclusion is that Liberty’s electrical facilities ignited vegetation adjacent to the portion  
7 of the Topaz 1261 circuit in the area between the Mountain View Barbeque Restaurant  
8 and the Andress Motel on November 17, 2020. This is supported by Liberty’s recloser  
9 activity, the presence of separated conductor segments laying on the ground,  
10 metallurgical analysis of the collected conductor segments, and witness statements  
11 regarding the location of ignition.

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<sup>132</sup> Attachment 21 at Question 5.

<sup>133</sup> Attachment 21 at Question 5.

<sup>134</sup> Attachment 21 at Question 5.

<sup>135</sup> Attachment 21 at Question 5.

<sup>136</sup> Attachment 6 at 49.

<sup>137</sup> Attachment 21 at Question 5.

<sup>138</sup> Attachment 6 at 49.

<sup>139</sup> Attachment 21 at Question 5.

<sup>140</sup> Attachment 21 at Question 5.

<sup>141</sup> Ex. Liberty-02 at 1.

**APPENDIX A**  
**QUALIFICATIONS OF WITNESS**

1                   **PREPARED TESTIMONY AND QUALIFICATIONS**  
2                                   **OF**  
3                                   **TALAL HARAHSHEH**

4  
5           My name is Talal Harahsheh. My business Address is 505 Van Ness Avenue, San  
6   Francisco, California. I am employed by the California Public Utilities Commission as a  
7   Public Utilities Regulatory Analyst in the Public Advocates Office, Safety Branch.

8           I received my Master and Bachelor of Science degrees in Nuclear Engineering  
9   from Texas A&M University, College Station. Since joining Cal Advocates in 2018, I  
10   have worked on the Pipeline Safety Enhancement Program, the Emergency Disaster  
11   Relief Program, Wildfire Mitigation Plans, and Public Safety Power Shutoff program.

12          Prior to joining Cal Advocates, I worked on the development of the medically  
13   critical radioisotope Technetium-99m used in cancer diagnostics.

14          This concludes my statement of qualifications.

**APPENDIX B**  
**SUPPORTING ATTACHMENTS**

## LIST OF ATTACHMENTS FOR APPENDIX B

Attachment	Title	Bates No.
Attachment 1	CAL FIRE Report	CA-02-0001
Attachment 2 (Confidential)	CAL FIRE Report, Photo Attachments by Jospheh Pidgeon Confidential	CA-02-0024
Attachment 3	Liberty's response to data request CalAdvocates-LIB-A2506017-035, Question 15, subpart a.	CA-02-0050
Attachment 4	Weather station measurements from University of Utah, MesoWest at: <a href="https://mesowest.utah.edu/">https://mesowest.utah.edu/</a> . For LIB26.	CA-02-0068
Attachment 5	The Oklahoma Mesonet, Oklahoma Climatological Survey, available at: <a href="https://content.mesonet.org/mesonet/okfire/OK-FIRE_Basics_for_Fire_Danger.pdf">https://content.mesonet.org/mesonet/okfire/OK-FIRE_Basics_for_Fire_Danger.pdf</a>	CA-02-0072
Attachment 6	Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. City of Mono vs Liberty Utilities, Deposition of Person Most Qualified and Custodian of Records of CAL FIRE (Chief Jospheh Pidgeon) on November 16, 2022, Riverside CA	CA-02-0075
Attachment 7	Liberty's response to Data Request TURN-Liberty-004, Question 12, subpart c.	CA-02-0343
Attachment 8	Liberty's response to Data Request CalAdvocates-LIB-A2506017-013, Question 1, subpart d.	CA-02-0352
Attachment 9	EPRI, Avoiding Conductor Slap, <a href="https://distribution.epri.com/ex-weather/public/results/conductor-slap/">https://distribution.epri.com/ex-weather/public/results/conductor-slap/</a> .	CA-02-0358
Attachment 10	Texas Wildfire Mitigation Project, Power Line Phenomena Detectable with Intelligent Monitoring (Partial List), <a href="https://wildfiremitigation.tees.tamus.edu/faqs/detectable-line-phenomena">https://wildfiremitigation.tees.tamus.edu/faqs/detectable-line-phenomena</a>	CA-02-0362
Attachment 11	A. Eberle HmbH & Co. KG, Earth Fault Electrically Conductive Connection Between Electrical Conductor and Earth, <a href="https://www.a-eberle.de/en/knowledge/earth-fault/">https://www.a-eberle.de/en/knowledge/earth-fault/</a> .	CA-02-0366
Attachment 12 (Confidential)	CAL FIRE Report, Photo Attachments by Matthew Kirkhart. Confidential	CA-02-0392

Attachment	Title	Bates No.
Attachment 13	Liberty's response to Data Request CalAdvocates-LIB-A2506017-010, Question 8. Opinions of Gary J. Fowler regarding the Mountain View Fire at 1.	CA-02-0405
Attachment 14	Liberty's response to Data Request TURN-Liberty-002, Question 4. Opinions of Dr. Kumar on the Mountain View Fire at 1.	CA-02-0409
Attachment 15	Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. Exhibit 15 JP Testimony at 2.	CA-02-0411
Attachment 16	Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 1. City of Mono vs Liberty Utilities, Deposition of Captain Matthew Kirkhart on March 17, 2023, Riverside CA at 54.	CA-02-0414
Attachment 17	National Wildfire Coordinating Group FI-110 Unit 4: Identifying the General Origin Area, <a href="https://training.nwccg.gov/dl/fi110/fi-110-ig04.pdf">https://training.nwccg.gov/dl/fi110/fi-110-ig04.pdf</a> .	CA-02-0562
Attachment 18 (Confidential)	CAL FIRE Report's Attachment 22, Property Receipt (CAL FIRE LE-92 form) for power line cables collected - Confidential.	CA-02-0596
Attachment 19	Witness statements referenced in Attachment 1, Ex. Liberty-02, and written statement on December 29, 2020.	CA-02-0598
Attachment 20	NWS Reno's Social Media Post on X, November 16, 2020 at 12:20 PM, <a href="https://x.com/NWSReno/status/1328432902556639232">https://x.com/NWSReno/status/1328432902556639232</a> .	CA-02-0602
Attachment 21	Liberty's response to Data Request CalAdvocates-LIB-A2506017-023, Question 5.	CA-02-0604
Attachment 22	Antelope Valley Fire Protection District Mountain View Fire Incident Report at 3	CA-02-0611



# **ATTACHMENT 1**

## **CAL FIRE Report**

# ***CAL FIRE***



## **CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION SAN BERNARDINO-INYO-MONO UNIT**

3800 N. Sierra Way  
San Bernardino, California 92405  
(909) 881-6900

## **INVESTIGATION REPORT**

<b>CASE NUMBER:</b>	20CAOVD030860
<b>CASE NAME:</b>	MOUNTAIN VIEW
<b>DATE:</b>	November 17, 2020
<b>INCIDENT TYPE:</b>	Wildland
<b>INCIDENT INVESTIGATORS:</b>	Joseph PIDGEON, Battalion Chief, BDU Mathew KIRKHART, Fire Captain, BDU

**CA-02-0002**

CAL FIRE 0000001

1 **1 - VIOLATIONS:**

2  
3 Penal Code § 452 A person is guilty of unlawfully causing a fire when he recklessly sets  
4 fire to or burns or causes to be burned, any structure, forest land or property.

5 (a) Unlawfully causing a fire that causes great bodily injury is a felony punishable by  
6 imprisonment in the state prison for two, four or six years, or by imprisonment in the  
7 county jail for not more than one year, or by a fine, or by both such imprisonment and  
8 fine.

9 (b) Unlawfully causing a fire that causes an inhabited structure or inhabited property to  
10 burn is a felony punishable by imprisonment in the state prison for two, three or four  
11 years, or by imprisonment in the county jail for not more than one year, or by a fine, or  
12 by both such imprisonment and fine.

13 (c) Unlawfully causing a fire of a structure or forest land is a felony punishable by  
14 imprisonment in the state prison for 16 months, two or three years, or by imprisonment  
15 in the county jail for not more than six months, or by a fine, or by both such  
16 imprisonment and fine.

17 (d) Unlawfully causing a fire of property is a misdemeanor. For purposes of this  
18 paragraph, unlawfully causing a fire of property does not include one burning or causing  
19 to be burned his own personal property unless there is injury to another person or to  
20 another person's structure, forest land or property.

21  
22 Penal Code § 454 (a)(2) Every person who violates Section 451 or 452 during and  
23 within an area of any of the following, when proclaimed by the Governor, shall be  
24 punished by imprisonment in the state prison, as specified in subdivision (b):

25 (2) A state of emergency pursuant to Section 8625 of the Government Code.

26  
27 Penal Code § 192 Manslaughter is the unlawful killing of a human being without malice.

28 (b) Involuntary—in the commission of an unlawful act, not amounting to a felony; or in  
29 the commission of a lawful act which might produce death, in an unlawful manner, or  
30 without due caution and circumspection. This subdivision shall not apply to acts  
31 committed in the driving of a vehicle.



1 Public Resources Code § 4421 A person shall not set fire or cause fire to be set to any  
2 forest, brush, or other flammable material which is on any land that is not his own, or  
3 under his legal control, without the permission of the owner, lessee, or agent of the  
4 owner or lessee of the land.

5  
6 Public Resources Code § 4422(b) A person shall not do any of the following:

7 (b) Allow any fire kindled or attended by him to escape from his control or to spread to  
8 the land of any person other than from the land from which the fire originated.

9  
10 Public Utilities Code § 8386( a) Each electrical corporation shall construct, maintain,  
11 and operate its electrical lines and equipment in a manner that will minimize the risk of  
12 catastrophic wildfire posed by those electrical lines and equipment.

13  
14 Public Utilities Commission, General Order 95; Rule 31.1 Design, Construction and  
15 Maintenance Electrical supply and communication systems shall be designed,  
16 constructed, and maintained for their intended use, regard being given to the conditions  
17 under which they are to be operated, to enable the furnishing of safe, proper, and  
18 adequate service. For all particulars not specified in these rules, design, construction,  
19 and maintenance should be done in accordance with accepted good practice for the  
20 given local conditions known at the time by those responsible for the design,  
21 construction, or maintenance of communication or supply lines and equipment. A supply  
22 or communications company is in compliance with this rule if it designs, constructs, and  
23 maintains a facility in accordance with the particulars specified in General Order 95,  
24 except that if an intended use or known local conditions require a higher standard than  
25 the particulars specified in General Order 95 to enable the furnishing of safe, proper,  
26 and adequate service, the company shall follow the higher standard. For all particulars  
27 not specified in General Order 95, a supply or communications company is in  
28 compliance with this rule if it designs, constructs and maintains a facility in accordance  
29 with accepted good practice for the intended use and known local conditions. III-6  
30 January 2015 Rule 31.1 All work performed on public streets and highways shall be  
31 done in such a manner that the operations of other utilities and the convenience of the

public will be interfered with as little as possible and no conditions unusually dangerous to workmen, pedestrians or others shall be established at any time.

Health and Safety Code § 13001 Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

Health and Safety Code § 13007 Any person who personally or through another wilfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.



**2 - SUMMARY:**

On Tuesday, November 17, 2020, at approximately 12:09 PM, resources from the Bureau of Land Management, Owens Valley District (OVD), the United States Forest Service, Humbolt-Toiyabe National Forest (HTF), and the Antelope Valley Fire Protection District responded to a reported vegetation fire in the 100000 block of Highway 395, in the community of Coleville, located in Mono County California.

The wildland fire consumed 20,835 acres of vegetation and watershed, as well as 96 residential structures and one commercial building. One civilian fatality occurred during the fire. The fire was ignited by energized conductor separating, and arcing while in contact with the ground; igniting dead annual grasses.

**3 – SUSPECT/SUBJECTS:**

**S-1** Liberty Utilities  
701 National Avenue  
PO Box 107  
Tahoe Vista, CA 96148  
(530) 546-1741

**SB-1** [REDACTED]  
Supervisor  
Liberty Utilities  
701 National Avenue  
Tahoe Vista, CA 96148  
(530) 546-1741  
[REDACTED]

**SB-2** [REDACTED]  
[REDACTED]  
Liberty Utilities  
701 National Avenue  
Tahoe Vista, CA 96148  
(530) 546-1741  
[REDACTED]

**4 - VICTIMS & WITNESSES:****V-1**   
*See Mono County Sheriff report for further information.***V-2 thru V-132** (see attachment 8 for complete list from Mono County)



W-1

DOB:

*Owner of the Mountain View Barbeque Restaurant and victim of the fire.*

W-2

DOB:

CA DL: expires

HT: WT:

HAIR: EYES:

cell

*Employee at Mountain View Barbeque Restaurant. Working at the Mountain View Barbeque Restaurant during discovery of the fire.*

W-3

DOB:

CA DL: expires

HT: WT:

HAIR: EYES:

*Daughter of . Working at the Mountain View Barbeque Restaurant during discovery of the fire.*

W-4

DOB:

*Saw smoke, over the roof lines, from her house and drove to the area of the smoke. Saw power company employee cut the downed lines.*

**W-5**

DOB:

CA DL:

HT:

WT:

HAIR:

EYES:

*Observed glowing items falling from power lines and fire in cured annual grasses ignite. Provided Ring camera footage from prior to the fire ignition.*

**W-6** Erik NEWELL

Bridgeport Helicopter Program Manager

United States Forest Service (USFS)

Humbolt-Toyaibe National Forest (HTF)

1200 Franklin Way

Sparks, NV 89431

*Initial Attack Incident Commander (IC) for the Mountain View fire.*

**W-7** Jennifer DIAMOND

Fire Prevention Officer

United States Forest Service (USFS)

Humbolt-Toyaibe National Forest (HTF)

1200 Franklin Way

Sparks, NV 89431

*Incident Public Information Officer (PIO) for the Mountain View fire.*

**W-8** Rich NALDER, Fire Chief  
Antelope Valley Fire Protection District  
1166 Larson Lane  
Coleville, CA 96107

*Unified Incident Commander for the fire within his fire protection district.*

**W-9** Mark HANSON, Lieutenant  
Mono County Sheriff Department  
49 Bryant Street  
Bridgeport, CA 93517

*Law enforcement liaison. Death investigation contact for Mountain View fire fatality.*

**W-10** Mathew KIRKHART, Fire Captain Specialist  
California Department of Forestry and Fire Protection (CAL FIRE)  
3800 North Sierra Way  
San Bernardino, CA 92405

*Investigator. Assisted with origin and cause investigation.*

**W-11** Joseph PIDGEON, Battalion Chief  
California Department of Forestry and Fire Protection (CAL FIRE)  
3800 North Sierra Way  
San Bernardino, CA 92405

*Lead investigator, conducted origin and cause investigation.*

**5 - EVIDENCE:**

Photographs P-JP-001 thru P-JP-049.

Photographs P-MK-001 thru P-MK-024.

Cell phone photograph from [REDACTED]

Cell phone photographs from [REDACTED]

"Ring" camera footage, prior to power failure, from [REDACTED]

Evidence Item #1 – Power line cable (Conductor). East end of cable found on ground.  
Outside phase, field side of power lines. Collected by J. PIDGEON on 11/18/20.

Evidence Item #2 – Power line cable (Conductor). West end of cable found on ground.  
Outside phase, field side of power lines. Collected by J. PIDGEON on 11/18/20.

Evidence Item #3 – Power line cable (Conductor). Center phase of cable. Section  
secured by power company for CAL FIRE. Collected by J. PIDGEON on 11/18/20.

**6 – CONDITIONS:**

Remote Automated Weather Station (RAWS) data collected from the Walker  
RAWS. See attachment 6 for complete Walker RAWS data.

DATE: Tuesday, November 17, 2020  
STATION ID: WALC1  
STATION NAME: WALKER  
LATITUDE: 38.565278  
LONGITUDE: -119.459167  
ELEVATION: 5,440 feet above sea level  
STATE: CA  
  
TIME: 11:48 AM Pacific Standard Time  
AIR TEMPERATURE: 67 degrees Fahrenheit  
RELATIVE HUMIDITY: 11 percent  
WIND SPEED: 25 miles per hour  
WIND GUST: 43 miles per hour  
WIND DIRECTION: SSW

TIME: 12:48 PM Pacific Standard Time  
AIR TEMPERATURE: 66 degrees Fahrenheit  
RELATIVE HUMIDITY: 13 percent  
WIND SPEED: 32 miles per hour  
WIND GUST: 55 miles per hour  
WIND DIRECTION: SSW

Weather conditions were not collected at the origin area on November 18, 2020,  
due to inclement weather conditions present that were not reflective of the weather  
conditions at the start of the Mountain View fire.



Peak wind speeds on Tuesday, November 17, 2020, as recorded by the Walker (WALC1) RAWS included wind speeds of 38 miles per hour, with gusts of 73 miles per hour.

1 **7 – EQUIPMENT:**

2

3 Power pole

4 #34334-CIT

5

6 Power pole

7 #266731

8

9 Conductor segments between pole number 34334-CIT and 266731.

10

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32

LE80 (Rev. 7/2011)

14

Officer Initials



**8 - PROPERTY:**

State, local, and federal lands were affected. Multiple parcels in the Walker and Coleville communities of Mono County. See attachment 8 for parcel list from Mono County Assessor's office.

See attachment 7 for overall land ownership map (State, Local, Federal).

See attachment 8 for Assessor Parcel Number list and owner information.



**9 - NARRATIVE:**

On Tuesday, November 17, 2020, at approximately 12:09 PM, resources from the Bureau of Land Management, Owens Valley District (OVD), The United States Forest Service, Humbolt-Toiyabe National Forest (HTF), and the Antelope Valley Fire Protection District responded to a reported vegetation fire in the 100000 block of Highway 395, in the community of Walker/Coleville, located in Mono County, California.

I was requested, via telephone, from the California Department of Forestry and Fire Protection (CAL FIRE) Emergency Command Center in San Bernardino, California, to respond as a fire investigator at approximately 5:00 PM. I arrived at the fire scene Wednesday, November 18, 2020, at approximately 1:45 AM. I contacted the incident Night Operations Chief and confirmed the morning briefing time and location before finding lodging for the night.

Wednesday, November 18, 2020, I attended the 7:00 AM incident briefing at the Antelope Valley Fire Protection District fire station on Larson Road. The Incident Commander (IC) advised the fire was approximately 20,000 acres in size; had damaged or destroyed an estimated 80 homes; and one civilian fatality had occurred.

I contacted Lieutenant Mark HANSON of the Mono County Sheriff Department at the briefing location. HANSON was coordinating the law enforcement resources. I confirmed that the civilian fatality had been recovered and my origin and cause investigation would not interfere with the death investigation. HANSON confirmed the body had been recovered and I would not interfere with any death investigation scene. I checked in with the Incident Commander (IC) Erik NEWELL, incident Public Information Officer (PIO) Jennifer DIAMOND, and Fire Chief Rich NALDER of the Antelope Valley Fire Protection District before traveling to the dispatched location of the fire.

I arrived at the 107000 block of Highway 395. I parked at the Walker Burger restaurant. I walked the perimeter of the restaurant and did not observe any indicators of a fire. I drove north, to the intersection of East Mill Creek Lane and Meadow Drive. I observed foliage freeze on trees indicating the fire had advanced from southeast of my location. I moved again to the east side of the Mountain View Barbeque restaurant located at 106834 Highway 395. As I traveled to the Mountain View Barbeque

1 restaurant, I observed burned vegetation adjacent to the highway. I parked my vehicle,  
2 in an unburned area, east of the Mountain View Barbeque restaurant. I began an  
3 observation of the area to establish my General Origin Area (GOA). I began walking in  
4 a counterclockwise direction observing macro fire indicators. I walked north to an  
5 access road and continued north until reaching Meadow Drive. I traveled west along  
6 Meadow Drive to the property fence line at Springer Court. I walked south along fence  
7 line to Highway 395 and then east along Highway 395 until returning to my vehicle. I  
8 then walked in a counterclockwise direction around the burned area adjacent to  
9 Highway 395. I determined this area to be my General Origin Area (GOA).

10 Extremely high winds on Tuesday, November 17, 2020, and prolonged rainfall  
11 overnight had eliminated any fire ash indicators in the fire areas I observed.

12 I observed power poles and power distribution equipment along the southern  
13 edge of the general origin area (see photos P-JP-004 thru P-JP-013 and P-JP-016 thru  
14 P-JP-023). Both power poles were in compliance with California Public Resource Code  
15 (PRC) Section 4292 and PRC Section 4993 requirements. Segments of cable, later  
16 identified as conductor segments from the adjacent power poles, were observed in the  
17 roadside turnout and inside the burn area north of Highway 395 (see photos P-JP-010  
18 thru P-JP-013). I observed staining on large rocks (see photos P-JP-013 thru P-JP-  
19 015). An additional piece of cable, later identified as a conductor segment, was  
20 observed in the burned area between the power poles adjacent to Highway 395 and the  
21 burned area (see photos P-JP-018 thru P-JP-023). I observed "U" shaped burn  
22 patterns in the cured annual grasses located in the open field (see photos P-JP-038 thru  
23 P-JP-040, P-JP-043 thru P-JP-044), and burned brush within the perimeter of the burn  
24 area.

25 During my observation of the GOA, random private vehicle traffic began to  
26 increase in the roadside turnout and the access road. I moved my vehicle adjacent to  
27 mailboxes in front of the Mountain View Barbeque restaurant and placed surveyors  
28 flagging along Highway 395 to prevent further traffic through the area and resume  
29 observations.

30 While walking the perimeter of my GOA, I did not observe security cameras on  
31 the exterior of the Mountain View Barbeque restaurant, the Walker Burger restaurant, or



1 the Shadows Crafts business.

2 I observed a [REDACTED], later identified as [REDACTED] (W-2), park  
3 his vehicle and walk to the front of the restaurant. I contacted [REDACTED] and  
4 interviewed him about the fire. During my interview, the owner of the Mountain View  
5 Barbeque restaurant, later identified as [REDACTED] (W-1), and [REDACTED]  
6 [REDACTED] (W-3), arrived and contributed statements. [REDACTED] provided a cell phone photo  
7 she took with her cell phone (see attachment 7). The photo is from the front porch area  
8 of the restaurant, looking west.

9  
10 *The following is a summary of the interview with [REDACTED] on*  
11 *Wednesday, November 18, 2020. [REDACTED] contributed statements during my*  
12 *initial interview with [REDACTED]:*

13 All three persons were working at the Mountain View Barbeque restaurant. The  
14 power was off, but they were cleaning inside the restaurant. All three persons  
15 commented on the strength of the winds. All three said they had never observed winds  
16 that strong in the area. The power returned for approximately twenty minutes before  
17 shutting off again. [REDACTED] said she had received text message notifications from Liberty  
18 Utilities about the power outage. As they continued to clean, they noticed vehicles  
19 stopping in from of the restaurant. They saw passengers recording with their cell  
20 phones. [REDACTED] looked out of a front window from the restaurant, towards the direction  
21 the vehicles were recording. [REDACTED] saw a fire in the grass area, west of the restaurant  
22 and north of Highway 395. [REDACTED] exited the restaurant and took a photo with her cell  
23 phone (see attachment 7). [REDACTED] and [REDACTED] said they saw a downed power line  
24 arcing in the parking lot (roadside turnout). [REDACTED] said there was no security camera  
25 footage from the restaurant.

26  
27 Vehicles marked with Liberty Utilities logos stopped near the west power pole  
28 and visually surveyed the power pole and equipment. I approached them and provided  
29 my contact information for their supervisor. I was later contacted by Liberty Utilities  
30 Area Supervisor, [REDACTED], and [REDACTED], Senior Manager, Wildfire  
31 Prevention for Liberty Utilities via my cell phone. Records including customer

1 notifications, and notification methods utilized, as well as company records for any  
2 faults, and/or power disruption notifications were requested for a time period of  
3 approximately four hours prior to the 911 report of the Mountain View fire on Tuesday,  
4 November, 17, 2020 (see attachment 21 for documents produced). When asked,  
5 [REDACTED] said Liberty Utilities had not conducted a Public Safety Power Shutdown  
6 (PSPS) prior to the fire.

7 Fire Captain Specialist Matt KIRKHART arrived at the GOA and assisted with the  
8 survey of the GOA. KIRKHART and I walked approximately 30 yards north of the  
9 roadside turnout, on the access road, on the east side of the open field. We entered the  
10 fire area where advancing fire spread indicators were present, and began walking west  
11 and east, in a zig-zag pattern observing macro and micro fire spread indicators. We  
12 utilized colored flags to indicate fire spread indicators. We utilized red for advancing fire  
13 spread indicators, yellow for lateral fire spread indicators, blue for backing fire spread  
14 indicators, lime-green for items of interest, and white for evidence items in accordance  
15 with NWCG FI-210 standards.

16 I observed advancing fire spread indicators within the open field north of Highway  
17 395, and west of the Mountain View Barbeque restaurant. I observed angle of char, an  
18 advancing fire spread indicator, on brush (see photo P-JP-032). I observed additional  
19 angle of char, advancing fire spread indicators, on grass clumps north of Highway 395,  
20 indicating the fire burned from south to north. I observed staining on the large rocks  
21 west of the roadside turnout (see photo P-JP-013 thru P-JP-015), an advancing fire  
22 spread indicator. We walked west, past the large rocks with staining, and observed  
23 white marks on the ground. The rocks appeared to be bleached (see photos P-MK-003,  
24 P-MK-004, and P-MK-006). The group of bleached rocks were indicated with white  
25 green flags. The rocks surrounding the bleached rocks appear to be crushed lava  
26 rocks. The bleached rocks appeared to be the same type, but discolored due to contact  
27 with high heat. We observed a section of conductor cable in the area of the bleached  
28 rocks. We observed a section with "bird caging" (see photos P-MK-019 and P-MK-020).  
29 I observed beading and melted areas consistent with arcing and high heat on the  
30 section of conductor cable identified as evidence #2. The conductor segment appeared  
31 to have been cut on the west end (see photo P-JP-018 thru P-JP-020). The



1 continuation segment had been secured to the power pole (see photo P-JP-021 thru P-  
2 JP-023). The east end of the conductor appeared to have melted and separated from  
3 the east conductor segment (see photo P-JP-049) collected as evidence item # 1. I  
4 determined my Specific Origin Area (SOA) to be approximately six feet across (south to  
5 north) and approximately twelve feet wide (west to east). The SOA was located north of  
6 the Highway 395 easement within the cured annual grass area, east of power pole  
7 #266731, and west of the roadside turnout.

8 Visual observation of the overhead power lines, we observed a damaged spot on  
9 the conductor cable. The damage appeared to be melted and charring was visible from  
10 the ground. The damage appeared to be located on the lateral side of the conductor  
11 cable, on the north side of the conductor cable. KIRKHART photographed colored flags  
12 within the GOA, and other items of interest. Utilizing a magnet in a zig-zag pattern,  
13 KIRKHART gridded the SOA. No items were collected by the magnet. No molten metal  
14 items were observed in the SOA, or GOA. A segment of the center phase conductor  
15 approximately twenty feet long was collected with the assistance of Liberty Utilities and  
16 their contractors as evidence item #3. I collected evidence items #1 thru #3 and  
17 secured them in my CAL FIRE vehicle. Surveyors flagging was removed, colored flags  
18 collected and the origin area was released back to the incident.

19  
20 *The following is a summary of the telephone interview with [REDACTED] [REDACTED] on*  
21 *Tuesday, December 29, 2020. [REDACTED] provided a written statement of her*  
22 *observations (see attachment 11).*

23 [REDACTED] was outside at her business, located at 106979 Highway 395 in  
24 Coleville, California. [REDACTED] heard a loud noise and looked in the direction of the  
25 noise and saw glowing items falling to the ground. The glowing items appeared to be  
26 falling from power lines located across the highway from her business. The glowing  
27 items fell into the cured annual grasses. [REDACTED] saw flames as the cured annual  
28 grasses began to burn. [REDACTED] said the wind spread the fire very rapidly in the field of  
29 cured annual grasses. [REDACTED] said the two video clips from her "Ring" camera cut out  
30 at the time power was lost and the wifi connection to her cameras was lost.

## 1 CONCLUSION

2 No cigarette butts, or other smoking materials were observed in the general or  
3 specific origin areas (Note: Temperature must be above 80 degrees Fahrenheit and the  
4 Relative Humidity must be below 22 for a cigarette to be considered.). While the  
5 Relative Humidity was below 22%, the temperature recorded at the Walker RAWS was  
6 66 degrees Fahrenheit. I did not observe railroad tracks, or other indicators of tractors,  
7 or heavy motorized equipment operating in the area. No reports of lightning occurred in  
8 the area. I did not observe evidence of pile burning or rock rings for campfires. I did not  
9 observe piled organic materials consistent for spontaneous combustion, nor did I  
10 observe materials, such as broken glass, consistent with light refraction in the SOA.

11 Arson and a malfunctioning highway vehicle are possible causes, due to the  
12 proximity of Highway 395 and easy access from the roadway, however fire spread  
13 indicators, evidence collected, and witness statements support the most probable  
14 conclusion of an energized conductor contacting the ground as the most probable  
15 cause of the Mountain View fire.

16 I believe based on my training and experience the most probable cause of the  
17 Mountain View fire was ignition of cured annual grasses, due to a spark from a down,  
18 energized, conductor contacting the ground. Extremely high winds and low relative  
19 humidity contributed to the rapid spread of the fire.

20 I reserve the right to amend this report as necessary upon discovery of additional  
21 information and/or additional evidence.

22  
23  
24  
25  
26 Joe Pidgeon, Battalion Chief  
27 CAL FIRE - BDU  
28 3800 North Sierra Way  
29 San Bernardino, CA 92405  
30



**10 - ATTACHMENTS:**

1. Wild CAD Log from Sierra Front Interagency Dispatch Center (NV-HTF)
2. Photographs P-JP-001 thru P-JP-049 taken by Joe PIDGEON
3. Photographs P-MK-001 thru P-MK-024 taken by Matt KIRKHART
4. Remote Area Weather Station (RAWS) – Walker RAWS
5. Google maps of origin area
6. Fire perimeter map
7. Fire perimeter map with land ownership (State, Local, Federal)
8. Damage inspection notes from Mono County
9. Matt KIRKHART sketch
10. Matt KIRKHART Supplemental (LE-71 form)
11. Witness Statement LE78 from [REDACTED]
12. Cell phone photograph from [REDACTED]
13. Cell phone photographs from [REDACTED]
14. [REDACTED] Ring camera footage
15. Emergency Proclamations – State of California
- 16.
- 17.
- 18.
- 19.
- 20.
21. Liberty Utilities documents
22. Property Receipt (CAL FIRE LE-92 form) for power line cables collected.
23. California Public Utilities Commission (CPUC) Evidence Inspection Agreement
24. KIRKHART thumbnails
25. Thumbnails

# **ATTACHMENT 2**

## **CAL FIRE Report**

**Photo Attachments by Jospeh Pidgeon**

**Confidential**



## **ATTACHMENT 3**

**Liberty's response to data request CalAdvocates-LIB-A2506017-035, Question 15, subpart a**



Liberty Utilities (CalPeco Electric) LLC  
933 Eloise Avenue  
South Lake Tahoe, CA 96150  
Tel: 800-782-2506  
Fax: 530-544-4811

November 13, 2025

**Liberty Utilities (CalPeco Electric) LLC**

**A.25-06-017  
WEMA**

**The Public Advocates Office**

Data Request No.: CalAdvocates-LIB-A2506017-035  
Requesting Party: Public Advocates Office  
Originator: Amanda Asadi, Amanda.Asadi@cpuc.ca.gov  
Aaron Louie, Aaron.Louie@cpuc.ca.gov  
Patrick Huber, Patrick.Huber@cpuc.ca.gov  
cc: Matthew Karle, Matthew.Karle@cpuc.ca.gov  
Cal Advocates Wildfire Discovery  
CalAdvocates.WildfireDiscovery@cpuc.ca.gov  
Date Received: October 30, 2025  
Due Date: November 13, 2025

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**Public Safety Power Shutoffs (PSPS)**

**REQUEST NO. 1:**

In the Application, Exhibit Liberty-03, page 34, Liberty states:

In 2020, with the assistance of the third-party fire science and risk modeling consultant, Liberty developed and implemented a Fire Potential Index (“FPI”), a fire risk modeling tool that used multiple data inputs (e.g., live and dead fuel moisture, “green-up” factor, ambient temperature, relative humidity, and the Fosberg Fire Weather Index (“FFWI”)) to calculate a standardized numeric ranking of fire threat at any given time and to obtain a forecast of expected fire weather conditions.

- a) For the period from November 11, 2020 through November 17, 2020, provide the raw inputs used to calculate Liberty’s Fire Potential Index and the source of those inputs (e.g., weather station ID and name).

- b) For the period from November 11, 2020 through November 17, 2020, provide the raw inputs used to calculate Liberty's 6-hour average Fosberg Fire Weather Index and the source of those inputs (e.g., weather station ID and name).
- c) For the period from November 11, 2020 through November 17, 2020, provide the raw inputs used to calculate Liberty's 6-hour average wind gust and the source of those inputs (e.g., weather station ID and name).
- d) For the period from November 11, 2020 through November 17, 2020, provide the raw inputs used to determine the ERC forecast and the source of those inputs (e.g., weather station ID and name).
- e) Provide Liberty's fire weather dashboard forecasts for the period from January 1, 2020 through November 10, 2020.
- f) Was the data collected from Liberty's weather stations used as an input for any of the forecasts discussed above?
- g) If the answer to subpart (f) is yes, explain which weather station provided the data, which data was used, what the data was used for, and when that data was used.
- h) If the answer to subpart (f) is no, explain why not.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows: Liberty understands this Question to be referencing forecasts displayed on Liberty's fire weather dashboard. As Liberty has explained in its responses and amended responses to various questions in CalAdvocates-LIB-A2506017-011, CalAdvocates-LIB-A2506017-014, and CalAdvocates-LIB-A2506017-017, Liberty obtained forecasts displayed on this dashboard from third-party data sources and from its fire science and risk modeling consultant.

- a) As Liberty explained in its response to CalAdvocates-LIB-A2506017-014, Question 2, Liberty's FPI forecasts were calculated from two National Fire Danger Rating System ("NFDRS") indices—Energy Release Component ("ERC") and Burning Index ("BI"). The ERC and BI percentile forecasts used to calculate Liberty's FPI originated from the U.S. Forest Service Wildland Fire Assessment System ("WFAS"). Liberty did not calculate the FPI. Liberty drew upon WFAS's calculations and did not archive the raw inputs used by the WFAS within the specified timeframe. Liberty will clarify the referenced testimony in *Liberty-03* in forthcoming errata.
- b) The 6-hour average Fosberg Fire Weather Index (FFWI) values displayed on its fire weather dashboard were calculated by its fire weather and risk modeling consultant using inputs from National Weather Service ("NWS") weather forecast models. Liberty and its consultant did not archive this weather model data within the specified timeframe.
- c) The 6-hour average wind gust forecasts displayed on its fire weather dashboard were calculated by its fire weather and risk modeling consultant using inputs from NWS

weather forecast models. Liberty and its consultant did not archive this weather model data within the specified timeframe.

- d) As Liberty explained in its response to CalAdvocates-LIB-A2506017-017, Question 1, the ERC percentile forecasts displayed on Liberty's fire weather dashboard were not calculated by Liberty but were obtained from the WFAS. WFAS does not distribute the raw inputs that WFAS uses to calculate ERC percentile forecasts.
- e) Liberty does not have access to fire weather dashboard data from the specified timeframe given the passage of time.
- f) No.
- g) N/A
- h) Please refer to Liberty's response to CalAdvocates-LIB-A2506017-029, Question 5 for information on how Liberty used data from its weather stations.

### **REQUEST NO. 2:**

In Liberty's Amended response to data request CalAdvocates-LIB-A2506017-017, question 1c, Liberty states:

Liberty did not measure or calculate ERC in real-time, as Liberty understands that term. ERC is a National Fire Danger Rating System ("NFDRS") index. Liberty's ERC percentile forecasts were obtained from the U.S. Forest Service Wildland Fire Assessment System ("WFAS") and updated on Liberty's fire weather dashboard daily.

For January 1, 2020 through November 17, 2020, provide an Excel file that displays each zone<sup>1</sup> in Liberty's fire weather dashboard that Liberty obtained ERC percentile forecasts for as a row and the following as columns:

- a) Weather station ID that the forecast was derived from;
- b) Weather station name that the forecast was derived from; and
- c) Time Period that Liberty used the weather station that the forecast was derived from.

### **RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) As referenced in Liberty's response to Question 1(d) of this set of data requests and its amended response to CalAdvocates-LIB-A2506017-017, Question 1(c), Liberty obtained ERC percentile forecasts displayed on its fire weather dashboard from WFAS. Liberty was an end-user, not a developer, of these ERC percentile forecasts.
- b) See Liberty's response to subpart (a) of this Question.
- c) See Liberty's response to subpart (a) of this Question.

### **REQUEST NO. 3:**

In the Application, Exhibit Liberty-03, pages 37-38, Liberty states:

---

<sup>4</sup> Application, Exhibit Liberty-03 at 35 states "Liberty's FPI tool provided a seven-day forecast for 11 different geographic zones across 26 Liberty's service area."

The PSPS protocol used a predictive tool to capture three fire weather components: (a) Energy Release Component (“ERC”); (b) wind gusts; and (c) Fosberg Fire Weather Index (“FFWI”). Together, these three components were intended to capture the risk of wildfire ignition and spread based on forecasted medium- and long-term environmental conditions and weather conditions.

For January 1, 2020 through November 17, 2020, provide an Excel file that displays each zone<sup>2</sup> in Liberty’s fire weather dashboard that Liberty obtained wind gust forecasts for as a row and the following as columns:

- a) Weather station ID that the forecast was derived from;
- b) Weather station name that the forecast was derived from; and
- c) Time Period that Liberty used the weather station that the forecast was derived from.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) As referenced in Liberty’s response to Question 1(c) of this set of data requests, wind gust forecasts displayed in Liberty’s fire weather dashboard were calculated by its fire weather and risk modeling consultant using inputs from NWS weather forecast models. These forecasts were not based on weather station observations.
- b) See Liberty’s response to subpart (a) of this Question.
- c) See Liberty’s response to subpart (a) of this Question.

**REQUEST NO. 4:**

In the Application, Exhibit Liberty-03, pages 37-38, Liberty states:

The PSPS protocol used a predictive tool to capture three fire weather components: (a) Energy Release Component (“ERC”); (b) wind gusts; and (c) Fosberg Fire Weather Index (“FFWI”). Together, these three components were intended to capture the risk of wildfire ignition and spread based on forecasted medium- and long-term environmental conditions and weather conditions.

For the period prior to the Mountain View Fire ignition, provide an Excel file with each zone<sup>3</sup> in its fire weather dashboard that Liberty obtained data for use in its FFWI forecasts for as a row and the following as columns:

- a) Weather station ID that the forecast was derived from;
- b) Weather station name that the forecast was derived from; and
- c) Time Period that Liberty used the weather station that the forecast data was derived from.

**RESPONSE:**

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<sup>5</sup> Application, Exhibit Liberty-03 at 35 states “Liberty’s FPI tool provided a seven-day forecast for 11 different geographic zones across 26 Liberty’s service area.”

<sup>6</sup> Application, Exhibit Liberty-03 at 35 states “Liberty’s FPI tool provided a seven-day forecast for 11 different geographic zones across 26 Liberty’s service area.”

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) As referenced in Liberty's response to Question 1(b) of this set of data requests, the FFWI forecasts displayed in Liberty's fire weather dashboard were calculated by its fire weather and risk modeling consultant using inputs from NWS weather forecast models. These forecasts were not based on weather station observations.
- b) See Liberty's response to subpart (a) of this Question.
- c) See Liberty's response to subpart (a) of this Question.

**REQUEST NO. 5:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-017, question 1d, Liberty states:

WFAS typically provided updated ERC values on a daily basis. Because ERC is a fire danger index intended to measure intermediate- to longer-term dryness and its calculation considers antecedent conditions over the prior several weeks, ERC calculations typically show little variation at sub-daily timescales.

- a) What does an ERC of 0.0 represent?
- b) What would ERC forecast calculations increasing from 0.0 to 60 from one day to another represent?
- c) Did Liberty perform calculations on the ERC that it obtained from WFAS in order to create a daily percentile for its fire weather dashboard?
- d) If the answer to subpart (c) is yes, provide documents showing how Liberty used WFAS data to create an ERC percentile.
- e) If the answer to subpart (c) is no, explain why not

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty understands the term "ERC" and "ERC forecast" in this Question to refer to the ERC percentile forecasts displayed on Liberty's fire weather dashboard. Subject to and without waiving its objections, Liberty responds as follows:

- a) ERC percentile forecasts are measures of the potential energy per unit area that would be released in the flaming front of a fire normalized against historical ERC values for a specific area, and vary based on the moisture content of live and dead fuels. An ERC percentile forecast of 0.0 means there is no potential energy available within fuels to sustain the spread of a fire, such as when there is snow cover on the ground. As referenced in Liberty's amended response to CalAdvocates-LIB-A2506017-017, Question 3, at times, an ERC percentile forecast of 0.0 may also reflect data gaps due to delays or other issues with WFAS reporting.
- b) An increase of 0.0 to 60 in ERC percentile forecasts means that the amount of potential energy that would be released in the flaming front of a fire has increased due to an increase in fuel dryness, and that raw ERC values are higher than those seen on 60% of historical days at a specific location.

- c) Liberty objects that the term “calculations” is vague and ambiguous. Once gridded ERC percentile forecasts were obtained from WFAS, average values were calculated for each of Liberty’s pre-defined PSPS zones, and those values were displayed in tabular format in Liberty’s fire weather dashboard.
- d) N/A
- e) The ERC forecasts obtained from WFAS were already in percentile form.

**REQUEST NO. 6:**

In Liberty’s Amended response to data request CalAdvocates-LIB-A2506017-017, question 1c, Liberty states:

Liberty did not measure or calculate ERC in real-time, as Liberty understands that term. ERC is a National Fire Danger Rating System (“NFDRS”) index. Liberty’s ERC percentile forecasts were obtained from the U.S. Forest Service Wildland Fire Assessment System (“WFAS”) and updated on Liberty’s fire weather dashboard daily. With support from its vendor, Liberty also calculated ERC values on a weekly or biweekly basis as part of its field fuel moisture sampling to support situational awareness.

- a) Provide documents showing Liberty’s calculations and values for the ERC that Liberty calculated weekly or biweekly in the entirety of 2020.
- b) Provide Liberty’s ERC percentile forecasts that it obtained from the U.S. Forest Service Wildland Fire Assessment System that corresponded to each date and time that Liberty performed ERC calculations for in the entirety of 2020.

**RESPONSE:**

- a) Liberty is providing the information requested by this subpart in the “ERC” and “ERCCraw” tabs of attachment *CalAdvocates-LIB-A2506017-035-Q6.xl/sx*. This spreadsheet contains records of data collected and calculated by Liberty’s vendor from field fuel moisture sampling sites in 2020.
- b) Liberty does not have access to the ERC percentile forecasts obtained from WFAS for the specified timeframe given the passage of time.

**REQUEST NO. 7:**

In Liberty’s response to data request CalAdvocates-LIB-A2506017-017, question 2, Liberty provided the attachment “LU Fire Prevention Plan 10-9-2020.pdf,” page 4, which states:

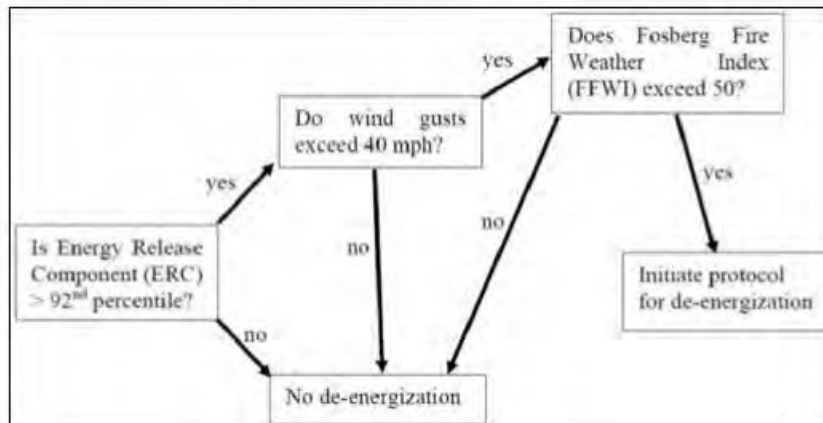
During Red Flag Events, Liberty CalPeco will monitor wind gusts at the peak elevation located at Bliss State Park using the link below or other available data.

Liberty CalPeco has identified 46 Public Safety Power Shut-off (PSPS) zones that are based on isolation points within certain circuits or areas. If Reax forecasts for these zones that the ERC, wind, and FFWI will come within 80%, 90%, or 100% of the thresholds for de-energization, Liberty CalPeco will enact a PSPS upon or just before reaching 100%. During a PSPS event, Liberty CalPeco will suspend noncritical operational work to focus efforts on current conditions and proactive patrols after de-energizing and when restoring power. Liberty CalPeco adheres to the guidelines provided in R. 18-12-005, an open proceeding that prescribes utilities’ PSPS processes, among other issues. Liberty CalPeco

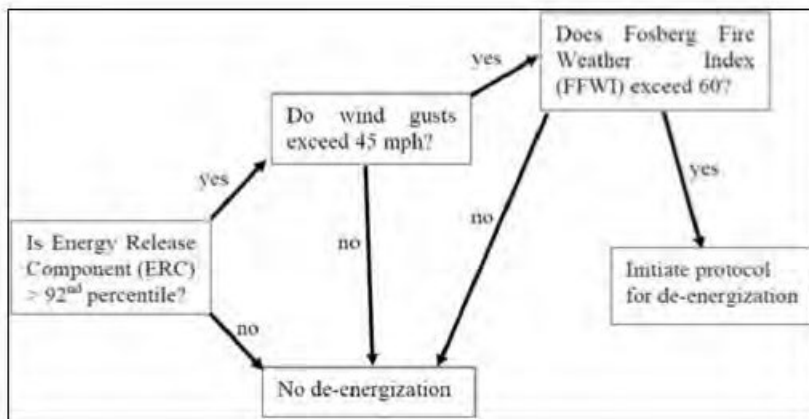
will provide updated protocols for internal PSPS practices in the 2020 version of its Wildfire Mitigation Plan.

In the Application, Exhibit Liberty-03, pages 38-39, Liberty states:

**Figure 16: De-Energization Decision Tree for Most of Liberty's PSPS Zones**



**Figure 17: De-Energization Decision Tree for Topaz and Muller 1296 R3 PSPS Zones**



- Clarify the discrepancy between “LU Fire Prevention Plan 10-9-2020.pdf,” page 4, “If Reax forecasts for these zones that the ERC, wind, and FFWI will come within 80%, 90%, or 100% of the thresholds for de-energization, Liberty CalPeco will enact a PSPS upon or just before reaching 100%” and Application, Exhibit Liberty-03, pages 38-39 stating that an ERC greater than the 92nd percentile must first be met.
- Regarding the statement in “LU Fire Prevention Plan 10-9-2020.pdf,” page 4, “If Reax forecasts for these zones that the ERC, wind, and FFWI will come within 80%, 90%, or 100% of the thresholds for de-energization, Liberty CalPeco will enact a PSPS upon or just before reaching 100%” Did Liberty interpret this statement to mean that, if either the ERC forecast or the wind gust forecast or the FFWI forecast approached 80% or 90% or



100% of thresholds, then Liberty would initiate a PSPS or did Liberty interpret this statement to mean that if all three thresholds were met simultaneously (ERC forecast, wind gust forecast, and FFWI forecast) approached 80% or 90% or 100%, then Liberty would initiate a PSPS?

- c) Define “will come within 80%, 90%, or 100% of the thresholds” and explain whether Liberty included a buffer zone.
- d) Explain why Liberty’s “LU Fire Prevention Plan 10-9-2020.pdf,” page 4, states its ERC, wind, and FFWI forecasts will come within 80% while the Application, Exhibit Liberty-03, pages 38-39, show that the first threshold is ERC of the 92nd percentile.
- e) In practice, from October 9, 2020 through November 17, 2020, did Liberty follow the “LU Fire Prevention Plan 10-9-2020.pdf” as it related to Liberty deciding whether to consider a PSPS? If so, state when and how Liberty used “LU Fire Prevention Plan 10-9-2020.pdf.” If not, explain why not.
- f) In practice, from October 30, 2019 through October 9, 2020, did Liberty follow its Revised 2020 Wildfire Mitigation Plan, attachment “Liberty CalPeco’s Fire Prevention Plan for Overhead Electric Facilities” as it related to Liberty deciding whether to consider a PSPS?<sup>4</sup> If so, state when and how Liberty used “Liberty CalPeco’s Fire Prevention Plan for Overhead Electric Facilities”. If not, explain why not.
- g) Explain why Liberty used a 6-hour average wind gust forecast versus a 1-hour average wind gust forecast in Liberty’s fire weather dashboard.
- h) Explain why Liberty used a 6-hour average FFWI forecast versus a 1-hour average FFWI forecast in its fire weather dashboard.

### **RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as argumentative and assuming facts. Subject to and without waiving its objections, Liberty responds as follows:

- a) Liberty does not agree there is a discrepancy between the two sources cited by Cal Advocates. Both the quoted passage from Liberty’s Fire Prevention Plan (FPP) (attachment *LU Fire Prevention Plan 10-9-2020.pdf*) and the decision trees that appear in *Liberty-03* refer to Liberty’s PSPS procedures in effect as of November 17, 2020 and tie to the same de-energization thresholds. See *CONFIDENTIAL-2019-08-20 Liberty Utilities de-energization thresholds.pdf*, attached to Liberty’s response to CalAdvocates-LIB-A2506017-011, Question 2. The FPP summarized how Liberty’s PSPS procedures were operationalized in advance of a potential PSPS event. Forecasted conditions exceeding 80%, 90%, and 100% of the thresholds informed Liberty’s decision to activate its Incident Management Team (IMT) and initiate PSPS notifications while observed conditions exceeding relevant thresholds for the three criteria specified in the decision trees informed Liberty’s decision to de-energize.
- b) As of November 17, 2020, forecasts would typically have to simultaneously exceed 80%, 90%, or 100% of de-energization thresholds for all three PSPS criteria for Liberty to consider activating its IMT for a PSPS event. As referenced in *CONFIDENTIAL-2019-08-20 Liberty Utilities de-energization thresholds.pdf* (at p. 35), observed conditions

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<sup>7</sup> *Liberty Utilities Revised 2020 Wildfire Mitigation Plan*, February 28, 2020, attachment “Liberty CalPeco’s Fire Prevention Plan for Overhead Electric Facilities.”

would typically have to simultaneously exceed 100% of de-energization thresholds for all three criteria for Liberty to consider de-energization during a PSPS event.

- c) Liberty does not understand what Cal Advocates means by the use of the term “buffer zone.” The phrase “will come within 80%, 90%, or 100% of the thresholds” refers to situations where the forecasted values for ERC, FFWI, and wind gusts exceed 80%, 90%, or 100% of the de-energization thresholds for the relevant PSPS zone, as established by and defined in Liberty’s PSPS protocol at the time, see *CONFIDENTIAL-2019-08-20 Liberty Utilities de-energization thresholds.pdf*.
- d) Liberty objects to this subpart as vague and ambiguous. See Liberty’s response to subpart (a).
- e) As Liberty explained in its response to CalAdvocates-LIB-A2506017-017, Question 2, Liberty used its Fire Prevention Plan (attachment *LU Fire Prevention Plan 10-9-2020.pdf*) to guide operation and maintenance activities based on the five categories of FPI risk conditions. The FPP summarized how Liberty’s PSPS procedures were operationalized and outlined operational restrictions during a PSPS event. Please refer to Liberty’s response to CalAdvocates-LIB-A2506017-011, Question 2 for the PSPS procedures that were in effect as of November 17, 2020.
- f) See Liberty’s response to subpart (e).
- g) As a mitigation measure of last resort, Liberty’s PSPS protocol was designed to balance customer impact and public safety risks associated with power shutoffs with the risk of utility-caused wildfires. Based on the expertise and judgment of Liberty’s fire science and risk modeling consultant at the time, using a 6-hour wind gust average forecast was more suited to balancing these risks and to minimize the potential for customer impact and safety risks during short-duration weather events. Around the time Liberty’s fire science and risk modeling consultant designed Liberty’s PSPS protocols in 2019, other utilities also used 6-hour average forecasts to inform their PSPS decision-making.
- h) See Liberty’s response to subpart (g).

#### **REQUEST NO. 8:**

In the Application, Exhibit Liberty-03, page 38, footnote 48, Liberty states:

FFWI is a commonly-used measure of fire risk that takes into account short-term variations in temperature, relative humidity, and wind speed. It does not take into account fuel type, topography, or fuel moisture. The FFWI scale ranges from 0 to 100, with a reading above 50-60 considered high risk. This component complemented the ERC’s seasonal considerations by measuring short-term weather conditions conducive to rapidly-spreading fires.

- a) From January 1, 2020 to November 17, 2020, how did Liberty calculate its FFWI?
- b) Provide documents showing how Liberty calculated its FFWI.
- c) From January 1, 2020 to November 17, 2020, did Liberty calculate FFWI in real-time?
- d) If the answer to subpart (c) is no, explain why not.
- e) If the answer to subpart (c) is yes, explain what Liberty did with its calculated FFWI data with respect to its operations (including but not limited to PSPS protocols).

#### **RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) With respect to FFWI forecasts displayed in Liberty's fire weather dashboard, see Liberty's response to Question 1(b) of this set of data requests. With respect to FFWI values recorded by Liberty's weather stations, see Liberty's response to subpart (c).
- b) N/A
- c) Within the specified timeframe, some of Liberty's weather stations recorded FFWI values, which were calculated based on measurements gathered by certain weather sensors at those stations. See Liberty's response to Question 16(a) of this set of data requests.
- d) N/A
- e) Refer to Liberty's response to CalAdvocates-LIB-A2506017-029, Question 5 for an explanation of how Liberty used its weather station data.

## **Fire Potential Index**

### **REQUEST NO. 9:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-008, question 8, Liberty provided the attachment "FPI Forecasts.pdf" showing Liberty's fire weather dashboard forecasts (which included Fire Potential Index forecasts, Fosberg Fire Weather Index forecasts, and wind gust forecasts) for the period from November 11, 2020 through November 17, 2020. At 6:00am on November 17, 2020, Liberty's forecast showed that Topaz would have a Fire Potential Index of "Moderate" on November 18, 2020.

- a) What was Liberty's plan to prepare for the forecasted "Moderate" conditions it expected on November 18, 2020?
- b) When did Liberty begin planning for the forecasted "Moderate" conditions?
- c) When did Liberty actually begin to prepare for the forecasted "Moderate" conditions?
- d) Provide any documents showing that Liberty staff responded to the forecasted "Moderate" conditions it expected on November 18, 2020.

### **RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) Please refer to Liberty's Fire Prevention Plan (FPP) in effect at the time, provided in *LU Fire Prevention Plan 10-9-2020.pdf*, attached to CalAdvocates-LIB-A2506017-017, Question 2. Under Liberty's FPP, the operating procedures for Low and Moderate FPI categories were equivalent to normal operating procedures, which required field personnel to follow general safety instructions with respect to fire awareness and fire safety. See *LU Fire Prevention Plan 10-9-2020.pdf* at 6-7.

- b) See Liberty's response to subpart (a). Liberty communicated FPI forecasts to its operations personnel each morning.
- c) See Liberty's response to subparts (a) and (b).
- d) See Liberty's response to subpart (a). Because there would have been no need for additional operational preparations beyond following general fire safety instructions for the forecasted "Moderate" conditions, Liberty is not aware of records formally tracking Liberty personnel responding to the "Moderate" FPI conditions.

**REQUEST NO. 10:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-008, question 8, Liberty provided the attachment "FPI Forecasts.pdf" showing Liberty's fire weather dashboard forecasts (which included Fire Potential Index forecasts, Fosberg Fire Weather Index forecasts, and wind gust forecasts) for the period from November 11, 2020 through November 17, 2020. At 12:00pm on November 16, 2020, Liberty's forecast showed that Topaz would have a Fire Potential Index of "Moderate" on November 17, 2020.

- a) What was Liberty's plan to prepare for the forecasted "Moderate" conditions it expected on November 17, 2020?
- b) When did Liberty begin planning for the forecasted "Moderate" conditions?
- c) When did Liberty actually begin to prepare for the forecasted "Moderate" conditions?
- d) Provide any documents showing that Liberty staff responded to the forecasted "Moderate" conditions it expected on November 17, 2020.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) See Liberty's response to Question 9(a) of this set of data requests.
- b) See Liberty's response to Question 9(b) of this set of data requests.
- c) See Liberty's response to Question 9(c) of this set of data requests.
- d) See Liberty's response to Question 9(d) of this set of data requests.

**REQUEST NO. 11:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-017, question 2, Liberty provided the attachment "LU Fire Prevention Plan 10-9-2020.pdf," page 6, which states:

Moderate Fire Risk: As determined by the Wildfire Prevention Department, Normal Fire Risk is defined as periods where the potential for wildfires and associated ignition risks are not elevated but still exist within Tier 2 or 3 of the HFTD. Some O&M activities may have stipulations and additional fire mitigation activities may be required. The FPI is indicated as "Green."

Low Fire Risk: As determined by the Wildfire Prevention Department, Normal Fire Risk is defined as periods where the potential for wildfires and associated ignition risks are low but may sometimes still exist within Tier 2 or 3 of the HFTD. Some O&M activities may have

stipulations and additional fire mitigation activities may be required. The Low Fire Risk status is the default operational state and the FPI is indicated as “Blue.”

- a) Explain why Liberty assigned the same Operating Procedures for both Low and Moderate Risk Index Ratings, as shown on “LU Fire Prevention Plan 10-9-2020.pdf,” page 12.
- b) Explain the purpose of having a Low Risk Rating and a Moderate Risk Rating.
- c) Provide the date of Liberty’s attachment to its 2020 Wildfire Mitigation Plan (WMP), titled “Liberty CalPeco’s Fire Prevention Plan for Overhead Electric Facilities.”<sup>5</sup>
- d) Explain the purpose of changing Liberty’s FPI Risk condition categorization from three (Normal, Elevated, and Extreme Fire Risk)<sup>6</sup> to five (Low, Moderate, High, Very High, and Extreme Fire Risk).<sup>7</sup>

### **RESPONSE:**

- a) Liberty’s FPI was a tool designed to support situational awareness of fire risk for its operational activities in the field. Based on Liberty’s current understanding, Liberty’s FPP prescribed the same operating procedures for Low and Moderate categories because the differences in risk between these two categories did not justify the implementation of additional work restrictions and/or requirements, which could potentially cause disruptions to Liberty’s inspection, maintenance, and construction activities and affect Liberty’s ability to respond to emergencies on its system.
- b) As explained in Liberty’s response to CalAdvocates-LIB-A2506017-029, Question 1, the purpose of Liberty’s FPI and its different risk categories was to advise Liberty personnel on the level of fire risk, based on correlation with fire occurrence and final fire size of all causes, to inform Liberty’s field crews of precautions they should take to mitigate those risks.
- c) According to historical records available to Liberty, Liberty understands the FPP attached to its 2020 WMP to have been finalized around October 29, 2019.
- d) Based on Liberty’s current understanding, at the time when Liberty drafted the FPP that was attached to its 2020 WMP, Liberty’s FPI methodology was still in development, as referenced on pages 2 and 5 of that FPP. Liberty updated its FPP in 2020 pursuant to the FPI methodology developed by Liberty’s fire science and risk modeling consultant, which contained five risk categories.

### **Situational Awareness**

#### **REQUEST NO. 12:**

On November 16, 2020, provide the total circuit-miles of Liberty’s system in the categories below:

- a) Primary Overhead Distribution System;
- b) Secondary Overhead Distribution System; and
- c) Overhead Transmission System.

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<sup>8</sup> Liberty’s Revised 2020 Wildfire Mitigation Plan (Liberty’s Revised 2020 WMP), February 28, 2020.

<sup>9</sup> Liberty’s Revised 2020 WMP, attachment “Liberty CalPeco’s Fire Prevention Plan for Overhead Electric Facilities” at 5.

<sup>10</sup> Liberty’s response to data request CalAdvocates-LIB-A2506017-017, question 2, Liberty provided the attachment “LU Fire Prevention Plan 10-9-2020.pdf” at 5-6.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous. Liberty understands the term “transmission” to refer to the Office of Energy Infrastructure Safety (OEIS)’s definition of transmission lines (>65 kV). Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows: Liberty does not have records tracking the number of total circuit-miles specifically as of November 16, 2020. Based on historical records available to Liberty, Liberty is providing circuit mileage data as of January 2021.

- a) As of January 2021, Liberty had approximately 694.01 miles of primarily overhead distribution lines.
- b) As of January 2021, Liberty had approximately 790 miles of secondary overhead distribution lines.
- c) As of January 2021, Liberty had approximately 19.37 miles of transmission lines.

**REQUEST NO. 13:**

In Liberty’s response to data request CalAdvocates-LIB-A2506017-014, question 3, Liberty states:

In 2020, Liberty performed field fuel moisture sampling on 1,000-hour dead fuels and live woody fuels. Liberty’s vendor performed field fuel moisture sampling on a weekly or bi-weekly basis between June 2020 and November 2020...Please refer to the table below for a list of Liberty locations for fuel moisture sampling in 2020 and the primary types of fuels at each location...

Location	Latitude	Longitude	Primary dead fuel	Primary live fuel
Ward Creek	39.1404	-120.191	Jeffrey pine	Manzanita
Burton Creek	39.1866	-120.125	Jeffrey pine	Manzanita
Meyers	38.8553	-120.026	Lodgepole pine	Sagebrush

- a) For the period from June 1, 2020 through November 17, 2020, provide an excel file containing the field fuel moisture sampling values and results for the three Liberty locations (Ward Creek, Burton Creek, and Meyers), including the type of sample collected, date of collection, date of analysis.
- b) Were these results made available publicly? If so, please provide where these results can be accessed. If not, explain why not.

**RESPONSE:**

- a) See attachment *CalAdvocates-LIB-A2506017-035-Q6.xlsx*. This spreadsheet contains records of data collected and calculated by Liberty’s vendor from Liberty and NV Energy field fuel moisture sampling sites in 2020.
- b) Fuel moisture sampling data gathered and calculated by Liberty’s vendor at Liberty and NV Energy locations within were available at [fuelmoisture.com](http://fuelmoisture.com). The line graphs in this database presented weekly averages across all years of sampling, minimum and

maximum values, and current year data. The table displayed in this database presents data gathered and calculated from the most recent 25 samples.

**REQUEST NO. 14:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-014, question 3, Liberty states:

Liberty's vendor also conducted field fuel moisture sampling at additional NV Energy locations in the Greater Lake Tahoe area (Alder Creek, Knox 2 RAWs, Spooner Summit, and Kingsbury/Tahoe Rim Trail North), and Liberty had access to data from both Liberty and NV Energy fuel sampling sites.

- a) For January 1, 2020 through November 17, 2020, provide an excel file containing the field fuel moisture sampling values and results for the NV Energy locations, including the type of sample collected, date of collection, date of analysis.
- c) Were these results made available publicly? If so, please provide where these results can be accessed. If not, explain why not.

**RESPONSE:**

- a) See attachment *CalAdvocates-LIB-A2506017-035-Q6.xlsx*. This spreadsheet contains records of data collected and calculated by Liberty's vendor from Liberty and NV Energy field fuel moisture sampling sites in 2020.
- c) Fuel moisture sampling data gathered and calculated by Liberty's vendor at Liberty and NV Energy locations were available at [fuelmoisture.com](http://fuelmoisture.com). The line graphs in this database presented weekly averages across all years of sampling, minimum and maximum values, and current year data. The table displayed in this database presents data gathered and calculated from the most recent 25 samples.

**REQUEST NO. 15:**

In the Application, Exhibit Liberty-03, page 40, Liberty states, "The [National Weather Service (NWS)] issued a high wind warning for the area but did not issue a Red Flag Warning."

- a) From January 1, 2020 through November 17, 2020, what did the NWS define as RFW conditions and criteria?
- b) From January 1, 2020 through November 17, 2020, did Liberty use its weather station data to observe and confirm whether its territory experienced the conditions and criteria as defined by NWS Red Flag Warning?
- c) If the answer to subpart (b) is yes, explain how Liberty used its weather station data and provide documents showing that Liberty utilized the data.
- d) If the answer to subpart (b) is no, explain why not.
- e) From January 1, 2020 through November 17, 2020, what did the NWS define as high wind warning conditions and criteria?
- f) From January 1, 2020 through November 17, 2020, did Liberty use its weather station data to observe and confirm whether its territory experienced the conditions and criteria as defined by NWS high wind warning conditions?
- g) If the answer to subpart (f) is yes, explain how Liberty used its weather station data and provide documents showing that Liberty utilized the data.
- h) If the answer to subpart (f) is no, explain why not.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a) Liberty understands that, within the specified timeframe, the NWS's Reno office issued Red Flag Warnings when it determined that the following conditions were forecasted:
  - In Tahoe Basin: greater than or equal to 30 miles per hour (mph) wind gusts, relative humidity less than or equal to 20%, and critical fuel moisture levels for 3 hours or greater
  - Outside Basin: greater than or equal to 30 mph wind gusts, relative humidity less than or equal to 15%, and critical fuel moisture levels for 3 hours or greaterLiberty understands that other conditions such as dry thunderstorms may also have prompted the NWS's Reno office to issue Red Flag Warnings.
- b) As referenced in Liberty's response to CalAdvocates-LIB-A2506017-029, Question 5, Liberty's fire science and risk modeling consultant would meet with Liberty to review weather data after the occurrence of weather events such as wind, storm, and precipitation events on its system. Liberty is not aware that it specifically compared weather station data to Red Flag Warning criteria to determine whether Red Flag Warning conditions occurred.
- c) See Liberty's response to subpart (b).
- d) See Liberty's response to subpart (b).
- e) Liberty understands that, within the specified timeframe, the NWS's Reno office issued High Wind Warnings when it determined that the following conditions were forecasted:
  - Below 7,000 ft. elevation: greater than or equal to 40 mph sustained winds and 58 mph wind gusts for one hour or greater
  - Above 7,000 ft. elevation: greater than or equal to 50 mph sustained winds and 75 mph gusts for one hour or greater
- f) See Liberty's response to subpart (b). Liberty is not aware that it specifically compared weather station data to High Wind Warning criteria to determine whether High Wind Warning conditions occurred.
- g) See Liberty's response to subpart (f).
- h) See Liberty's response to subpart (f).

**REQUEST NO. 16:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-006, question 3(i), Liberty provided an amended "CalAdvocates-LIB-A2506017-006-Q3\_Amended.pdf"<sup>8</sup> where each of Liberty's 29 weather stations on November 17, 2020 collected the following data: Dew Point (°F), Fuel Moisture (%), Precipitation (in), Relative Humidity (%), Soil Moisture (%), Soil Temperature (°F), Temperature (°F), Wind Direction (°), Wind Gust (mph), and Wind Speed (mph).

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<sup>11</sup> Liberty's response to data request CalAdvocates-LIB-A2506017-014, question 1(a).



- a) From its installation on October 20, 2020 to November 17, 2020, explain why Liberty's weather station LIB-3130 (TPZ1261-Eastside Lane) was able to provide Fosberg Fire Weather Index data.<sup>9</sup>
- b) From its installation on May 20, 2019 to November 17, 2020, explain why Liberty's weather station LIB-3105 (TPZ1261-Park Ranch) was unable to provide Fosberg Fire Weather Index data.<sup>10</sup>
- c) From its installation on May 31, 2019 to November 17, 2020, explain why Liberty's weather station LIB-3106 (TPZ1261-Walker) was unable to provide Fosberg Fire Weather Index data.<sup>11</sup>

**RESPONSE:**

- a) Recording FFWI data required Liberty's weather stations to have sensors for rain gauge, soil moisture, and fuel moisture. Station LIB-3130 was equipped with these sensors from the date of its installation on October 20, 2020 and was able to record FFWI starting on that date.
- b) See Liberty's response to subpart (a). Station LIB-3105 was not equipped with the requisite sensors for FFWI reporting at the time of installation. Liberty later purchased these sensors and retrofitted LIB-3105. Western Weather Group was notified around February 17, 2021 that additional sensors had been installed on LIB-3105 and LIB-3105 began recording FFWI on that date.
- c) See Liberty's response to subpart (a). Station LIB-3106 was not equipped with the requisite sensors for FFWI reporting at the time of installation. Liberty later purchased these sensors and retrofitted LIB-3106. Western Weather Group was notified around March 10, 2021 that additional sensors had been installed on LIB-3106 and LIB-3106 began recording FFWI on that date.

**REQUEST NO. 17:**

In Liberty's response to data request CalAdvocates-LIB-A2506017-006, question 3(i), Liberty provided an amended "CalAdvocates-LIB-A2506017-006-Q3\_Amended.pdf"<sup>12</sup> which shows that Liberty's weather station LIB-3106 (TPZ1261-Walker) was installed on May 31, 2019.

- a) From its installation on May 31, 2019 to June 10, 2019, explain why Liberty's weather station LIB-3106 (TPZ1261-Walker) was unable to provide any data in this time period.<sup>13</sup>
- b) How and when did Liberty discover the issue?
- c) How and when did Liberty resolve the issue?

**RESPONSE:**

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<sup>12</sup> Mesowest data for LIB26 (LIB-3130) shows a column for "fosberg\_fire\_weather\_index\_set\_1" which is blank only on November 9, 2020 at 12:10pm. Available at <https://mesowest.utah.edu/>

<sup>13</sup> Mesowest data for LIB05 (LIB-3105) shows a column for "fosberg\_fire\_weather\_index\_set\_1" which is blank in its entirety. Available at <https://mesowest.utah.edu/>

<sup>14</sup> Mesowest data for LIB06 (LIB-3106) shows a column for "fosberg\_fire\_weather\_index\_set\_1" which is blank in its entirety. Available at <https://mesowest.utah.edu/>

<sup>15</sup> Liberty's response to data request CalAdvocates-LIB-A2506017-014, question 1(a).

<sup>16</sup> Mesowest data for LIB06 (LIB-3106) shows that data is available from June 11, 2019 to current date. Available at <https://viewer.synopticdata.com/table/lib06/basic-weather/now>

- a) LIB-3106 recorded weather data beginning on May 31, 2019. As Mesowest is a third-party data reporting platform, Liberty understands the gap in data between May 31, 2019 and June 10, 2019 on Mesowest to likely be a data ingestion issue outside of Liberty's control. Some weather data recorded by LIB-3106 between May 31, 2019 and June 10, 2019 are available at Western Weather Group's publicly accessible website: <https://liberty.westernweathergroup.com/search>. Additional weather data recorded by LIB-3106 between May 31, 2019 and June 10, 2019 are available to Liberty via Western Weather Group.
- b) See Liberty's response to subpart (a).
- c) See Liberty's response to subpart (a).

## **ATTACHMENT 4**

**Weather station measurements from University of  
Utah, MesoWest at: <https://mesowest.utah.edu/>.  
For LIB26**

# The provisional data available here are intended for diverse user applications.  
# For data review the information  
# available from the NCEI (<https://www.ncdc.noaa.gov/customer-support/certification-data>)  
# or consult a CCM (<http://certifiedmeteorologists.org/find-an-expert-meteorologist.htm>).  
# STATION: LIB26  
# STATION NAME: TPZ1261-Eastside Lane  
# LATITUDE: 38.52195  
# LONGITUDE: -119.45609  
# ELEVATION [ft]: 5519.0  
# STATE: CA

Station_ID	Date_Time	air_temp_s		relative_hu	wind_speed	wind_dir	wind_gust	soil_temp_1	precip_acc	fuel_moist	soil_moist	volt_set_1	fosberg_fir	wind_chill	wind_cardi	heat_index	dew_point	temperature_set_1d
		Celsius	%	m/s	Degrees	m/s	Celsius	Millimeters	gm	%	volts		Celsius	code	Celsius	Celsius		
LIB26	2020-11-17T00:00:00-0800	6.76	37.48	0.7	118.8	2.72	13.62	0	5.79	0.72	12.87	3.62	ESE					-6.87
LIB26	2020-11-17T00:10:00-0800	6.54	38.12	0.66	118.7	2.11	13.62	0	5.67	0.72	12.86	3.45	ESE					-6.85
LIB26	2020-11-17T00:20:00-0800	6.81	37.43	1.36	118.4	2.89	13.54	0	5.64	0.72	12.86	6.2	6.19 ESE					-6.84
LIB26	2020-11-17T00:30:00-0800	8.36	32.12	0.86	117.2	3.06	13.48	0	5.66	0.71	12.85	4.49	ESE					-7.46
LIB26	2020-11-17T00:40:00-0800	9.22	29.62	1.36	116.9	3.78	13.48	0	5.73	0.71	12.85	6.86	8.92 ESE					-7.75
LIB26	2020-11-17T00:50:00-0800	10.47	25.97	0.68	116.2	1.89	13.41	0	5.74	0.71	12.84	4.12	ESE					-8.36
LIB26	2020-11-17T01:00:00-0800	12.02	23.02	1.48	115.8	3.22	13.32	0	5.73	0.72	12.84	8.06	ESE					-8.58
LIB26	2020-11-17T01:10:00-0800	14.18	19.41	2.48	115	5	13.32	0	5.89	0.72	12.83	13.78	ESE					-8.94
LIB26	2020-11-17T01:20:00-0800	15.52	17.62	3.18	114.8	4.5	13.26	0	6.2	0.71	12.83	17.94	ESE					-9.05
LIB26	2020-11-17T01:30:00-0800	15.02	18.31	2.88	114.9	3.72	13.18	0	6.37	0.72	12.82	16.14	ESE					-8.98
LIB26	2020-11-17T01:40:00-0800	15.24	17.96	2.57	115	4.77	13.18	0	6.28	0.72	12.82	14.51	ESE					-9.04
LIB26	2020-11-17T01:50:00-0800	15.46	17.67	2.86	114.9	4.94	13.11	0	6.27	0.71	12.82	16.13	ESE					-9.07
LIB26	2020-11-17T02:00:00-0800	14.6	18.87	2.37	114.9	4.66	13.02	0	6.37	0.71	12.82	13.28	ESE					-8.95
LIB26	2020-11-17T02:10:00-0800	13.88	19.83	3.04	115.2	5.16	13.02	0	6.29	0.71	12.81	16.66	ESE					-8.92
LIB26	2020-11-17T02:20:00-0800	14.21	19.3	2.07	115.1	3.67	12.93	0	6.23	0.72	12.81	11.61	ESE					-8.98
LIB26	2020-11-17T02:30:00-0800	13.5	20.43	0.84	115.1	2.72	12.86	0	6.19	0.72	12.81	5.15	ESE					-8.85
LIB26	2020-11-17T02:40:00-0800	13.71	20.14	1.35	115.1	3	12.86	0	6.12	0.72	12.8	7.71	ESE					-8.86
LIB26	2020-11-17T02:50:00-0800	14.38	19.59	2.31	114.7	4.83	12.8	0	6.04	0.66	12.8	12.82	ESE					-8.65
LIB26	2020-11-17T03:00:00-0800	13.91	20.39	1.9	114.8	5.22	12.71	0	6.04	0.65	12.8	10.57	ESE					-8.54
LIB26	2020-11-17T03:10:00-0800	13.4	21.13	1.4	114.8	3.38	12.71	0	6.12	0.65	12.79	7.85	ESE					-8.51
LIB26	2020-11-17T03:20:00-0800	13.36	21.3	2.6	114.7	4.55	12.64	0	6.1	0.66	12.79	14.11	ESE					-8.44
LIB26	2020-11-17T03:30:00-0800	12.86	22.07	1.86	114.7	4.66	12.58	0	6.11	0.66	12.78	10.12	ESE					-8.41
LIB26	2020-11-17T03:40:00-0800	14.02	20.28	1.48	114.3	4.28	12.58	0	6.16	0.66	12.78	8.31	ESE					-8.51
LIB26	2020-11-17T03:50:00-0800	14.98	18.4	3.45	114.2	9.94	12.49	0	6.22	0.66	12.78	19.24	ESE					-8.95
LIB26	2020-11-17T04:00:00-0800	15.51	17.06	4.46	113.9	12.27	12.44	0	6.46	0.66	12.77	25.2	ESE					-9.47
LIB26	2020-11-17T04:10:00-0800	15.8	15.19	5.24	113.6	11.55	12.44	0	6.55	0.66	12.77	30.24	ESE					-10.69
LIB26	2020-11-17T04:20:00-0800	15.83	14.35	5.77	113.6	13.27	12.37	0	6.55	0.66	12.77	33.52	ESE					-11.37
LIB26	2020-11-17T04:30:00-0800	15.99	13.77	6.04	113.4	10.05	12.31	0	6.58	0.66	12.77	35.43	ESE					-11.75
LIB26	2020-11-17T04:40:00-0800	15.91	13.63	5.93	113.5	11.38	12.31	0	6.52	0.66	12.77	34.82	ESE					-11.94
LIB26	2020-11-17T04:50:00-0800	15.79	13.54	4.1	113.5	9.22	12.26	0	6.52	0.65	12.76	24.19	ESE					-12.12
LIB26	2020-11-17T05:00:00-0800	15.62	13.44	4.55	113.4	10.27	12.17	0	6.47	0.66	12.76	26.74	ESE					-12.35
LIB26	2020-11-17T05:10:00-0800	15.44	13.39	3.16	113.4	7.16	12.17	0	6.47	0.66	12.76	18.76	ESE					-12.54
LIB26	2020-11-17T05:20:00-0800	15.41	13.45	4.25	113.4	9.94	12.13	0	6.41	0.67	12.76	25.03	ESE					-12.51
LIB26	2020-11-17T05:30:00-0800	15.46	13.55	4.96	113.2	8.77	12.07	0	6.43	0.66	12.76	29.16	ESE					-12.38
LIB26	2020-11-17T05:40:00-0800	15.25	14	4.38	113.2	15.82	12.07	0	6.43	0.66	12.76	25.54	ESE					-12.14
LIB26	2020-11-17T05:50:00-0800	15.39	14.17	4.87	113.4	12.66	12.04	0	6.39	0.66	12.75	28.53	ESE					-11.88
LIB26	2020-11-17T06:00:00-0800	15.08	14.97	4.39	113.3	8.38	11.99	0	6.39	0.66	12.75	25.38	ESE					-11.46
LIB26	2020-11-17T06:10:00-0800	14.98	15.6	5.27	113.5	10.49	11.99	0	6.39	0.66	12.75	30.21	ESE					-11.03
LIB26	2020-11-17T06:20:00-0800	15.02	15.54	6.28	113.4	13.66	11.97	0	6.38	0.66	12.75	35.94	ESE					-11.04
LIB26	2020-11-17T06:30:00-0800	15.19	15.12	7.35	113.4	14.71	11.96	0	6.39	0.66	12.75	42.36	ESE					-11.24
LIB26	2020-11-17T06:40:00-0800	15.2	15.05	7.54	113.1	15.6	11.96	0	6.42	0.66	12.75	43.42	ESE					-11.29
LIB26	2020-11-17T06:50:00-0800	15.27	15.08	7.89	113.1	19.93	11.96	0	6.43	0.66	12.75	45.49	ESE					-11.21

LIB26	2020-11-17T07:00:00-0800	15.24	15.17	7.88	113.4	14.66	11.93	0	6.43	0.67	12.75	45.37	ESE	-11.16
LIB26	2020-11-17T07:10:00-0800	15.17	15.26	9.59	113.4	16.66	11.93	0	6.45	0.67	12.75	55.04	ESE	-11.14
LIB26	2020-11-17T07:20:00-0800	15.09	15.54	8.78	113.4	17.6	11.88	0	6.44	0.66	12.75	50.33	ESE	-10.98
LIB26	2020-11-17T07:30:00-0800	15.09	15.76	10.56	113.5	18.38	11.84	0	6.43	0.65	12.76	60.29	ESE	-10.81
LIB26	2020-11-17T07:40:00-0800	15.11	15.92	9.63	113.8	16.66	11.84	0	6.44	0.65	12.76	54.84	ESE	-10.67
LIB26	2020-11-17T07:50:00-0800	15.25	15.98	9.27	115.4	15.71	11.84	0	6.44	0.66	12.83	52.84	ESE	-10.51
LIB26	2020-11-17T08:00:00-0800	15.48	15.87	8.74	119.6	14.6	11.87	0	6.46	0.66	13.02	49.9	ESE	-10.4
LIB26	2020-11-17T08:10:00-0800	15.61	15.91	7.89	124.5	13.72	11.87	0	6.57	0.66	13.23	45.06	SE	-10.27
LIB26	2020-11-17T08:20:00-0800	15.73	15.86	5.98	128.7	14.04	11.83	0	6.6	0.65	13.41	34.15	SE	-10.21
LIB26	2020-11-17T08:30:00-0800	15.87	16.06	5.92	132	11.99	11.8	0	6.64	0.66	13.56	33.78	SE	-9.94
LIB26	2020-11-17T08:40:00-0800	15.91	16.24	6.6	134.3	13.32	11.8	0	6.66	0.66	13.65	37.61	SE	-9.76
LIB26	2020-11-17T08:50:00-0800	15.99	16.29	4.05	135.7	10.6	11.82	0	6.65	0.66	13.71	23.17	SE	-9.66
LIB26	2020-11-17T09:00:00-0800	16.06	16.57	6	134.8	16.22	11.86	0	6.75	0.66	13.68	34.08	SE	-9.39
LIB26	2020-11-17T09:10:00-0800	16.09	17.11	3.94	135.2	11.11	11.86	0	6.7	0.66	13.68	22.3	SE	-8.96
LIB26	2020-11-17T09:20:00-0800	16.13	17.09	4.96	135	10.44	11.83	0	6.74	0.66	13.67	28.11	SE	-8.94
LIB26	2020-11-17T09:30:00-0800	16.16	16.72	6.21	134.7	14.66	11.87	0	6.68	0.65	13.66	35.2	SE	-9.19
LIB26	2020-11-17T09:40:00-0800	16.12	16.47	6.81	133.4	17.43	11.87	0	6.59	0.65	13.59	38.61	SE	-9.42
LIB26	2020-11-17T09:50:00-0800	16.09	16.52	7.56	133.7	20.32	11.84	0	6.56	0.66	13.62	42.91	SE	-9.4
LIB26	2020-11-17T10:00:00-0800	16.2	16.29	8.82	134.5	19.27	11.88	0	6.62	0.66	13.66	50.25	SE	-9.49
LIB26	2020-11-17T10:10:00-0800	16.37	15.94	7.92	135.5	19.6	11.88	0	6.58	0.66	13.69	45.23	SE	-9.62
LIB26	2020-11-17T10:20:00-0800	16.68	15.35	8.65	135.4	20.88	11.89	0	6.76	0.66	13.7	49.83	SE	-9.85
LIB26	2020-11-17T10:30:00-0800	16.68	15.44	10.08	134.5	20.66	11.88	0	6.75	0.67	13.66	57.91	SE	-9.77
LIB26	2020-11-17T10:40:00-0800	16.9	14.71	10.6	134.8	22.93	11.88	0	6.71	0.67	13.68	61.36	SE	-10.2
LIB26	2020-11-17T10:50:00-0800	17.12	13.99	11.42	134.8	27.54	11.97	0	6.77	0.66	13.67	66.85	SE	-10.65
LIB26	2020-11-17T11:00:00-0800	17.18	13.89	12.77	135	23.6	11.98	0	6.76	0.67	13.68	74.77	SE	-10.69
LIB26	2020-11-17T11:10:00-0800	17.19	13.87	13.16	134.8	26.93	11.98	0	6.74	0.67	13.68	77	SE	-10.7
LIB26	2020-11-17T11:20:00-0800	17.49	13.38	13.67	134.6	25.88	12.03	0	6.74	0.65	13.66	80.6	SE	-10.91
LIB26	2020-11-17T11:30:00-0800	17.21	13.46	14.75	134.6	29.48	12.11	0	6.71	0.66	13.66	86.7	SE	-11.06
LIB26	2020-11-17T11:40:00-0800	17.32	12.96	14.54	134.8	26.87	12.11	0	6.68	0.66	13.68	86	SE	-11.44
LIB26	2020-11-17T11:50:00-0800	17.19	13.15	13.47	134.8	27.04	12.17	0	6.61	0.65	13.67	79.56	SE	-11.36
LIB26	2020-11-17T12:00:00-0800	17.17	13.07	14.36	134.5	25.88	12.22	0	6.67	0.66	13.66	84.9	SE	-11.45
LIB26	2020-11-17T12:10:00-0800	17.22	13.11	14.04	134.8	24.27	12.22	0	6.66	0.66	13.68	83	SE	-11.38
LIB26	2020-11-17T12:20:00-0800	17.33	13.45	13.57	135.1	27.92	12.31	0	6.66	0.66	13.69	79.81	SE	-10.97
LIB26	2020-11-17T12:30:00-0800	17.35	13.87	16.21	134.8	27.42	12.38	0	6.65	0.65	13.67	95	SE	-10.57
LIB26	2020-11-17T12:40:00-0800	17.26	14.17	15.64	134.6	30.04	12.38	0	6.63	0.65	13.66	91.2	SE	-10.38
LIB26	2020-11-17T12:50:00-0800	17.23	14.2	15.36	135	28.43	12.46	0	6.59	0.66	13.67	89.6	SE	-10.38
LIB26	2020-11-17T13:00:00-0800	17.31	14.44	13.36	134.9	28.2	12.56	0	6.59	0.67	13.67	77.78	SE	-10.1
LIB26	2020-11-17T13:10:00-0800	17.19	14.88	15.06	134.6	27.99	12.56	0	6.6	0.67	13.66	87.2	SE	-9.82
LIB26	2020-11-17T13:20:00-0800	17.09	15.46	14.67	134.7	27.71	12.68	0	6.57	0.65	13.66	84.3	SE	-9.42
LIB26	2020-11-17T13:30:00-0800	16.82	15.95	14.76	135.2	25.04	12.78	0	6.54	0.71	13.67	84.3	SE	-9.25
LIB26	2020-11-17T13:40:00-0800	16.69	16.55	13.02	135.2	26.7	12.78	0	6.5	0.71	13.67	73.79	SE	-8.89
LIB26	2020-11-17T13:50:00-0800	16.77	16.69	13.73	135	25.21	12.89	0	6.5	0.65	13.67	77.91	SE	-8.71
LIB26	2020-11-17T14:00:00-0800	17.13	16.71	12.3	134.1	27.37	13.02	0	6.44	0.71	13.63	69.7	SE	-8.4
LIB26	2020-11-17T14:10:00-0800	17.13	16.74	12.54	134.2	28.04	13.02	0	6.39	0.71	13.62	70.99	SE	-8.38
LIB26	2020-11-17T14:20:00-0800	39.06	8.24	15.19	127.2	28.37	13.13	0	6.53	0.72	13.35	99.8	SE	35.36 -0.38
LIB26	2020-11-17T14:30:00-0800	22.39	12.78	16.3	126	34.37	13.28	0	8.25	0.71	13.23	97.4	SE	-7.58
LIB26	2020-11-17T14:40:00-0800	18.73	15.87	16.7	126.5	31.04	13.28	0	6.58	0.71	13.21	96.1	SE	-7.76
LIB26	2020-11-17T14:50:00-0800	17.84	16.64	16.45	127.3	28.81	13.37	0	6.22	0.72	13.25	93.4	SE	-7.88
LIB26	2020-11-17T15:00:00-0800	18.22	16.45	17.88	131.5	27.65	13.52	0	6.17	0.82	13.46	100	SE	-7.71
LIB26	2020-11-17T15:10:00-0800	18.01	16.78	17.68	126	31.09	13.52	0	6.16	0.82	13.22	100	SE	-7.63
LIB26	2020-11-17T15:20:00-0800	17.84	17.01	19.89	125	28.98	13.63	0	6.08	0.76	13.2	100	SE	-7.59
LIB26	2020-11-17T15:30:00-0800	17.48	17.76	19.67	123.6	32.15	13.76	0	6.05	0.77	13.14	100	ESE	-7.34
LIB26	2020-11-17T15:40:00-0800	17.18	17.94	18.63	122.5	30.15	13.76	0	6.07	0.77	13.09	100	ESE	-7.45
LIB26	2020-11-17T15:50:00-0800	16.64	18.19	16.94	121.9	26.7	13.87	0	5.97	0.77	13.08	94.3	ESE	-7.72

LIB26	2020-11-17T16:00:00-0800	16.52	18.55	18.32	121.5	28.98	14.01	0	5.93	0.77	13.06	100	ESE	-7.57
LIB26	2020-11-17T16:10:00-0800	16.56	18.72	18.39	121.4	28.15	14.01	0	5.93	0.77	13.05	100	ESE	-7.42
LIB26	2020-11-17T16:20:00-0800	16.62	18.38	19.26	120.9	29.37	14.04	0	5.97	0.77	13.04	100	ESE	-7.61
LIB26	2020-11-17T16:30:00-0800	15.92	19.44	16.96	120.6	26.09	14.09	0	5.98	0.78	13.03	92.9	ESE	-7.47
LIB26	2020-11-17T16:40:00-0800	15.75	19.78	17.19	120.6	26.7	14.09	0	5.89	0.78	13.02	93.9	ESE	-7.39
LIB26	2020-11-17T16:50:00-0800	15.81	19.84	17.01	120.4	28.71	14.11	0	5.91	0.77	13.01	92.7	ESE	-7.3
LIB26	2020-11-17T17:00:00-0800	15.72	20.08	17.23	120.3	29.09	14.06	0	5.91	0.77	13.01	93.7	ESE	-7.22
LIB26	2020-11-17T17:10:00-0800	15.85	20.34	18.45	120.1	31.31	14.06	0	5.91	0.77	13	100	ESE	-6.94
LIB26	2020-11-17T17:20:00-0800	15.84	21.15	19.44	120.1	28.04	13.99	0	5.92	0.76	13	100	ESE	-6.44
LIB26	2020-11-17T17:30:00-0800	15.77	21.11	17.24	120	26.48	13.92	0	5.92	0.76	12.99	92.7	ESE	-6.53
LIB26	2020-11-17T17:40:00-0800	15.47	21.56	16.1	120	26.6	13.92	0	5.94	0.76	12.99	85.9	ESE	-6.51
LIB26	2020-11-17T17:50:00-0800	15.69	21.08	16.92	119.7	27.04	13.83	0	5.93	0.77	12.98	91	ESE	-6.61
LIB26	2020-11-17T18:00:00-0800	15.48	21.38	17.07	119.6	29.32	13.74	0	5.94	0.76	12.98	91.3	ESE	-6.61
LIB26	2020-11-17T18:10:00-0800	15.41	21.76	14.69	119.6	29.37	13.74	0	5.95	0.76	12.97	78.39	ESE	-6.44
LIB26	2020-11-17T18:20:00-0800	15.27	22.31	14.14	119.5	27.71	13.68	0	5.94	0.77	12.97	74.86	ESE	-6.23
LIB26	2020-11-17T18:30:00-0800	15.52	21.67	16.76	119.4	29.53	13.61	0	5.93	0.77	12.97	89.3	ESE	-6.4
LIB26	2020-11-17T18:40:00-0800	15.54	21.99	17.37	119.2	28.04	13.61	0	5.96	0.77	12.96	92.3	ESE	-6.19
LIB26	2020-11-17T18:50:00-0800	15.4	21.94	15.9	119.2	24.32	13.53	0	5.95	0.77	12.96	84.6	ESE	-6.34
LIB26	2020-11-17T19:00:00-0800	15.41	22.2	16.9	119	27.21	13.47	0	5.97	0.76	12.95	89.6	ESE	-6.18
LIB26	2020-11-17T19:10:00-0800	15.08	22.88	15.37	119.2	27.21	13.47	0	5.97	0.76	12.95	80.9	ESE	-6.06
LIB26	2020-11-17T19:20:00-0800	14.83	23.35	15.76	119.3	24.54	13.4	0	5.95	0.71	12.95	82.3	ESE	-6.01
LIB26	2020-11-17T19:30:00-0800	14.78	23.18	16.54	119	26.6	13.34	0	5.93	0.71	12.94	86.6	ESE	-6.15
LIB26	2020-11-17T19:40:00-0800	14.71	23.43	17.15	119	26.65	13.34	0	5.94	0.71	12.94	89.5	ESE	-6.07
LIB26	2020-11-17T19:50:00-0800	14.57	22.99	16.94	118.8	26.15	13.28	0	5.95	0.76	12.94	88.8	ESE	-6.43
LIB26	2020-11-17T20:00:00-0800	14.37	23.11	16.38	118.9	25.88	13.2	0	5.94	0.77	12.93	85.8	ESE	-6.53
LIB26	2020-11-17T20:10:00-0800	14.14	23.29	17.37	118.8	25.32	13.2	0	5.94	0.77	12.93	90.6	ESE	-6.63
LIB26	2020-11-17T20:20:00-0800	14.15	23.62	17.53	118.7	27.87	13.18	0	5.92	0.71	12.93	91.3	ESE	-6.44
LIB26	2020-11-17T20:30:00-0800	14.18	23.69	18.36	118.4	28.04	13.11	0	5.92	0.71	12.92	95.4	ESE	-6.37
LIB26	2020-11-17T20:40:00-0800	14.14	24.11	17.34	118.3	26.76	13.11	0	5.92	0.71	12.92	89.7	ESE	-6.18
LIB26	2020-11-17T20:50:00-0800	14.09	23.97	16.9	118.4	25.88	13.09	0	5.92	0.71	12.91	87.5	ESE	-6.3
LIB26	2020-11-17T21:00:00-0800	13.95	23.45	16.33	118.1	26.48	13.06	0	5.93	0.71	12.91	85.1	ESE	-6.7
LIB26	2020-11-17T21:10:00-0800	14.08	23.76	16.73	118.2	25.37	13.06	0	5.93	0.71	12.91	86.9	ESE	-6.42
LIB26	2020-11-17T21:20:00-0800	14.04	23.83	15.98	118	24.15	13	0	5.93	0.72	12.9	82.9	ESE	-6.42
LIB26	2020-11-17T21:30:00-0800	14.02	24.79	15.72	118.3	26.26	12.99	0	5.92	0.71	12.9	80.6	ESE	-5.92
LIB26	2020-11-17T21:40:00-0800	14.09	25.61	17.49	118.1	31.37	12.99	0	5.93	0.71	12.9	88.8	ESE	-5.43
LIB26	2020-11-17T21:50:00-0800	13.97	26.1	17.64	118.3	29.04	12.93	0	5.95	0.71	12.89	89.2	ESE	-5.28
LIB26	2020-11-17T22:00:00-0800	13.72	26.58	15.66	118.1	26.65	12.88	0	5.92	0.7	12.89	78.55	ESE	-5.26
LIB26	2020-11-17T22:10:00-0800	13.49	27	15.35	118.2	24.32	12.88	0	5.92	0.7	12.89	76.65	ESE	-5.25
LIB26	2020-11-17T22:20:00-0800	13.52	27.35	17.39	118	26.76	12.84	0	5.93	0.71	12.88	86.5	ESE	-5.06
LIB26	2020-11-17T22:30:00-0800	13.44	27.37	15.11	117.9	23.6	12.81	0	5.93	0.7	12.88	75.11	ESE	-5.12
LIB26	2020-11-17T22:40:00-0800	13.28	27.59	12.95	117.8	19.27	12.81	0	5.92	0.7	12.87	64.25	ESE	-5.15
LIB26	2020-11-17T22:50:00-0800	13.25	27.92	11.58	117.9	17.88	12.76	0	5.91	0.71	12.87	57.12	ESE	-5.02
LIB26	2020-11-17T23:00:00-0800	13.2	28.43	13.38	117.7	23.49	12.72	0	5.9	0.71	12.87	65.69	ESE	-4.82
LIB26	2020-11-17T23:10:00-0800	13.34	28.44	14.82	117.6	24.27	12.72	0	5.91	0.71	12.86	72.77	ESE	-4.7
LIB26	2020-11-17T23:20:00-0800	13.25	28.76	12.95	117.7	22.16	12.66	0	5.93	0.72	12.86	63.31	ESE	-4.63
LIB26	2020-11-17T23:30:00-0800	13.37	28.49	14.79	117.5	24.32	12.6	0	5.93	0.71	12.85	72.5	ESE	-4.65
LIB26	2020-11-17T23:40:00-0800	13.37	28.57	13.49	117.5	21.49	12.6	0	5.94	0.71	12.85	66.16	ESE	-4.61
LIB26	2020-11-17T23:50:00-0800	13.34	28.87	12.74	117.4	20.21	12.56	0	5.95	0.71	12.85	62.14	ESE	-4.5

## **ATTACHMENT 5**

The Oklahoma Mesonet, Oklahoma Climatological  
Survey, available at:

[https://content.mesonet.org/mesonet/okfire/OK-  
FIRE\\_Basics\\_for\\_Fire\\_Danger.pdf](https://content.mesonet.org/mesonet/okfire/OK-FIRE_Basics_for_Fire_Danger.pdf)

# OK-FIRE Basics for *FIRE DANGER*

([https:// www.mesonet.org/index.php/okfire](https://www.mesonet.org/index.php/okfire))

## Fire Weather Variables:

Relative Humidity:	30-80%	Increasing fire danger as relative humidity decreases
	20-30%	Containment becomes difficult; quick ignition; spot fires increase
	< 20%	Extreme fire behavior; spot fires frequent
Wind Speed:	> 20 mph	Higher speeds cause increased fire danger and spread rates; winds and gusts over 20 mph become increasingly problematic
Temperature:		In general, higher temperatures increase fire danger, but relative humidity and wind speed are by far the most important factors among the weather variables

Relative humidity (RH) is the most important of the three weather variables above, since if RH is sufficiently high, the moisture content of the 1-hour and 10-hour dead fuels (see below) will be high enough to impede or exclude burning even with high wind speeds. Given sufficiently low RH, the second most important weather variable then becomes wind speed.

However, ***even with suitable fire weather, the existence and levels of fire danger depend on the FUEL COMPLEX*** – the fuel moisture levels of the live and dead fuels as well as their loads. One can have low RH and high wind speed, but if most of the surface fuels are green (live fuels) with high fuel moisture, there will be minimal fire danger. A general equation for fire danger level is:

**Fuel Moisture (Live & Dead) + Fuel Loads (Live & Dead) + Weather ➡ Fire Danger Level**

## Dead Fuel Moisture:

A variable which is directly related to dead fuel is “dead fuel moisture” (DFM). In particular, 1-hour dead fuels (fine fuels like dead grasses and leaves) are critical, followed by 10-hour fuels (about ½" diameter). In OK-FIRE dead fuel moisture is calculated from weather variables using the Nelson model.

<u>1-h Fuels</u>	<u>10-h Fuels</u>	<u>Fire Behavior</u>
7-20%	6-15%	Increasing fire danger as dead fuel moisture values decrease
5-7%	5-6%	Containment becomes difficult; quick ignition; spot fires increase
< 5%	< 5%	Extreme fire behavior; spot fires frequent

However, remember that dead fuel moisture alone does not tell the entire story. One can have very low 1-h and 10-h DFM, and yet have minimal fire danger if most of the fuels are green (live fuels).



## Fire Danger Variables:

The most important of the fire danger indices produced by the Oklahoma Fire Danger Model in OK-FIRE is **Burning Index (BI)**, which relates to the intensity of the headfire and its flame length. Besides being a function of weather, BI is also strongly influenced by the type, amount (loads), and greenness levels of the wildland surface fuels being modeled. **Thus, the GREENNESS level and the selected FUEL MODEL must be appropriate for the fire danger model to produce reasonable results.**

**Greenness Level + Fuel Model + Weather ➡ Fire Danger Level**

The **daily greenness level** that is assigned a given Mesonet station by the VIIRS satellite sensor can be found by looking at the “Relative Greenness Zoom Map” in the left menu section of OK-FIRE and zooming into your geographical area of interest. Relative Greenness (RG) is a critical variable in the fire danger model utilized in OK-FIRE. RG is used to model live fuel moisture (herbaceous and woody) and to apportion the fuel load distribution between 1-hour dead fuels and live herbaceous and live deciduous woody fuels. If you rely mainly on site-specific products (charts and tables), it is important that you **regularly look at nearby Mesonet sites on the RG zoom map and select a station which has a RG value approximating the observed levels of greenness of your local wildland surface fuels.** Else, if you’re in an agricultural area, the Mesonet station’s greenness level may be more reflective of the crops or barren fields, rather than the wildland fuels which are the focus of the fire danger predictions.

Each 500-m pixel of land in Oklahoma is modeled by one of seven “**fuel models**”, each of which describes the fuel bed characteristics of the wildland surface fuels in that model (“Default Fuel Model Zoom Map” in left menu section). These “default” fuel models are used in all the OK-FIRE map products for the four fire danger indices (BI, SC, ERC, and IC). The seven fuel models are: **A** (western annual grasses; also used for urban areas and annual cropland), **B** (tall dense evergreen brush; eastern redcedar), **F** (intermediate evergreen brush), **L** (western perennial grasses), **P** (southern pine forest), **R** (hardwood forest), and **T** (tallgrass with open evergreen brush).

For **chart** and **table** products, however, the user has the **ability to select a different fuel model** (nine total models are available) for a given Mesonet station if the default model is deemed inappropriate (“Station Fuel Model Options” at bottom of left menu section). The fuel model currently being used by the fire danger model for that station is called the “current” fuel model, while the default model is called the “default” fuel model. The “current” fuel model can be changed by the user; the “default model” for the map products stays the same.

**Of the seven default fuel models listed above, Model T is a reliable “worst case” scenario fuel model under most situations for Oklahoma fuels,** so you may wish to use that model for your daily fire danger assessment and forecasts. However, if you wish to model just grasses, you can use a pure grassy model like Model L. If you’re in forest settings, you can use Model R (hardwood forest) or Model P (southern pine forest). Two other fuel models in addition to the seven default models are also available: G (forest with heavy downed fuels) and K (light slash).

**A general interpretation of fire danger based on Burning Index is as follows:**

<u>Burning Index (BI)</u>	<u>Flame Length</u>	<u>Fire Danger</u>
<20	< 2 feet	LOW
20-40	2-4 feet	MODERATE
40-80	4-8 feet	HIGH
80-110	8-11 feet	SEVERE
> 110	> 11 feet	EXTREME

Burning Index will, on most days, go through a daily cycle, with highest values during the daytime and lower values at night, so there typically will be a few hours of appreciable fire danger each day. **What is important to watch for are the relative LEVELS of fire danger (higher BI values) and the DURATION of those high values (sometimes persisting through the night). Also, with respect to the 84-h forecast, the TREND in BI is important and valid, even with inexact BI values.**

## **ATTACHMENT 6**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-023, Question 1.  
City of Mono vs Liberty Utilities, Deposition of Person Most  
Qualified and Custodian of Records of CAL FIRE  
(Chief Jospeh Pidgeon) on November 16, 2022, Riverside CA**

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION  
3 COUNTY OF MONO, a political )  
subdivision of the State of )  
4 California; ANTELOPE VALLEY FIRE )  
PROTECTION DISTRICT, special district;) CASE NO:  
5 TOIYABE INDIAN HEALTH PROJECT, INC., a) 2:21-cv-00834-TLN-KJN  
California Corporation; and BRIDGEPORT)  
6 INDIAN COLONY, )  
 )  
7 Plaintiffs, )  
 )  
8 vs. )  
 )  
9 LIBERTY UTILITIES (CALPECO ELECTRIC), )  
LLC; ALGONQUIN POWER & UTILITIES CORP;) )  
10 and DOES 1 through 50, INCLUSIVE, )  
 )  
11 Defendants. )  
 )  
12 \_\_\_\_\_ )  
13  
14  
15  
16

17 DEPOSITION OF PERSON MOST QUALIFIED AND CUSTODIAN  
18 OF RECORDS OF CAL FIRE (CHIEF JOSEPH PIDGEON)  
19 November 15, 2022  
20 Riverside, CA  
21  
22

23 REPORTED BY:  
24 Rosalyn K. Adams  
25 CSR No. 11794

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12

13

FOR PERSON MOST QUALIFIED AND CUSTODIAN OF RECORDS, JOSEPH

14 PIDGEON:

15 STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

16 OFFICE OF THE ATTORNEY GENERAL

NATURAL RESOURCES LAW SECTION

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20

21

22

23

24 ALSO PRESENT: Frank Meyer, Videographer

25

**COUNTY OF MONO, ET AL. vs LIBERTY UTILITIES (CALPECO ELECTRIC), LLC., ET AL.**  
**Chief Joseph Pidgeon on 11/15/2022**

1 I N D E X

2 WITNESS: JOSEPH PIDGEON, PMQ AND CUSTODIAN OF RECORDS

3 EXAMINATION PAGE

4 BY MR. MIJANOVIC ..... 4, 192

5 BY MR. JULIUS ..... 152

6

E X H I B I T S

7

8 1 Notice of Deposition ..... 7

9 2 Objections to Notice of Deposition to the  
10 Custodian of Records ..... 13

11 3 Curriculum Vitae of Joseph Pidgeon ..... 38

12 4 Notice of Third-Amended Notice of Continued  
13 Deposition Person Most Qualified at Cal Fire  
14 with Request for Production of Documents .... 38

15 5 Cal Fire's Objections to Notice of PMQ  
16 Deposition and Request for Production  
17 of Documents ..... 40

18 6 Photo Bates stamped Cal Fire 72 and 73 ..... 53

19 7 Photograph of branch on ground ..... 115

20 8 Witness Statement Bates stamped Cal Fire 219  
21 and 220 ..... 117

22 9 Investigation Report ..... 121

23 10 Copy of legal overhead ..... 122

24 11 Copy of email ..... 130

25 12 Copy of DVD ..... 135

13 13 Photograph labelled Exhibit 001-0004-C ..... 170

14 14 12-page document US\_00000058 through 69 ..... 175

15 15 Fire Investigation Sketch ..... 182

1

I N D E X (CONTINUED)

2

3

INFORMATION REQUESTED

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NONE

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QUESTIONS INSTRUCTED NOT TO ANSWER

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NONE

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1 Riverside, California; Tuesday, November 15, 2022; 9:38 a.m.

2 -oOo-

3

4

5 THE VIDEOGRAPHER: Good morning. My name is Frank  
6 Meyer, your videographer, and I represent Huseby Global  
7 Litigation. Today's date is November 15th, 2022, and the  
8 time is 9:38 a.m.

9 This is start of Media, labelled Number One of the  
10 videotaped deposition of Joseph Pidgeon in the matter of  
11 County of Mono, et al. vs. Liberty Utilities, et al., filed  
12 in the U.S. District Court, Eastern Division, District of  
13 California.

14 This deposition is taking place at Riverwalk  
15 Executive Suites, 4199 Flat Rock, Suite 100, Riverside,  
16 California 92505. This deposition is being taken on behalf  
17 of the Defense.

18 Counsel will now please identify yourselves and  
19 state whom you represent.

20 MR. MIJANOVIC: Krsto Mijanovic on behalf of  
21 defendant Liberty Utilities Cal Peco Electric, LLC.

22 MR. SCORDALAKIS: Steven Scordalakis on behalf of  
23 Liberty Utilities Cal Peco Electric, LLC.

24 MR. JULIUS: Jason Julius on behalf of Plaintiffs.

25 MR. HIRSCH: Good morning. Ross Hirsch for the

1 witness in all various capacities.

2 THE VIDEOGRAPHER: The court reporter this morning  
3 is Rosalyn Adams, also from Huseby Global Litigation. And  
4 the court reporter will now swear in the witness.

5

6 JOSEPH PIDGEON,

7 Having been duly sworn by the court reporter  
8 was examined and testified as follows:

9

10 EXAMINATION

11 BY MR. MIJANOVIC:

12 Q Good morning, sir.

13 A Good morning.

14 Q Would you please state your name for the record?

15 A Joseph Pidgeon.

16 Q Can you spell that for us?

17 A P-I-D-G-E-O-N.

18 Q Is this your first deposition?

19 A No.

20 Q How many depositions have you had in the past?

21 A This will be my third, I believe.

22 Q As I've introduced myself on the record, my name is  
23 Krsto Mijanovic, and my colleague, Steven Scordalakis. And  
24 we're attorneys for Liberty Utilities in this matter, just  
25 for your information.



1 I will ask you some primarily questions and go over  
2 some admonitions of this procedure so we're all on the same  
3 page.

4 Do you understand that?

5 A Yes.

6 Q I will ask you questions relevant to this  
7 litigation. You provide answers to the extent that you have  
8 information that's responsive.

9 Understood?

10 A Yes.

11 Q This is a federal action, a federal case so the  
12 rules of -- FRPC rules apply. The court reporter is  
13 transcribing the testimony here today and will reduce it into  
14 a transcript.

15 Do you understand that?

16 A Yes.

17 Q Your testimony is under oath. It's the same oath  
18 that would be administered to you in a court of law.

19 Do you understand that?

20 A Yes.

21 Q You will have an opportunity to review the  
22 transcript in the future to ensure that your testimony,  
23 because it's under oath, is true and accurate.

24 Do you understand that?

25 A Yes.

1           Q     You'll have an opportunity to make changes to the  
2     deposition transcript to ensure that your testimony is  
3     truthful and accurate and then you'll sign that transcript  
4     under penalty of perjury.

5                     Do you understand that?

6           A     Yes.

7           Q     The process of reviewing the transcript is an  
8     important one. You have the right as a witness to make any  
9     necessary changes you'd like to ensure that your testimony is  
10    true and accurate.

11                    Do you understand that?

12          A     Yes.

13          Q     One caution that attorneys usually tell witnesses  
14    is that if you make any material change, then attorneys can  
15    comment on that material change at the time of trial. You  
16    would be on the stand. It would be brought to your attention  
17    that you said one thing one day and another thing another day  
18    by changing your testimony.

19                    Here's the example I usually give witnesses. Let's  
20    take, for example, if this was a car accident case and you're  
21    a witness. And at deposition you're asked: What was the  
22    color of the light for the white vehicle?

23                    And you say it was green.

24                    Thirty days goes by, you review the transcript; you  
25    strike out "green" and you write in "red." So that would be

1 a material change if one of the big issues in the case was  
2 the color of the light. And that's the type of thing that  
3 can prove embarrassing if you make a material change. I'm  
4 bringing that to your attention because what I always advise  
5 by client is just provide truthful testimony that's accurate  
6 at your deposition. And then, when you review your  
7 transcript later, there's no reason to change anything that's  
8 material. You might catch a typo here and there; not a big  
9 deal. No one's going to give you a hard time about that.

10 But, again, I'm just advising you of that rule so  
11 as to make -- provide you the appropriate guidance in terms  
12 of what we all as attorneys agree to. Just want the best  
13 testimony that you have as a witness to the events that you  
14 were involved in in connection with this case.

15 Do you understand that?

16 A Yes.

17 Q If you don't understand one of my questions, will  
18 you tell me?

19 A Yes.

20 Q I do not want you to answer any questions you do  
21 not understand.

22 Do you agree?

23 A Yes.

24 Q And that's another important rule that I always  
25 tell me own client is that you are entitled to a question

1 that you understand before you provide an answer. So it's  
2 perfectly fine for you to say to me, "I don't understand your  
3 question, please rephrase," and I will do so.

4 A bad question and a vague answer doesn't do anyone  
5 any good. Okay.

6 Have you reviewed any documents in preparation for  
7 this deposition?

8 A No.

9 Q When is the last time you reviewed any documents  
10 related to your investigation of the fire that occurred on  
11 November 17, 2020, in Walker, California?

12 MR. HIRSCH: Let's just clarify that you're not  
13 asking him about attorney-client communications. And I think  
14 the witness knows he's not to answer based on any information  
15 he obtained from his counsel in this case.

16 THE WITNESS: So, yeah, that would be -- to  
17 clarify, what do you mean by "review"?

18 What would constitute review?

19 BY MR. MIJANOVIC:

20 Q Let me go back to what your attorney just properly  
21 instructed you on. I don't want you to provide any  
22 information that would violate an attorney-client privilege.  
23 I'm not asking for that.

24 What I am asking for is your own information,  
25 knowledge that you have in your mind concerning some of the

1 events surrounding your investigation of the subject fire as  
2 it relates to written documents.

3 Have you reviewed any documents concerning the fire  
4 investigation conducted by Cal Fire?

5 A Reviewing, as far as refreshing my memory, no.  
6 Reviewing to confirm if it's a document for this incident or  
7 for this document package, yes.

8 Q And when did you do that?

9 A Review with the attorneys from the department and  
10 then reviewing through our files to find the documents when I  
11 received subpoenas asking for the case.

12 Q All right, so -- thank you for that.

13 Let me do some housekeeping here for a second.

14 What I'd like to do is attach as Exhibit 1, the  
15 Notice of Deposition of the Custodian of Records at Cal Fire.  
16 And I'll just hand you Exhibit 1.

17 MR. MIJANOVIC: You already have a copy?

18 MR. HIRSCH: I have. Thank you.

19 (Exhibit No. 1 marked for identification.)

20 BY MR. MIJANOVIC:

21 Q Exhibit 1 is the Notice of Deposition to the  
22 Custodian of Records at Cal Fire and there's a Request for  
23 Documents.

24 Do you see that?

25 A Yes.

1           Q     Now, you are being produced as a Custodian of  
2     Records at Cal Fire concerning this specific demand for  
3     documents that's identified in Exhibit 1; is that correct?

4           A     Yes.

5           Q     And when you searched for responsive documents, was  
6     your search related to categories 1 through 15 identified in  
7     Exhibit 1?

8           MR. HIRSCH: Again, counsel, let me just clarify  
9     that we served prior to this deposition objections.

10          Do you want to make that as Exhibit 2 or do you  
11     just want to reference them here that Cal Fire served  
12     objections prior to this deposition?

13          MR. MIJANOVIC: We could make a complete record.  
14     Don't mind at all. I don't have the objections, but  
15     you can --

16          MR. HIRSCH: Yeah. Why don't I give you that  
17     particular one and you can make a note, too. I'll also hand  
18     you the same objection filed for the PMQ because, I think,  
19     you're doing this together?

20          MR. MIJANOVIC: Yes.

21          MR. HIRSCH: You can make that three or four after  
22     you do the other Deposition Notice, whatever you'd like.

23          MR. MIJANOVIC: Just for a complete record,  
24     Exhibit 1 is the Notice of Custodian of Records with the  
25     Demand for Production of Documents 1 through 15.

1 Do you agree is that, sir?

2 THE WITNESS: Yes.

3 MR. MIJANOVIC: And you have that document in front  
4 of you?

5 THE WITNESS: Yes.

6 MR. MIJANOVIC: Exhibit 2 will be Cal Fire's  
7 Objections to the -- I believe it's the Custodian of Records;  
8 is that correct?

9 MR. HIRSCH: Look down right at the bottom there.

10 MR. MIJANOVIC: Correct. Sure.

11 So I'm attaching as Exhibit 2 Cal Fire's Objections  
12 to the Notice of Deposition to the Custodian of Records.

13 (Exhibit No. 2 marked for identification.)

14 BY MR. MIJANOVIC:

15 Q So, focusing on Exhibit 1, can you tell me what it  
16 is that you did in order to search for documents that are  
17 responsive to Numbers 1 through 15?

18 A I went to our Cal Fire San Bernardino Unit for Law  
19 Enforcement Fire Prevention Bureau. We keep all of our fire  
20 reports and law enforcement documents and file cabinet. Went  
21 to that as well as a log program. It's digital. So it  
22 went -- and searched through Mountain View. Found that  
23 the -- we did have a case number for that. Went to that file  
24 that we had it for that year, and recovered the paperwork  
25 that were in that -- or DVD that was in that file cabinet.

1           Also, searched my -- my computer, since I was the  
2   lead investigator, and made sure that there wasn't any other  
3   documents on my computer still.

4           Q     To summarize, you went through a hard file which is  
5   the old-fashion pullout drawer that has documents in it?

6           A     Yes.

7           Q     Okay. And then you also searched your computer?

8           A     Yes.

9           Q     And then it sounds like there's a Cal Fire network  
10  of some sort where information is stored?

11          A     That one's for evidence only. We don't have our  
12  records on a digital format yet.

13          Q     All right. So the three sources were the hard  
14  file, your personal computer, and evidence storage?

15          A     Yes.

16          Q     And the evidence storage -- was that where the  
17  three segments of powerlines were kept?

18          A     Yes. But they have been transferred to BLM. They  
19  were initially kept at our storage location and then  
20  transferred to Bureau Land Management.

21          Q     So where those the three sources of information  
22  where information responsive to Exhibit 1 was stored at that  
23  those three areas, if you will?

24          A     Yes.

25          Q     And so you searched those three areas, identified



1 responsive information, and that was provided in this  
2 litigation?

3 A Yes.

4 Q Was there any responsive information that was  
5 withheld as privileged?

6 A I don't believe so.

7 Q Like, for example, in the fire report there were  
8 some redactions made?

9 A All of the -- redactions were not made by me. All  
10 of the reporting information I had was given to our legal  
11 department so they could transfer the information for the  
12 subpoena.

13 Q Understood.

14 Was there any responsive information, documents, or  
15 evidence to the Request 1 through 15 of Exhibit 1 that was  
16 not produced for any reason?

17 MR. HIRSCH: I would say that he's aware of.  
18 Obviously, Mr. Pidgeon was not the only person involved in  
19 the gathering and the production. I was also involved in  
20 that, in Bates labeling them and getting them over to your  
21 colleague. But, if you're asking the witness based on what  
22 understands, that's fine.

23 THE WITNESS: Yeah. Everything that we found --  
24 that I found, I produced and provided to our legal department  
25 to they could forward it to your counsel.

1 BY MR. MIJANOVIC:

2 Q As the custodian of the records, legally speaking,  
3 that means the responsive information, documents, and  
4 evidence -- you have control over them, right?

5 A Yes.

6 Q So it was located at three locations. You have  
7 control over those locations. You caused either someone to  
8 retrieve that information or you retrieved it yourself, and  
9 you provided it to counsel?

10 A Correct.

11 Q Okay. And then your job was done?

12 A Yes.

13 Q Okay. Thank you.

14 And, in terms of your job in that regard, you  
15 produced everything that you could get your hands on that was  
16 responsive to Numbers 1 through 15?

17 A Yes.

18 Q Thank you. All right.

19 At some point BLM took the physical evidence, which  
20 were the three segments of powerline; is that correct?

21 A Yes.

22 Q And was there a Chain of Custody form filled out in  
23 that regard as that evidence transferred from Cal Fire to  
24 BLM?

25 A Yes.

1           Q     And did you fill out that Chain of Custody form?

2           A     Yes.

3           Q     Was that produced as part of the documents?

4           A     No. I lost it.

5           Q     All right. Okay. So the Chain of Custody form  
6     between Cal Fire and BLM -- that is no longer in existence,  
7     but it did exist at one point?

8           A     BLM was given a copy as well. So they still had to  
9     maintain their Chain of Custody; however, I have lost the  
10    form.

11          Q     Whatever form was filled out, was it filled out by  
12    you?

13          A     Yes.

14          Q     You filled out a Chain of Custody form as the  
15    evidence transitioned from Cal Fire to BLM?

16          A     Yes.

17          Q     And that same form -- was it also signed off by  
18    BLM?

19          A     Yes.

20          Q     And BLM kept its copy of the form and you kept your  
21    copy of the form?

22          A     As far as I know, yes.

23          Q     And then your form was lost, misplaced, or whatever  
24    happened to it?

25          A     Correct.

1           Q     Other than the three strands of wire or powerline  
2     that were handed over to BLM, was there any other evidence  
3     that Cal Fire handed over to BLM?

4           A     They were given a copy of the report, which  
5     included all of the original photos, as well as a copy of the  
6     report, digital format, as well as a printed copy with their  
7     signature.

8           Q     So all the photographs that Cal Fire took, whether  
9     or not it was by you or some other investigator concerning  
10    this fire investigation -- all those photographs are in  
11    digital form?

12          A     Yes.

13          Q     And when that information was transferred over to  
14    BLM, was the digital form of the photographs -- was that  
15    transferred to BLM as well?

16          A     Yes.

17          Q     In the highest resolution possible?

18          A     Yes. It was transferred from the camera to the  
19    officer that took the pictures. That gets transferred to its  
20    own disk, and then that disk was given, along with a disk  
21    that contains the report as well as any attachments that were  
22    scanned in.

23          Q     In this instance did Cal Fire produce the native  
24    format digital photographs in response to this subpoena to  
25    Liberty?

1           A     Yes. I believe it was a copy of the disk that we  
2     have. So that was transferred from that disk to the file  
3     that went to our attorneys.

4           Q     Understood. So the native format -- strike that.

5                     The native format of the digital photograph was  
6     provided to your attorney and you're assuming all of that  
7     made its way through to us because that's the road that it  
8     took?

9           A     Correct.

10          Q     Okay.

11                    MR. HIRSCH: If you're looking for confirmation,  
12     counsel, yeah the disks that our office provided did have  
13     those native photographs.

14                    MR. MIJANOVIC: I appreciate that.

15                    MR. HIRSCH: I didn't get a chance to look at them,  
16     yeah.

17                    MR. MIJANOVIC: Thank you. I just want to make  
18     sure that I'm following the chain of information.

19     BY MR. MIJANOVIC:

20          Q     Have you also produced all of your handwritten  
21     notes concerning your fire investigation?

22          A     All of our handwritten notes, per our department  
23     policy, are destroyed once the report is completed. We  
24     transfer all of the notes to the report. Once I complete the  
25     report, the notes are all destroyed.

1           Q     So the notes that you took concerning interviews of  
2 witnesses -- did you keep any of those handwritten notes?

3           A     No.

4           Q     So when you were transferring the information from  
5 your handwritten notes, say, of witness interviews to  
6 typewritten, was it transcribed word-for-word, typo-for-typo?

7           A     No. So the notes -- basically, when I take my  
8 notes, they're -- you can call the, chicken scratch or pigeon  
9 scratch, whatever you want to call them.

10                    Anyway, I take my notes. I will put in quotation  
11 specific comments that pertinent. Those -- if I put them in  
12 quotations on my notes, those are transferred as I put them  
13 in quotations to the report.

14           Q     All right. But when you type up a report that  
15 contains a witness statement, are you, in essence,  
16 interpreting your notes, including any quotes that you have  
17 of statements, and transposing that into a typewritten  
18 format?

19           A     Yes.

20           Q     It may not be word-for-word, but it's --

21           A     Correct. In the report it does say that it's a  
22 summary of the interview with whatever the subject is.

23           Q     Correct. And that's where I was getting at.

24                    The report contains a summary of all the notes that  
25 you took, but the notes are gone?

1 A Correct.

2 Q Okay. And same question with respect to diagrams.

3 Did you prepare any diagrams while you were doing a  
4 scene examine?

5 A I did not prepare any. The other officer that  
6 completed them -- he's the one that -- he does some rough  
7 notes. And then he transposes those to a cleaner format with  
8 the colors and such, so that we're in a cleaner environment.

9 Q Did you take videos at the scene?

10 A No.

11 Q Other than taking into evidence the three strands  
12 of wire from the scene, did you take into evidence anything  
13 else from the scene?

14 A I don't believe so. You can check the report to  
15 make sure. It would be listed in the attachments if we did,  
16 but I don't believe we took anything other than the wire.

17 Q Based on your understanding of all the information  
18 and evidence that you identified as part of your  
19 investigation and as a Custodian of Records of Cal Fire that  
20 you handed off to your attorney for production, do we now  
21 have the complete file concerning Cal Fire's investigation of  
22 the subject fire?

23 A Yes.

24 Q One rule of deposition I forget to give you is  
25 let's try not to speak over one another because it breaks up

1 the question. You've been doing great so far, by the way,  
2 but just a reminder.

3 A Not a problem.

4 Q A couple of other admonitions that I don't give all  
5 at once, but I'll give them throughout the deposition when  
6 they're relevant.

7 We don't want you to guess or speculate, but we  
8 want your best testimony.

9 Okay?

10 A Yep.

11 Q So we're entitled to your best estimate. An  
12 estimate is based on some perception or experience that you  
13 had. So you give an estimate based on that experience. For  
14 example, if I were to ask you: How long did it take to you  
15 come to down to this conference room?

16 You would have to draw back on memory of stopping  
17 by for coffee, probably hitting a little bit of traffic  
18 coming down, and then you can give me ballpark. You know,  
19 half-hour to 45 minutes. I'll ask you: Is that your best  
20 estimate? You'll say "yes."

21 The answer is based on that experience that you  
22 had; that's what you're drawing.

23 Does that make sense?

24 A Yes.

25 Q If I asked you: How long did it take me to come



1 down to the office? You have no idea. You weren't there  
2 with me.

3 A Correct.

4 Q So that's a guess.

5 You understand?

6 A Yes.

7 Q Okay. So when I ask you: Do you have a best  
8 estimate? I'm, in essence, asking you to draw on that  
9 recollection of you being somewhere, observing something,  
10 having that foundational information for which you can give  
11 me an estimate. That's what I'm asking for when I say "give  
12 me your best estimate."

13 You understand that?

14 A Okay.

15 Q I'd like to ask you some questions about yourself,  
16 just your background?

17 A Okay.

18 Q When did you graduate high school?

19 A 1989.

20 Q Which school?

21 A Ivy High School in Fallbrook, California.

22 Q And after high school -- strike that.

23 So you're 51?

24 A Yes.

25 Q You're a year younger than me. I graduated in '88.

1                   **Did you go to a school after high school?**

2           A     Not formal.  When I received my Associates Degree,  
3   Bachelors Degree it was classes here and there through the  
4   fire service.

5           Q     And, as far as the education and training that you  
6   received for fire service, did that include fire science  
7   classes?

8           A     Yes.

9           Q     Was it at the local college level?

10          A     Yeah.  Junior college level.

11          Q     Which one?

12          A     Multiple.  So I've taken classes through Miramar  
13   College in San Diego, Polamar College in San Diego.  There's  
14   probably five of them.  I can't think of names right now.

15          Q     Okay.

16          A     San Bernardino, L.A., Orange and Riverside  
17   counties.  I've taken multiple science classes.

18          Q     When did you start up with the Fire Department?

19          A     1989, about three months after graduation.

20          Q     All right.  So has that been your whole career?

21          A     Yes.

22          Q     Good for you.

23                   As far as your background as a fire investigator,  
24   when did you start doing that type of work?

25          A     Cal Fire -- the fire apparatus engineer level,

1    which is based on our first level of company officer, you're  
2    required to do the fire reports, the initial fire  
3    investigation. So that would be 2000 -- 2000, I believe.  
4    And I had a limited term assignment for a few months and  
5    then, eventually, was made permanent in 2004. So 2000 is  
6    probably the better.

7           **Q     When did you join Cal Fire?**

8           A     1994.

9           **Q     All right. So that first five years after high**  
10   **school, where were you and what were you doing?**

11          A     I worked for the Deer Springs Fire Protection  
12    District in San Diego County. They were eventually absorbed  
13    into Cal Fire's program in 1994. So there wasn't any break  
14    in service. So I went from Deer Springs in 1989, and  
15    transitioned in 1994. All of my service time was credited  
16    with the department.

17          **Q     And for what period of time did you have**  
18   **firefighter duties?**

19          A     The entire time I was a firefighter, Deer Springs  
20    Fire Protection District; operated two-person engine  
21    companies. There was a captain and a firefighter; the  
22    firefighter was also the driver-operator. So dual role in  
23    that position.

24                Came over to Cal Fire. My title was Firefighter  
25    II. From '94 until 2000, I was a Firefighter II with Cal

1 Fire working in various locations, different contracts;  
2 Riverside County and San Diego County. And then 2000, I went  
3 to our limited term academy and was working as limited term  
4 which was, basically, an acting position for Cal Fire from  
5 that point until 2004 when I was made permanent.

6 Q As far as your promotion from Firefighter II to the  
7 next level, what was that next level?

8 A Engineer, Fire Apparatus Engineer.

9 Q And for what period of time were you a Fire  
10 Apparatus Engineer?

11 A 2000 to 2006.

12 Q And during that 2000 to 2006 as a Fire Apparatus  
13 Engineer, did you have any duties as a fire investigator?

14 A Yes.

15 Q And when I say "fire investigator," I mean origin  
16 and cause investigation?

17 A Yes.

18 Q And was it during that whole six years that you an  
19 origin and cause investigator?

20 A Yes. With Cal Fire, anytime you're the first  
21 arriving company officer, you're responsible to complete the  
22 fire investigation. And so at that time it was called an  
23 LE-66 (phonetic), or Preliminary Fire Investigation. So your  
24 initial origin and cause was conducted by that company  
25 officer. And during that time any fire experts could see

1     that was my responsibility.

2           **Q     When did you start conducting origin and cause**  
3     **investigations as a lead investigator?**

4           A     You're talking as far as formal investigations  
5     where it's gone beyond just the preliminary fire  
6     investigation stage?

7           **Q     Yes.**

8           A     That would be 2000 -- I believe, it's '11 or '12.

9           **Q     And describe for me what the difference is between**  
10    **serving as a lead fire investigator, starting 2011 or '12,**  
11    **versus doing a preliminary fire investigations as an**  
12    **engineer?**

13          A     The preliminary fir investigations are,  
14    typically -- I'm doing -- we did receive training as a State  
15    Fire Marshal Fire Officer. Part of that series is including  
16    a fire investigation class, Fire Investigation 1A, which is a  
17    basic introduction to fire investigation.

18               From that point, transitioning into the lead fire  
19    investigator increased my training, which I had taken other  
20    training on my own, the State Fire Marshal Investigation B  
21    class; and then Fire Investigation 2A and 2B, which are  
22    additional at the time. The series has since changed. But I  
23    was a Fire Investigator 1 through the State Fire Marshal.  
24    And then, additionally, I'd taken the NWCG, National Wildfire  
25    Coordination Group, Fire Investigation 210, which is a

1 Wildland Fire Investigation class.

2 Q When did you complete that?

3 A I believe that was 2011 or 2012.

4 Q Do you maintain a C.V. or a resume?

5 A Yes.

6 Q Do you have it on you?

7 A No.

8 Q If we attached that as next in order, which would  
9 be Exhibit 3, would you be able to provide an updated C.V. to  
10 the court reporter?

11 A Yes.

12 Q Okay. When did you start investigating wildfires,  
13 wildland fires?

14 A As a Fire Apparatus Engineer, any of the wildland  
15 fires that we went, to we were -- the preliminary fire  
16 investigation included wildland fires. It was all fire  
17 types. If, during our investigation, either I needed  
18 additional help or I wasn't sure what I was seeing, we could  
19 request our Fire Prevention Bureau, which are fire  
20 investigators as their primary function. That role I took on  
21 in 2012, I believe it was -- 2012, 2013. And that's when I  
22 became -- primary function of doing the wildland fire  
23 investigation.

24 Q As part of your training as an origin and cause  
25 investigator, were you trained on how to conduct arson

1 investigation or incendiary fires?

2 A Yes.

3 Q And was that starting in your role as an engineer?

4 A Yes.

5 Q When you took --

6 A Fire Investigation 1A.

7 Q That was 1A or 1B?

8 A 1A -- it was an introduction so it included theft  
9 classes predominantly focused more towards vehicle fires,  
10 structure fires, based on anything on wildland. There is a  
11 small section on the wildland, but it's not the bigger focus.  
12 But NWCG, FIT 210 class is more wildland focus.

13 Q And as part of your training as a fire investigator  
14 doing origin and cause investigation, did you also receive  
15 training on investigating electrical fires?

16 A Not in depth, but there is -- I won't say  
17 introductory, but the initial training that gives you a  
18 generic overview.

19 Q Have you conducted any fires that were suspected to  
20 be electrical in nature as the lead fire investigator?

21 A Yes.

22 Q And, in the investigations that you've conducted  
23 where an electrical fire is suspected, would you ever consult  
24 with an electrical engineer or a metallurgist to assist you  
25 in your investigation?

1 A Yes.

2 Q And did you consult with any electrical engineers  
3 or metallurgists in connection with the subject fire in this  
4 case?

5 A No.

6 Q As far as your training that you received,  
7 collectively, as an origin and cause investigator, do you use  
8 NFPA 921 as a guideline?

9 A Yes.

10 Q Were you trained to use it as a guideline?

11 A Yes.

12 Q Outside of NFPA 921, do you use any other  
13 guideline?

14 A NWGC FI 210 which gives guidelines on how to  
15 conduct a wildlife investigations.

16 Q How about Kirk's Fire Investigation (phonetic)?

17 A I'm not familiar with that.

18 Q So, as far as the potential conclusions that you  
19 can reach as an origin of cause investigator, do you agree  
20 that there are four potential conclusions: Natural fire,  
21 incendiary fire, accidental fire, and undetermined?

22 A Yes.

23 Q In total, how many fires have you investigated as a  
24 lead investigator?

25 A As a lead investigator, probably 30.



1           Q     And of those 30 fires that you investigated as a  
2     lead investigator, how many of those have been wildland  
3     fires?

4           A     Probably, 20 to 25.

5           Q     And the other fires, were those just commercial or  
6     residential fires or car fires?

7           A     Yes.

8           Q     As far as the methodology of how it is that you  
9     conduct origin and cause investigations, I'd like to go over  
10    that methodology now.

11          A     Okay.

12          Q     And you tell me if you agree with what I am  
13    proposing to you as the methodology that you follow.

14          A     Okay.

15          Q     You first try to identify general area of origin?

16          A     Correct.

17          Q     And you do so by looking at burn patterns?

18          A     Correct.

19          Q     Interviewing witnesses?

20          A     Correct.

21          Q     Looking at physical evidence?

22          A     Yes.

23          Q     And, ultimately, your role is to find a general  
24    area of origin that you will then further investigate?

25          A     Yes.

1 Q And the further investigation that you conduct  
2 within a general area of origin includes identifying  
3 potential sources of ignition?

4 A Yes.

5 Q And your role as an origin and cause investigator  
6 is to identify as many potential sources of ignition within a  
7 general area of origin so that you can then investigate each  
8 such potential source of ignition, correct?

9 A Correct.

10 Q And, in essence, what you're doing is, in part,  
11 like a process of elimination, where you're able to confirm a  
12 potential source of ignition or eliminate as a potential  
13 cause?

14 A Correct.

15 Q So. For example, if there was an electrical  
16 appliance in a general area of origin that you identified,  
17 but the appliance was unplugged; the fact that it was  
18 unplugged and not energized, that would be evidence you would  
19 consider to eliminate that as a potential cause?

20 A The appliance, yes.

21 Q Right. The appliance, correct, of course. But  
22 that's just by way of example, right?

23 A Okay.

24 Q So your goal, then, is to investigate each  
25 potential source of ignition to determine whether that source

1 of ignition is a probable cause?

2 A Yes.

3 Q If you identified more than one potential source of  
4 ignition in a general area of origin and you're not able to  
5 eliminate either of those two, you would then conclude that  
6 it's an undetermined fire?

7 A Yes. That is the traditional -- the way that I was  
8 brought in with the training. Since then we have gone with  
9 more a probable or possible. And so the probables are, yes,  
10 it could have been railroad; but then we go through our  
11 process of elimination in terms if there's no railroad  
12 tracks, so it couldn't have been railroad, as an example.

13 Whereas, it could have been an extra roadway so it  
14 could have been a vehicle. Those are all going to be  
15 probable or possible, by the time it's all done. But I can  
16 still at that time complete my report, even though there may  
17 be some probables or possibles. I can still determine that,  
18 yes, I believe that with certainty of 50 percent plus one  
19 that this is the cause even though I have other possibles.

20 Q So just to give some definition to the word  
21 "possible" and "probable," it appears that your definition of  
22 "probable" is that a potential source of ignition has  
23 51 percent or greater chance of being the ignition source?

24 A For "possible."

25 Q For "probable"?

1 A "Probable," no.

2 Q Are you sure?

3 Let me ask it again.

4 A Yes. You're correct. Yes. "Probable" would be 50  
5 percent, plus.

6 Q Just to make it a clear record, because I feel like  
7 that was a little confusing the way I asked the question so  
8 we're going to ask it again and not hold your answer against  
9 you, what you just said. Okay.

10 So on a probable cause what you're, in essence,  
11 concluding is that there's a 51 percent chance or greater  
12 that cause was probable?

13 A Yes.

14 Q On a possible cause, that's 50 percent or less  
15 chance that it was the cause?

16 A Correct.

17 Q So what you're doing is you're weighing potential  
18 sources of ignition and making a judgment call on which one  
19 is probable versus which one is possible?

20 A Yes.

21 Q And you're looking at the evidence to help you make  
22 that determination?

23 A Yes.

24 Q Okay. Do you agree that you're not an expert on  
25 electrical engineering issues?

1 A Yes.

2 Q Do you agree that you're not an expert on  
3 metallurgy?

4 A Yes.

5 Q If you have two potential sources of ignition  
6 within an area of origin, neither of which you are able to  
7 eliminate as a probable cause, then you would conclude the  
8 cause of the fire was undetermined?

9 A Yes.

10 Q Okay. Under your methodology, if you have two  
11 potential sources of ignition and a general area of origin,  
12 and one source of ignition is possible and another one is  
13 probable, what conclusion do you draw there?

14 A We'll make sure that the possible, if there's any  
15 other evidence that would further eliminate that as the  
16 possible cause or probable cause.

17 Q So --

18 A If we have one of each it would be -- if they're  
19 equal amount but we can't determine one or the other being  
20 more or less than the other, then it would be undetermined.

21 Q But my question is: If you have a potential source  
22 of ignition that is possible, in your opinion, but you're not  
23 able to eliminate it -- it's just a possible source of  
24 ignition -- and then you have a second source of ignition  
25 that's probable, in other words, you feel 51 percent or more

1     that it's a probable cause -- if you have those two potential  
2     sources of ignition -- one possible, one probable -- under  
3     your methodology, do you conclude that the cause of the fire  
4     was undetermined?

5           A     Not if I feel that one's stronger than the other.  
6     If they're equal amount that I can't determine one way or the  
7     other then, yes, then it will be undetermined. If I feel  
8     stronger that it's probable on one of them, then that one  
9     will be determined as the cause.

10          Q     Even though you weren't able to completely  
11     eliminate the possible cause that you've identified?

12          A     Yes.

13          Q     Okay. And this methodology of possible causes  
14     versus probable causes, does NFPA 921 support that  
15     methodology?

16          A     I don't know on that one.

17          Q     As it relates to investigating potential sources of  
18     ignition to determine if it's a probable or possible cause,  
19     is it important for you to obtain witness statements?

20          A     Yes.

21          Q     You want to determine if there's a witness to the  
22     scene and what they observed, does that help you determine  
23     whether it's cause one or cause two or some other possible  
24     cause?

25          A     It's another piece of the investigation. It's not

1 going to be the determining factor, but it will be a piece of  
2 the investigation.

3 Q That you will weigh?

4 A Yes.

5 Q Okay. And, as far as your methodology for  
6 conducting origin and cause investigations, would you ever  
7 consult with another resource, another expert such as an  
8 electrical engineer to supplement your knowledge in a  
9 particular area?

10 A Yes.

11 Q And that's all part of the investigation process to  
12 help you confirm or eliminate potential sources of ignition?

13 A Yes.

14 Q Okay. Have we now talked sufficiently enough for  
15 me to understand the methodology that you applied to fire  
16 investigation?

17 A I would hope so.

18 Q Is there anything that you feel that is material  
19 that we haven't discussed?

20 A No.

21 Q Okay. In this instance -- strike that.

22 In this case, did you prepare any draft reports  
23 typewritten?

24 A No. The report's always in draft form until I  
25 determine it's completed, and I sign them.

1 Q And any drafts that may have existed -- those are  
2 gone because they were drafts and you elected, in your good  
3 judgment, that that wasn't ultimately part of your findings  
4 what is a final report?

5 A Correct.

6 Q Okay. With respect to your investigation of the  
7 subject fire, did you have any assistance from anyone else to  
8 help you in that regard?

9 A Yes.

10 Q Who was that?

11 A Fire Captain Matt Kirkhart.

12 Q Anyone else?

13 A No.

14 Q Is he still with Cal Fire?

15 A Yes.

16 Q Just for the record, your C.V. is Exhibit 3.

17 And I will mark as Exhibit 4 the Notice of the  
18 Third-Amended Notice of Continued Deposition Person Most  
19 Qualified at Cal Fire with the Request for Production of  
20 Documents. That's Exhibit 3.

21 (Exhibit No. 3 marked for identification.)

22 (Exhibit No. 4 marked for identification.)

23 MR. MIJANOVIC: The notice of PMK Deposition is  
24 Exhibit 4.

25 And then Exhibit 5 is Cal Fire's Objections to the



1 Notice of PMQ Deposition and Request for Production of  
2 Documents. Okay.

3 (Exhibit No. 5 marked for identification.)

4 MR. MIJANOVIC: Why don't we take a short break.

5 THE VIDEOGRAPHER: Off the record at 10:25.

6 (Off the record.)

7 (A break was taken.)

8 THE VIDEOGRAPHER: Back on the record at 10:33.

9 BY MR. MIJANOVIC:

10 Q Okay, Mr. Pidgeon. Looking at Exhibit 4, which is  
11 the Notice of Deposition of the Person Most Qualified at Cal  
12 Fire, with respect to Category Number One, we've asked Cal  
13 Fire to produce the Person Most Qualified as it relates to  
14 the subject fire. And the parties have agreed to limit that  
15 request to focus on the person most qualified relating to Cal  
16 Fire's origin and cause investigation of the subject fire.

17 Are you that person?

18 A I believe so.

19 Q Okay. And you're also the Person Most Qualified  
20 relating to any conclusions as a result that investigation?

21 A Yes.

22 Q And are those conclusions contained in the Origin  
23 and Cause Report?

24 A Yes.

25 Q The Origin and Cause Report is Bates stamped Cal

1 Fire 1 through 21. And then there's a bunch of  
2 attachments -- 25 attachments, I believe.

3 Is that right?

4 MR. HIRSCH: Hold on. I'll get it for you so you  
5 don't have to reach across the table.

6 THE WITNESS: The last page is my signature.

7 BY MR. HIRSCH:

8 Q Of the report, right?

9 A Yes.

10 Q And then Bates stamped 22 -- Cal Fire 22 -- is a  
11 list of attachments; is that right?

12 A Yes.

13 Q So you have 25 attachments to your Origin and Cause  
14 Report?

15 A There are some sections that are blank, but our  
16 reports, when we list attachments, we go 1 through 25. We  
17 use the tabs for dividing when we provide a complete report.  
18 And so not all of the sections may be filled, but there's 25  
19 tabs when you buy it from the stationery store.

20 Q Understood. So there are 25 tabs to the Origin and  
21 Cause Investigation Report, but Tabs 16 through 20 are blank?

22 A Correct.

23 Q Okay. That was my next question: Was that a  
24 reduction?

25 A No.

1           Q     All right. I'm not going to ask if you just didn't  
2     start off at 16 and leave 20 through 25.

3           A     So, typically, when we do our, like, our thumbnail  
4     is number 25. It's a small section of the pictures. We  
5     always put that at 25 so there's always a gap if we don't  
6     fill all the way up to 25.

7           Q     Understood. So, if you go to another report that  
8     you prepared, you go to 25, those will come in?

9           A     Correct.

10          Q     Thank you for that.

11                If there was additional evidence that you  
12     collected, you would have included it in Tab 16 through 20?

13          A     Yes.

14          Q     Actually, like the process now that you described  
15     it. Thank you for that.

16                Before we get into your investigation of the  
17     subject fire, have you ever provided expert consulting  
18     services as an origin and cause investigator outside of Cal  
19     Fire?

20          A     No.

21          Q     So the only opinions that you have ever expressed  
22     relating to origin and cause are with in the context of your  
23     employment with Cal Fire?

24          A     Yes.

25          Q     You indicated that there's another individual who

1     **assisted you in the investigation.**

2             **What's his name, again?**

3             A     Matt Kirkhart.

4             Q     **There he his. Matthew Kirkhart, K-I-R-K-H-A-R-T.**

5             **He was a Fire Captain Specialist at the time.**

6             **Is he still the same?**

7             A     No. He's promoted to Battalion Chief.

8             Q     **What is your current role?**

9             A     My official title is Assistant Chief of the  
10    Division in charge of the Fenner Canyon Conservation Camp and  
11    High Desert Division, as well as oversee the Law Enforcement  
12    Fire Prevention Bureau for San Bernardino Unit.

13            Q     **When were you promoted to the Assistant Chief?**

14            A     January this year.

15            Q     **From what position?**

16            A     From Battalion Chief in charge of the Law  
17    Enforcement Bureau.

18            Q     **And was that position on November 17, 2020?**

19            A     The Law Enforcement Battalion Chief, yes.

20            Q     **According to your report, Mr. Kirkhart assisted**  
21    **with the origin and cause investigation.**

22            **What, specifically, did he do?**

23            A     He's the one that took all the photos. He  
24    conducted some of the interviews. And then, as part of our  
25    NWCG process, we work together and do peer review for fire

1 spread indicators and whatever evidence we're seeing as far  
2 as the potential origin and cause for the fire.

3 Q In preparing for this deposition as the Person Most  
4 Qualified on behalf of Cal Fire, with respect to the subject  
5 fire, did you consult at all with Mr. Kirkhart?

6 A No.

7 Q Did you have to consult with him?

8 A No.

9 Q Did Mr. Kirkhart have any input as to the origin  
10 and cause of the fire?

11 A Yes.

12 Q In terms of that conclusion?

13 A Like I said, he participated with taking photos.  
14 And, then, as part of our -- we set indicator flags for  
15 different types of fire movement. And as we both walk  
16 independently around each direction of the fire or where we  
17 determine to be the specific origin area, once we come up  
18 with what we believe it is and what we believe the indicators  
19 are -- the indicators may be advancing, lateral, or backing  
20 indicators. So we will travel back and forth across the fire  
21 from advancing, back towards what we believe is the heel of  
22 the fire. So we will -- once we get into the asphalt, we  
23 start placing flags. We'll discuss: Do you believe this is  
24 advancing or lateral? And once we both concur that that is  
25 one or the other, then that's when we'll place a flag.

1           Q     Did you ever prepare a diagram identifying your  
2     general area of origin?

3           A     I don't believe we did a diagram for it. I know  
4     that Kirkhart did a diagram for our flag indicators, the fire  
5     spread indicators.

6           Q     Were you directing Mr. Kirkhart in terms of what he  
7     was doing as part of the origin and cause investigation?

8           A     From the standpoint of asking him, "Can you take  
9     care of doing photos? Can you take care of doing the  
10    diagram," yes.

11          Q     Before you arrived on scene to the subject fire,  
12    did you have a preconceived idea as to the origin or cause of  
13    the fire?

14          A     Not the cause. I had an origin area based on they  
15    told me it was the Mountain View Fire which was based on --  
16    typically, with fire service, your incident names - they try  
17    and give a geographical location so folks can identify where  
18    it's at. And Mountain View Barbeque was the business that  
19    was closest to the dispatch location.

20          Q     Before you arrived on scene, did anyone inform Cal  
21    Fire as to a suspected cause of the fire?

22          A     No.

23          Q     Do you have Cal Fire Bates stamped 25 in front of  
24    you? It actually starts on Bates --

25               MR. HIRSCH: Oh, yeah, 25 doesn't look like your

1 25.

2 MR. MIJANOVIC: If you go to Bates stamped Cal Fire  
3 23, can you describe what this document is, starting on  
4 Page 1023.

5 THE WITNESS: That is the CAD Report from the  
6 Sierra Front Interagency Dispatch Center. They were the  
7 agency that was the unified ordering point for the Mountain  
8 View incident.

9 Q What's the name of the agency? Sierra Front?

10 A Yeah, it's -- what it looks like, it's a  
11 multi-agency dispatch center. So it's staffed by Toiyabe  
12 National Forest and, I believe, BOM also has staff in there  
13 that they run their dispatch center.

14 Q So this dispatch center was contacting Cal Fire to  
15 retain Cal Fire's origin and cause services; is that right?

16 A Yes.

17 Q And what does it mean when a dispatch center such  
18 as this retains Cal Fire to conduct an origin and cause  
19 investigation?

20 A So, obviously, there's -- the state has multiple  
21 land responsibilities. And so there's, basically, three of  
22 them. We call them LRA, SRA or FRA. So LRA is Local  
23 Responsibility Agency; SRA is State Responsibility Agency;  
24 and then FRA would be Federal Responsibility Agency.

25 So federal you have National Parks Forest Service

1 Bureau of Land Management. Those are -- there's also Fish  
2 and Wildlife. There's five -- six.

3 Anyway, and so -- because we don't have fire  
4 stations to protect that area, there's been agreements that  
5 are drafted throughout the state so that we'll provide fire  
6 protection for FRA lands and treat them as if the federal  
7 agencies were protecting it. And, also, any of the areas  
8 that are SRA, the federal agencies will protect those SRA  
9 lands.

10 So in Mono County, while there is still SRA --  
11 State Responsibility Areas -- there's more federal agencies  
12 that have protection up there. Our closest fire engine  
13 either they're coming from Lake Tahoe or it's coming from  
14 Bishop, California. And so these folks have the  
15 responsibility for fire protection for that area.

16 Q On November 17, 2020, where were you stationed?

17 A San Bernardino headquarters in San Bernardino.

18 Q So when Cal Fire was contacted by dispatch to  
19 conduct the original and cause investigation, they were  
20 actually contacting your division down in San Bernardino to  
21 respond?

22 A Yes.

23 Q Cal Fire's, basically, on loan to do the origin and  
24 cause investigation?

25 A Correct.



1           Q     And Bates stamped 23 looks like the reporting party  
2     here is Mono County; is that right?

3           A     Yes.

4           Q     What does that mean? Is that who it is that's  
5     retaining you?

6           A     No. So, as I understand the report here, reporting  
7     party Mono County, would be that Mono County receives 911  
8     calls. So their dispatch center to 911 receiving center  
9     forward them to Sierra Front Agency Dispatch Center.

10          Q     All right. So, if you look on Bates stamped 25,  
11     it's the fourth time entry down at 11-17-2020 at 12:21:11.

12                     Do you see that?

13          A     Yes.

14          Q     It says "From Mono County."

15                     What does that mean?

16          A     That's who they received the report from or  
17     whatever the note was from.

18          Q     And it says "To KJJ."

19                     What does that mean?

20                     MR. HIRSCH: Again, nobody here wants you to  
21     speculate. If this wasn't a report that you prepared or you  
22     have gained an understanding to, we don't want you to guess.  
23     If you know, then please provide that.

24                     THE WITNESS: Ultimately, I'd be guessing. But my  
25     understanding was that it would be the dispatcher's initials.

1 BY MR. MIJANOVIC:

2 Q All right. Who creates this document?

3 A This came -- when I called and requested this, it  
4 came from Sierra Front Interagency Dispatch Center. They  
5 have folks that have -- I guess you call it the management  
6 rights. They can come in and put in the incident number,  
7 date and time information. And it will print out all of the  
8 notes and all of the entries for the CAD for that incident.

9 Q So that detail entry at 12:21:11 on November 17th,  
10 2020 indicates ^ "Lou with Mono County powerline down and  
11 cause of wildfire."

12 Do you see that?

13 A Yes.

14 Q Were you informed of that before heading out to  
15 conduct the investigation?

16 A No.

17 Q When did you first learn that that was the report?

18 A When I went there, there was powerlines down when I  
19 got to the incident the following morning, 10:00 in the  
20 morning briefing.

21 Q And when you attended the briefing in the morning,  
22 were you provided with the same information that it was a  
23 powerline that was down at caused the wildfire?

24 A Just that there was a powerline down near the hill  
25 fire.

1           Q     Did anyone say that it was the powerline that  
2     caused the fire?

3           A     No. The powerline down was more for safety so that  
4     we didn't have anybody step on it or anybody get near it.

5           Q     When did you arrive on scene?

6           A     I arrived in Mono County at the fire incident  
7     around midnight.

8           Q     Is there a run report associated with your --

9           A     Not for me.

10          Q     -- with your file, with you report?

11          A     No, I don't believe so. The only thing I provided  
12     was the dispatch report. Yeah. The only other piece would  
13     be an SC34 Report, which is our dispatch log. Since they  
14     called me on the phone and sent me -- I asked for Kirkhart to  
15     come with me so that we have a team to do the investigation.  
16     They didn't create an incident number for it because there  
17     was already one created for that incident.

18          Q     When did you arrive on scene with Kirkhart?

19          A     I got there -- I believe it was 7:00 o'clock in the  
20     morning on the 18th, whatever the next day was. So dispatch  
21     on 17th. I arrived there on the 18th at about 7:00 o'clock  
22     in the morning. Kirkhart was still driving up. He didn't  
23     get there until, I believe, somewhere between 10:00 and 11:00  
24     o'clock in the morning.

25          Q     When did you first start eyeballing the suspected

1     **area of origin?**

2           A     Probably around 7:00 o'clock. I started -- I drove  
3     along Highway 395 to try and narrow down where the heel of  
4     the fire was and find where the barbeque place was --  
5     Mountain View Barbeque.

6           Q     **Are you able to -- strike that.**

7                   How would you describe the general area of origin  
8     since you've never prepared a diagram or anything to indicate  
9     where it was? Can you describe it in your own words?

10          A     Basically, I drove -- it's actually east and west,  
11     along 395 based on the orientation of highway. But the  
12     highway, itself, is a north and south freeway or highway.

13                 I drove, basically, from one curve to the next  
14     curve in the community of Walker, trying to find where the  
15     edges were. Knowing that there had been winds the previous  
16     day and looking at where the fire had already spread to, the  
17     only place that I found fire close to the road or that,  
18     basically, the burned edges came back at a V pattern towards  
19     the heel of the fire was near the Mountain View Barbeque.

20          Q     **So as part of your report, I'd like you to turn to**  
21     **Bates stamped Cal Fire 72 and 73.**

22          A     Okay.

23          Q     **Can you tell me what Bates tamp 72 is?**

24          A     72 is a mid view. So, when I do my fire location  
25     maps, I do a close-up or SOA picture close-up. And then I do

1 a mid view. I back out a little bit more on Google maps.  
2 And then the 71 is basically more of a general area -- bigger  
3 aerial view so you can kind of get an idea of some landmarks,  
4 such as the community of Walker, where the 395 travels. So  
5 72 is the mid view, which I have. Back out enough so you can  
6 see some of the surrounding properties, the Mountain View  
7 Barbeque, the SOA mark, as well as power poles that were in  
8 the area, SOA.

9 Q So on Bates stamped 72 you have SOA typed in there.  
10 Is that suspected origin area?

11 A That's specific origin area.

12 Q All right. Do you have a general area of origin?

13 A General area of origin, when I initially did it,  
14 was basically a road from the picture to the right of the  
15 barbecue. And I used that roadway system and that was  
16 labelled as "Meadow Drive." And around to the perimeter just  
17 past Springer Court, there's a property line right there, is  
18 a fence.

19 Q So what I'd like to do is have you identify on  
20 Exhibit 6, the general area of origin.

21 All right. So I'll mark as Exhibit 6 Bates stamped  
22 Cal Fire 72 and 73.

23 So what I'd like you to do with the first page of  
24 Exhibit 6, which is Bates stamped 72 -- I'd like you to mark  
25 the boundary line of the general area of origin that you

1 identified as part of your investigation. Okay. And here's  
2 a Sharpie.

3 A (Witness complies.)

4 (Exhibit No. 6 marked for identification.)

5 MR. HIRSCH: Just to clarify, since I think your  
6 question misstated the evidence. And it's not stated in the  
7 report. In the narrative, he does describe the General  
8 Origin Area on Cal Fire 17.

9 BY MR. MIJANOVIC:

10 Q All right. So on Exhibit 6, you drew a boundary of  
11 a general area of origin and then you labelled it "GOA,"  
12 correct?

13 A Yes.

14 Q In your General Area of Origin that you marked as  
15 Exhibit 6, it goes a bit outside of Meadow Drive; is that  
16 right?

17 A Yes.

18 Q But in your report you indicated that you began  
19 walking in a counterclockwise direction observing macro fire  
20 indicators and you walked north to an access road and  
21 continued north until reaching Meadow Drive.

22 This is just for clarification. But if you look on  
23 Page 17 of your Origin and Cause Report, top of the page  
24 where you describe in general area of origin, does your  
25 description in your investigation report match what you

1 identified as the general area of origin in Exhibit 6?

2 A Yes, because I initially drove back and forth along  
3 Highway 395, stopping here to the east side of the  
4 restaurant. And I walked along these peripheral roads,  
5 looking for macro indicators. So when I identified  
6 basically, this area that I could access with my vehicle, I  
7 also walked -- I drove initially with my vehicle to get  
8 around it and then came out and walked on this roadway and  
9 out through the field here and back down this way.

10 Q Now, within that General Origin Area that you  
11 identified in Exhibit 6, did you photograph that area,  
12 generally, to document it?

13 A No.

14 Q Did your partner -- forgive me. What's his name?

15 A Matt.

16 Q Last name?

17 A Kirkhart.

18 Q Is it correct to refer to him as "Mr. Kirkhart" or  
19 should I say "Battalion Chief"?

20 A Either or.

21 Q Okay. Did Mr. Kirkhart take any photographs of the  
22 General Origin Area to document what was in that area?

23 A No.

24 Q When you walked the General Origin Area that you  
25 identified in Exhibit 6, what were you looking for?

1           A     I'm looking for different burn patterns. It had  
2     rained heavily overnight so there wasn't any ash to be able  
3     to take a look at that as an indicator. I was looking for,  
4     basically, charring and smoke pattern -- or smoke staining  
5     along major pieces of either fence or rocks or the buildings  
6     to try and determine which way the fire had traveled.

7           Q     So you're observing the General Origin Area to  
8     identify evidence of fire spread?

9           A     Yes.

10          Q     When you observed the General Origin Area, are you  
11     looking for anything, other than evidence of fire spread?

12          A     Yes.

13          Q     What else?

14          A     Looking for other possible ignition sources.

15          Q     Potential sources of ignition?

16          A     Yes.

17          Q     Anything else?

18          A     Pretty much anything that doesn't look like it  
19     should be there or should not be there.

20          Q     Okay. Thank you.

21                 Now, on the second page of Exhibit 6 which is Bates  
22     stamped Cal Fire 73, there's a location that you marked as  
23     "SOA," Specific Origin Area?

24          A     Yes.

25          Q     So the SOA, you have it as, literally, a pinpoint,



1 if you will.

2 Is the specific origin area a certain dimension  
3 that is not reflected in Bates stamped 72?

4 A Yes. I just don't remember if I put it in here or  
5 not. But, usually, a specific origin area is a reduced size  
6 that we determined that there's --

7 Q And that's what I'd like you to do -- if you don't  
8 mind, Mr. Pidgeon -- is look at your report in terms of how  
9 you identified the specific origin area, refresh your memory  
10 with that, and see if you can identify, if you can, the  
11 boundary lines of the specific origin area on Bates stamped  
12 Cal Fire 73 of Exhibit 6.

13 A So on the report I had 6 X 12. Basically, I had  
14 done six feet north-south and then 12 feet east-west.

15 Q I'll give you the Sharpie. Just give us your best  
16 estimate.

17 A Definitely not going to be to scale.

18 Q All right. So you drew a rectangle on the second  
19 page of Exhibit 6 to identify the boundary lines of the  
20 specific origin area; is that right?

21 A Yes.

22 Q All right. And what was it that you located in  
23 that specific origin area that you marked on the second page  
24 of Exhibit 6 that helped you identify that area?

25 A We found multiple pieces of lava rock that were

1 white in color as if they had been in high heat. There was  
2 also a piece of powerline that was within the area that  
3 looked like the -- our understanding of it based on what we  
4 were looking at is that is was each of those white rocks was  
5 a place where the energized powerline was hitting the rocks  
6 and changing the color of the rock because of the high  
7 temperature.

8 There was also the angle of char on the grass, as  
9 well as there was incomplete combustion as if the fire had  
10 not gained its full strength, so it was still in its infancy  
11 stages, so to speak, of the fire. There was not complete  
12 consumption of fuels in the area.

13 Q In the specific origin area, was there incomplete  
14 combustion?

15 A Incomplete consumption of fuels, yes.

16 Q So there was still a fuel load present in the  
17 specific origin area?

18 A Correct.

19 Q And what did that indicate to you?

20 A That it was -- the fire had not become advancing  
21 and not established itself and was hot enough to complete  
22 consumption of any of the fuels in the area. It was still in  
23 its smaller stages of the fire.

24 Q So your specific origin area still had fuel load  
25 that had not burned at the time that you investigated?

1 A Yes.

2 Q And did you reach a conclusion that the fire  
3 originated in the specific origin area and spread from that  
4 location, and by the time you came on scene, the specific  
5 origin area still had fuel load that had not been consumed?

6 A Yes.

7 Q Did you conclude as part of your investigation that  
8 the powerline came down and contacted the area in the  
9 specific origin area?

10 A Yes.

11 Q And did you conclude as part of your investigation  
12 that the downed powerline that came into that specific origin  
13 area was a potential source of ignition?

14 A Yes.

15 Q Did you identify any other potential sources of  
16 ignition, other than the powerline that was down?

17 A Not sure I understand the question.

18 Q Did you identify any other potential sources of  
19 ignition in the General Origin Area, other than the downed  
20 powerline?

21 A In the General Origin Area, yes.

22 Q What else?

23 A There was a solar panel array. There was also  
24 additional electrical powerline service drops to other  
25 properties, including the Mountain View Restaurant. The

1 Mountain View Restaurant had the smoker that was out on the  
2 back patio or barbeque -- it was a smaller barbeque -- but it  
3 had not been used. There was no coals or anything that were  
4 in it.

5 MR. HIRSCH: I think the last question was vague  
6 and ambiguous as to time, as well as identified so may be  
7 part of the confusion.

8 BY MR. MIJANOVIC:

9 Q Let me put it this way.

10 Within the General Origin Area, were there any  
11 potential sources of ignition that you were unable to  
12 eliminate as part of your investigation?

13 A Not initially, no. There was -- going back to it  
14 there was always -- because of the highway there's vehicles.  
15 There's the restaurant, itself. So there was -- we were  
16 looking for burn piles. We were looking for barbeques or  
17 fire pits. Obviously, we made sure that the solar panels  
18 were all in working order. There was no exposed electrical  
19 from the polar panel.

20 Q When did your origin of cause investigation  
21 conclude? When did you complete it?

22 A I think it was just before noon on the 18th.

23 Q So by November 18, 2020, just before noon, your  
24 origin and cause investigation relating to the subject fire  
25 was complete?

1           A     As far as determining the origin and cause, yes.

2           Q     **What else was there to do?**

3           A     Write the report and collect all the evidence. We  
4     still had some interviews to do. We had done some already,  
5     but we were looking to do more interviews. We looked to make  
6     sure that there was Ring cameras or other security cameras in  
7     the area. I think we had a witness interview across the  
8     street that we had talked with her, initially. She said she  
9     had Ring camera footage and so we were including that.  
10    Social media posts that we were trying to collect as well to  
11    confirm or deny whatever we were looking at.

12          Q     **By noon time on November 18, 2020, had you formed**  
13    **an opinion that the specific origin area of the fire was as**  
14    **you identified in Page 2 of Exhibit 6?**

15          A     Yes.

16          Q     **And by noon of November 18, 2020, had you already**  
17    **formed the opinion that the downed powerline was the probable**  
18    **cause of the fire?**

19          A     No.

20          Q     **When did you first form that opinion?**

21          A     Fairly early in determining the SOA, but we wanted  
22    to make sure that we weren't missing anything. So Kirkhart  
23    and I did do, I would say, an informal grid. We got down on  
24    our hands and knees and were making sure that there wasn't  
25    any other items that were within our SOA that could have been

1 something other than the powerline.

2 Q By what time -- by what date and time did you  
3 formulate an opinion that the downed powerline was the  
4 probable cause of the fire?

5 A I believe it would be the 18th, just before noon.

6 Q By November 18, 2020, just before noon, did you  
7 still suspect any other potential sources of ignition, other  
8 than the downed powerline?

9 A No.

10 Q Did you later learn of any other potential sources  
11 of ignition, other than the downed powerline, as it relates  
12 to this fire?

13 A No.

14 Q Had you learned of other potential sources of  
15 ignition, other than the downed powerline, would you have  
16 investigated those?

17 A Yes.

18 Q So is it correct that by noon November 18, 2020,  
19 you identified the specific origin area and you identified  
20 the probable cause as being the downed powerline?

21 You agree with that?

22 A Yes.

23 Q And the next thing -- the next step in your  
24 investigation was to document your findings in a report, as  
25 well as conduct some interviews and obtain additional

1 evidence?

2 A Yes.

3 Q And those interviews and additional evidence are  
4 all identified in your report?

5 A Yes.

6 Q Did you determine what the wind conditions were  
7 prior to the fire?

8 A No. I was told that there was high winds, but I  
9 had not collected the RAWS data yet.

10 Q Based on your investigation, what time did the  
11 subject fire reach open flames?

12 A I don't believe I have an estimate on the  
13 timeframe. It would be close to the dispatch. There was  
14 numerous witnesses that had seen the fire when it was still  
15 fairly small. So I believe it was dispatched at 12:09. So  
16 somewhere probably between noon and 12:09.

17 Q And you're giving that tight estimate because you  
18 know that there was some witnesses located in the Mountain  
19 View Restaurant; is that right?

20 A Yes.

21 Q Were witnesses, literally, present at the scene?

22 A Yes.

23 Q Did you look at any 911 tapes or timelines to when  
24 the calls were made?

25 A No.

1 Q What did the RAWS -- strike that.

2 What is "RAWS data"?

3 A Remote Area Weather Station.

4 Q And what --

5 A Excuse me. Remote Automated Weather Station.

6 Sorry.

7 Q What did the RAWS data tell you once you reviewed  
8 it?

9 A That there was significant winds in lower ranges.

10 Q And what is --

11 A Prior to and then, I believe, it started at taper  
12 off towards the afternoon of the 17th.

13 Q All right. So on Bates stamped 12 of your report,  
14 you note that the RAWS data indicated that 11:48 a.m. Pacific  
15 Standard Time the wind speed was 25 miles per hour; is that  
16 right?

17 A Yes.

18 Q And the wind direction was south-southwest?

19 A Yes.

20 Q Now, do you agree that in Exhibit 6 that's Highway  
21 395 there?

22 A Taking a look at the picture, yes.

23 Q All right. So Highway 395 runs north-south, if you  
24 will?

25 A Right.



1           Q     There's Highway 395 north; there's 395 south?

2           A     Basically, this section here there's a curve here  
3     and a curve here that this section runs east-west, for the  
4     most part. But, other than that, yes, it's north-south.

5           Q     The Highway 395 that appears on the first page of  
6     Exhibit 6, direction-wise, that's actually going east-west?

7           A     Yes.

8           Q     So the Mountain View Restaurant is located just  
9     north of Highway 395 in Exhibit 6?

10          A     Yes.

11          Q     And still looking at the first page of Exhibit 6,  
12     when you wrote the report referencing the RAWS data in your  
13     report, the wind direction was running south-southwest; is  
14     that right?

15          A     So when it gives the wind direction, that's the  
16     direction that the wind was coming from. So south-southwest  
17     would be facing this direction (pointing).

18          Q     The south-southwest reference is the direction from  
19     which the wind is actually coming?

20          A     Coming from, yes. So basically going from south to  
21     north.

22          Q     And that's what the RAWS data was telling you?

23          A     Yes.

24          Q     So earlier when you said there was significant  
25     wind, were you referring to the 25 miles per hour wind

1      **referenced in the RAWs data?**

2           A      Actually, there's -- based on the fact that I was  
3      driving up there, when I got to the Mono Lake area, there was  
4      I think three to five tractor trailers that had been blown  
5      over from the winds that were coming up the canyon, up the  
6      valley. I had been told that there was a wind-driven fire  
7      and it was a significant size because of the wind.

8           Q      **When did you drive up where you noticed the tractor**  
9      **trailer flipped over?**

10          A      I left San Bernardino at 4:00 o'clock -- roughly,  
11      4:00 o'clock in the afternoon and, by the time I had gotten  
12      there, it was dark. So 9:00 or 10:00 o'clock.

13          Q      **When you previously testified that there was**  
14      **significant winds, was your comment about significant winds**  
15      **based on your observation of tractor trailers being flipped**  
16      **over and what you experienced driving up?**

17          A      Yes.

18          Q      **Do you know whether the conditions that you**  
19      **experienced driving up to Walker, California, seeing those**  
20      **tractor trailers flipped over -- do you know whether the wind**  
21      **conditions that caused what you witnessed, whether those are**  
22      **the same wind conditions that existed at the General Origin**  
23      **Area prior to the fire?**

24          A      Yes, based on the RAWs data and statements from  
25      folks at the fire.

1 Q So the 25 miles-per-hour wind speed -- is that what  
2 you believe you were witnessing as you drove up to the fire  
3 area?

4 A Yes.

5 Q Did you notice anything with respect to the wind  
6 data that the wind speeds grew significantly after noon on  
7 November 17, 2020?

8 A I'd have to take a look at the RAWS data again. I  
9 remember seeing some high numbers, but I don't remember what  
10 the timeframes were.

11 Q Is that an exhibit in your report?

12 A Yes. Bates stamped number 141.

13 MR. HIRSCH: Starts at 140.

14 THE WITNESS: 140 through --

15 BY MR. MIJANOVIC:

16 Q Why don't we do this. Let's focus on the line item  
17 for November 17, 2020, at 11:48 Pacific Standard Time.

18 Can you tell me what the wind speed was at that  
19 time?

20 A What time?

21 Q 11:48 Pacific Standard Time?

22 A A.M. or P.M.?

23 Q A.M.

24 A I have in the report here that I pulled it from the  
25 RAWS, but I don't see it on the list here.

1                   MR. HIRSCH: Do you folks have a different page to  
2 refer to?

3                   MR. MIJANOVIC: You mind if I just take a look at  
4 that? Do you mind, Ross?

5                   MR. HIRSCH: No, that's what we produced.  
6 (Counsel reviews document.)

7                   MR. HIRSCH: The RAWs data could be in multiple  
8 places so I want to make sure you talk to him about  
9 consistent pages.

10                  MR. MIJANOVIC: While we have the RAWs data, we  
11 might as well.

12 BY MR. MIJANOVIC:

13           Q     **When did you arrive on scene?**

14           A     Around midnight on the 17th.

15           Q     **When did you see the tractor trailers flipped over?**

16           A     Probably around 10:00 o'clock p.m.

17           Q     **So I'd like to show you the RAWs data Cal Fire**  
18 **Bates stamped 155, on November 17, 2020.**

19                   Take a look at that.

20           A     Okay.

21           Q     **We're looking at noontime, November 17, 2020.**

22                   Can you tell what the estimated wind speed was?

23           A     Twenty-eight, wind gust to 49.

24           Q     **Right around that time?**

25           A     Yes. So that's 12:00 p.m. and that shows 28 with

1 gust of 49 going southwest.

2 MR. HIRSCH: Do you have a copy of that just so we  
3 can keep looking at it there? I think you do right there,  
4 actually.

5 MR. MIJANOVIC: All right.

6 BY MR. MIJANOVIC:

7 Q I'm trying to determine the RAWS data in your  
8 report. Where is the source information for that?

9 A As far as -- you're talking about where we got it  
10 from?

11 Q Right.

12 A So the last page of the RAWS data down at the  
13 bottom says "weather conditions for." It gives the RAWS  
14 station address which is TPZ 1261 Walker, California, Liberty  
15 06, or LIB 06. It gives the elevation and lat and long.

16 And then the data that I have in my Conditions  
17 Section was pulled from the WLC I, which is Walker. It gives  
18 the latitude and longitude and the elevation for that as  
19 well. And then those are the times that it had on the sheet  
20 for it.

21 Q So if you look at November 18th at midnight, which  
22 is Page 14 of 22 of the RAWS data -- you see that?

23 A Yep.

24 Q So at 11:50 p.m. on November 17th, the wind was at  
25 50 miles an hour, with a wind gust up to 73 miles an hour; is

1     that right?

2           A     Yeah, 11:50 p.m.

3                   Is that where you're looking at.

4           Q     Yes, sir.

5           A     Yeah, 50 miles an hour, gust 73.

6           Q     But just prior to noon on November 17th, 2020, the  
7     wind speed was half of that; is that right?

8           A     Yes, roughly.

9           Q     So in your report, when you indicate significant  
10    wind conditions, again, were you referring to what you  
11    witnessed when you ultimately got on scene right around  
12    midnight?

13          A     It was raining when I got on scene. It was still  
14    windy, but it was raining when I got on scene at midnight.  
15    But, yes, the winds up above 20 to 25 miles an hour usually  
16    are considered significant winds. There's a visual  
17    indicator. Your flags are usually straight up on flag pole.  
18    That's a fairly significant wind.

19          Q     But you agree that by the time you got to the  
20    suspected origin area, the wind speeds were double of what  
21    the RAWs data indicates the wind speeds were around noontime  
22    on November 17th, 2020?

23          A     The wind speeds were doubled when I got on scene at  
24    noon or when I got on scene at midnight?

25          Q     Well, you didn't get on scene at noon.

1           A     Right.

2           Q     You got on scene at midnight November 17th?

3           A     Yes. It was windy and raining.

4           Q     Tell me if you agree with this statement.

5                     By the time you got to the scene at midnight,  
6     November 17, 2020, the wind speeds were twice the wind speed  
7     that existed around noontime November 17, 2020?

8           A     I don't remember recognizing -- the wind -- the  
9     rain was what I was paying more attention to because it was  
10    raining so hard. That was -- my concern was it was going to  
11    get rid of a bunch of my indicators like the ash and some  
12    other items.

13          Q     My question is more focused on you relying on the  
14    RAWS data -- right -- and what the RAWS data shows.

15                     So do you agree that the RAWS data shows that by  
16    the time you arrived on scene on November 17th at midnight,  
17    the wind speeds at the general area of origin were twice as  
18    what they were noontime November 17, 2020?

19          A     According to the RAWS data, yes.

20                     MR. JULIUS: Just to clarify the record so there's  
21    no confusion later, when you're saying "midnight,  
22    November 17," you actually mean midnight November 18th,  
23    12 hours later?

24                     MR. MIJANOVIC: Yes.

25                     MR. JULIUS: Okay, just -- sorry. You understand

1 the clarification that was made there?

2 MR. MIJANOVIC: I do.

3 THE WITNESS: Twelve hours after the dispatch?

4 MR. MIJANOVIC: Yes.

5 BY MR. MIJANOVIC:

6 Q Just to clarify for the record, when we say  
7 "midnight, November 18, 2020," we're talking about the second  
8 that it turned midnight from November 17th to November 18th?

9 A Yes.

10 Q All right. So do you agree that the RAWs data  
11 shows that at midnight, November 18, 2020, which is when you  
12 first got on scene, the wind speeds were twice as fast as the  
13 wind was noontime, November 17, 2020, at the same General  
14 Origin Area?

15 A Yes. According to the RAWs data, yes.

16 MR. MIJANOVIC: Why don't we take a short break.

17 THE VIDEOGRAPHER: This completes Media Number One  
18 in the testimony of Joseph Pidgeon. We're off the record at  
19 11:27.

20 (Off the record.)

21 (A break was taken.)

22 THE VIDEOGRAPHER: This begins Media Number Two in  
23 the testimony of Joseph Pidgeon. We're back on the record at  
24 11:43.

25 BY MR. MIJANOVIC:



1           Q     What witnesses did you interview on November 18,  
2     2020?

3           A     I believe it was the Mountain View Barbeque owner  
4     and two of his staff. I think one of them was his daughter.  
5     And then -- I can't think of who else we did. I think we did  
6     Victoria across the Street.

7           Q     When did you speak to her?

8           A     That was the same day. We just didn't get footage  
9     because she had to leave. She said she had a Ring camera.

10          Q     And when did you obtain Victoria's statement,  
11     handwritten statement?

12          A     I have the attachments. I have to look at the date  
13     on it. January 2nd is when we finally got ahold of her for  
14     her statement.

15          Q     So on January 2, 2021, Ms. Victoria gave a written  
16     statement for the first time?

17          A     Yes. I sent it to her on December 29th because I  
18     filled out the witness statement form for her, and she  
19     returned it on January 2nd.

20          Q     Did you interview Ms. Victoria -- sorry.

21                 Let me just first make sure. It's Ms. Victor,  
22     isn't it?

23          A     Yes. Victoria Victor.

24          Q     Did you interview Ms. Victor on November 18, 2020?

25          A     Yes.

1 Q And does your report contain a summary of what  
2 Ms. Victor told you?

3 A It should, yes.

4 Q Is that Page 20 of your report?

5 A Yes.

6 Q Which is Bates stamped 20; is that right?

7 A Yes.

8 Q What did Ms. Victor tell you on November 18, 2020?

9 A She was outside her house working. She heard a  
10 loud noise and went around to the front of the house and saw  
11 glowing items falling to the ground. It was across the  
12 street from her house which -- the SOA area or general area  
13 of origin field for the west of the restaurant.

14 Q On Exhibit 6, can you identify where Ms. Victor's  
15 business is located?

16 A It's one of these two houses here. I think it's  
17 this house here (indicating). If you can zoom in a little  
18 bit more on the map to make sure because she had stepped out  
19 in front.

20 Q Can you just draw a "V" on Exhibit 6, the first  
21 page, to indicate where Ms. Victor was positioned or at least  
22 where she told you she was positioned?

23 MR. HIRSCH: If you can. We don't want you to  
24 guess. If you can do it from this map, then, great.

25 THE WITNESS: Yeah. She just said she was behind

1 the house. I'm not sure which side she went around to. When  
2 I spoke with her, it was at least over here, I think it was.

3 BY MR. MIJANOVIC:

4 Q Can you at least circle where her house was where  
5 Ms. Victor told you she was located when she made her  
6 observation?

7 MR. HIRSCH: Again, if you can.

8 THE WITNESS: Yeah. I can't tell for sure. One of  
9 these two houses, but I'm not sure. Want me to circle them  
10 both?

11 MR. HIRSCH: Circle both if that's your best  
12 estimate as to where Ms. Victor was located.

13 THE WITNESS: (Witness complies.)

14 BY MR. MIJANOVIC:

15 Q All right. So you did a small circle with a "V."  
16 Is that right?

17 A Yes.

18 Q Can you just draw, again, the "V" so it comes out?

19 A (Witness complies).

20 Q All right. So you drew a small circle on Exhibit 6  
21 and wrote in "V." And, to your understanding, that's where  
22 Ms. Victor was located, based on your investigation, when she  
23 observed something related to the fire occurring across the  
24 street; is that right?

25 A Yes.

1           Q     And what was the significance of Ms. Victor's  
2     statement to your investigation?

3           A     That she had heard the noise and saw the falling  
4     glowing material sometime prior to the dispatch of the  
5     incident. Then she also said she had a Ring camera. So we  
6     were looking for the footage from that to either confirm or  
7     deny that that's what had happened.

8           Q     So when Ms. Victor told you she heard a loud noise  
9     and looked in the direction of the noise and saw glowing  
10    items falling to the ground, what did you understand she was  
11    describing for purposes of your investigation?

12          A     Something happened with the powerlines, whether it  
13    was a transformer exploding or the powerlines were contacting  
14    and had split. So looking at the glowing material, to me,  
15    was molten material from the powerlines.

16          Q     And did you reach a conclusion as to when  
17    Ms. Victor made this observation?

18          A     She said it was just before lunchtime and the  
19    dispatch time for the incident was shortly after noon. So  
20    that was when we started looking to confirm what she had seen  
21    and she said it was on her Ring Camera. But, like I said, it  
22    was a couple months' worth filming, getting back to her with  
23    the Ring camera footage, and getting it to us.

24          Q     Did you, ultimately, conclude that what Ms. Victor  
25    observed must have been glowing items falling to the ground

1     that were associated with a downed powerline?

2           A     Based on what I saw on the Ring camera, I didn't  
3     see anything on the Ring camera. So I'm assuming it was just  
4     the lines contacting some kind of arching on the powerline.

5           Q     And you assume that was occurring right around  
6     noontime; is that right?

7           A     Yes.

8           Q     Which is when you believe, according to your  
9     investigation, other witnesses reported that the line came  
10    down right around noontime?

11          A     Yes.

12          Q     And so the glowing items that were falling to the  
13    ground, did you -- strike that.

14                When Ms. Victor described that she observed glowing  
15    items falling to the ground, did you interpret her eyewitness  
16    observation that the glowing items that were falling to the  
17    ground was a potential source of ignition?

18          A     Yes.

19          Q     And you associated those glowing items falling to  
20    the ground as coming from the powerline?

21          A     Yes.

22          Q     Did you, as part of your investigation, conclude  
23    that the glowing items falling to the ground that Ms. Victor  
24    observed was coming down in your specific origin area?

25          A     Yes.

1           Q     And Ms. Victor -- according to your summary of her  
2     statement, you indicate "the glowing items appeared to be  
3     falling from powerlines located across the highway from her  
4     business."

5                     Is that right?

6           A     Yes.

7           Q     That's what she told you?

8           A     Yes.

9           Q     And then you relied on that for purposes of  
10    identifying the potential source of ignition that you  
11    associated with the powerline?

12          A     Yes.

13          Q     And that helped you confirm that the powerline was  
14    a probable cause of the fire?

15          A     Correct.

16          Q     You go on to state that "the glowing items fell  
17    into the cured annual grasses."

18                     Is that right?

19          A     Yes.

20          Q     And then Ms. Victor saw flames as the cured annual  
21    grasses began to burn; is that right?

22          A     Yes.

23          Q     And so the annual grasses that began to burn -- did  
24    you conclude that Ms. Victor was observing the grass in the  
25    specific origin area as starting to burn?

1 A Yes.

2 Q That's how you identified, in part, the specific  
3 origin area as what you observed on scene, coupled with what  
4 Ms. Victor was describing?

5 A Yes. We had determined the SOA and found the other  
6 marks on the lava rocks prior to having interviewed her.

7 Q Now, according to your statement here, you said  
8 Ms. Victor said the two video clips from her Ring camera cut  
9 out at the time power was lost and the Wi-Fi connection to  
10 her cameras was lost.

11 Is that right?

12 A Yes.

13 Q So did you conclude from this statement that  
14 Ms. Victor's Ring camera cut out because the downed powerline  
15 was cutting off power to the Ring camera?

16 A That's what it sounded like to me, yes.

17 Q Was it important in your investigation to note that  
18 Ms. Victor was describing to you that she was directly across  
19 the street from where she saw the glowing items falling to  
20 the ground?

21 A Yes.

22 Q So, in terms of the importance of eyewitness  
23 testimony, Ms. Victor is describing literally seeing the  
24 potential source of ignition -- the glowing items, in other  
25 words -- falling from the powerline and igniting the very

1 grass in your specific origin area?

2 A Yes.

3 Q And when Ms. Victor -- strike that.

4 When you took Ms. Victor's statement in that  
5 regard, did that help you identify the specific origin area  
6 as far as her eyewitness observations?

7 A No.

8 Q What else assisted you in that regard?

9 A Basically, her statement helped confirm the SOA  
10 that we had determined based on the indicators that we had  
11 found and walked back to that area.

12 Q Did Ms. Victor's statement, to you, in terms of the  
13 glowing items falling down from the powerline and igniting  
14 the grass -- did that help confirm for you that the source of  
15 ignition came from the powerline?

16 A Yes.

17 Q Did Ms. Victor tell you whether the powerlines were  
18 still elevated when she observed the glowing items falling  
19 down?

20 A She didn't say.

21 Q As part of your investigation did you assume that  
22 the lines were still erected? In other words, suspended  
23 versus being down on the ground?

24 A All I determined from her statement was that the  
25 lines had at least contacted and there was some kind arching



1 that left flaming or at least hot materials dropping to the  
2 ground.

3 Q When you specifically examined the specific origin  
4 area, did you look for any hot material -- in other words the  
5 residue?

6 A Yes.

7 Q Did you find any?

8 A No.

9 Q Did you determine whether the powerlines were  
10 aluminum in composition with the steel core?

11 A They looked aluminum, from our observation.

12 Q And, in your experience investigating wildland  
13 fires where powerlines may be involved, do you usually search  
14 for small beads of molten material that may have fallen and  
15 communicated with a fuel load down below?

16 A Yes. We usually run a magnet but it's not going to  
17 work for aluminum. No magnets will pick up aluminum so we do  
18 visual searches, basically, on our hands and knees looking at  
19 our specific origin area.

20 Q And with respect to the specific origin area, did  
21 you find any molten material associated with the powerlines?

22 A No.

23 Q Ms. Victor's description that there were glowing  
24 items that fell into the grass, did you understand that she  
25 was describing molten pieces of glowing metal falling down?

1           A     That was my understanding, yes.

2           Q     It's just you couldn't locate any molten pieces; is  
3     that right?

4           A     Correct.

5           Q     Now, in your experience when you have molten pieces  
6     associated with a powerline falling down, those molten pieces  
7     have ignition temperatures; is that right?

8           A     Yes.

9           Q     And the molten pieces are a result of arching; is  
10    that right?

11          A     Typically, yes.

12          Q     And as those molten pieces fall down, in essence,  
13    you have molten pieces of material falling down into a grassy  
14    area and the molten pieces, themselves, is the ignition  
15    source?

16          A     Yes.

17          Q     But, yet, you didn't find any evidence of molten  
18    pieces; is that right?

19          A     Correct.

20          Q     Earlier you indicated that the specific origin  
21    area, by the time you got to the scene, had a fuel load of  
22    grass that had not been consumed?

23          A     Grass material, yes. There was burned stubs, but  
24    there was still foxtails in other pieces of the grass that  
25    were not burned.

1           Q     So under your working hypothesis, the fire  
2     originated in the specific origin area -- that's where it  
3     started -- and then the wind, in essence, would take any  
4     embers or open flame material and then push it northward.

5                     Is that right?

6           A     Yes. As it through radiation -- radiate heat and  
7     contacting the fuels itself go from that incipient stage and  
8     become established and become advancing fire from that  
9     standpoint. And then during advancing fire, typically,  
10    complete consumption of the fuels.

11          Q     But, in your hypothesis, the specific origin area  
12    is where the first ignition occurred, but wind then took  
13    those embers related to that first ignition and moved them  
14    northward to where it ignited other grasses?

15          A     Correct.

16          Q     And whatever was left, in terms of the original  
17    fuel load in the specific origin area, was not completely  
18    consumed because the wind had just pushed everything  
19    northward?

20          A     Because it was still small flames and incipient  
21    type stage of fire, so it's still very small; it's not very  
22    hot. So, as it travels out, it will -- once it gets more  
23    fuel and gets the wind behind it, it will establish itself  
24    more and become more -- it will have more complete  
25    consumption of the fuels. So a lot of times, typically, in

1 the SOA you will have incomplete consumption in your SOA,  
2 showing the that fire was initially trying to get  
3 established.

4 Q In your report you concluded that the most probable  
5 cause of the fire was ignition of the grasses due to a spark  
6 from a downed energized conductor; is that right?

7 A Mm-huh.

8 Q Is that right?

9 A Yes.

10 Q So, in other words, the energized conductor made  
11 contact with the ground, and the energy from that conductor  
12 as it was touching the ground caused first ignition?

13 A Correct.

14 Q As a result of reaching that conclusion that first  
15 ignition resulted from the downed wire physically touching  
16 the ground, were you, in essence, eliminating molten pieces  
17 falling from the suspended line onto the grass?

18 A I was eliminating it, but I could not find any so I  
19 didn't want to put that in there because I did not find any  
20 proof of the molten pieces.

21 Q So is it correct that you did not come across any  
22 evidence to support the ignition source being molten pieces  
23 falling down from a suspended line?

24 A Correct.

25 Q As part of your investigation, did you determine

1     **why the powerlines separated and came down to the ground?**

2           A     No, other than with the high winds that were  
3     reported in the area, that was one of our significant causes  
4     of the lines contacting and separating.

5           Q     **As part of your investigation, did you conclude**  
6     **that there was line slack between the suspended lines before**  
7     **the down wire came down?**

8           A     That was my hypothesis, yes.

9           Q     **Did you find any evidence to support that**  
10    **hypothesis?**

11          A     There was arc marks on the other conductor that we  
12    did have Liberty's contractor take out for us. That was one  
13    of the three strands.

14          Q     **During your investigation of the subject fire when**  
15    **you arrived on scene, the field side phase -- in other words,**  
16    **the north phase -- was down on the ground separated in two**  
17    **strands; is that right?**

18          A     I don't remember which one was down. I just  
19    remember there was one that was down and then there was still  
20    others that were suspended.

21          Q     **So, as part of your investigation, can you tell me**  
22    **now which phase came down to the ground?**

23          A     I don't know if I put that in there or not.

24          Q     **Is it correct that you don't know?**

25          A     Currently, no. I don't know. I'd have to review

1 my report to see if I put it in there.

2 Q While you were on the scene on November 18, 2020,  
3 is it correct that you asked a lineman from Liberty to cut  
4 down a piece of the center phase?

5 A I know we asked Liberty to have their trouble man  
6 come out and help us collect the conductors, yes.

7 Q In this case there were three strands of wire that  
8 you collected?

9 A Right.

10 Q There two long strands almost equal distance; is  
11 that right?

12 A Mm-huh.

13 Q Is that right?

14 A Yes.

15 Q And there was shorter piece about 20 or so feet?

16 A Yes.

17 Q The shorter piece had two mechanical cuts on each  
18 side; is that right?

19 A I believe so.

20 Q And were those mechanical cuts on the shorter piece  
21 that you had collected as evidence from the scene, were those  
22 mechanical cuts made to that wire at your direction?

23 A I believe so. But there was one -- we were told  
24 that there was a -- they weren't sure what company, but an  
25 electrical company had came by and had cut the one strand

1     that was on the ground when we got there so that it didn't --  
2     if the lines were energized, it didn't start arching again.

3             I know we did have them make the cuts for us to  
4     retrieve the cables or the conductors in between the poles so  
5     that we had captured the section that had arc marks, as well  
6     as the section that was untouched.

7             **Q     With respect to that shorter piece that you had**  
8     **some Liberty employee cut down for you, when you arrived on**  
9     **scene that shorter piece that you had cut down, was that line**  
10    **suspended when you got to the scene?**

11            A     I believe so, yeah.

12            **Q     What was the purpose of you cutting that shorter --**  
13    **having the Liberty employee cutting that shorter piece down?**

14            A     So that we had a basic control piece, a piece of  
15    conductor that was undamaged. We had a piece that had the  
16    arc marks in it and then the piece that was on the ground.  
17    So we had all three phases of the line.

18            **Q     There were a total of three strands collected?**

19            A     Yes.

20            **Q     Two of the strands was the down line, but you had**  
21    **an eastside strand and a westside strand, correct?**

22            A     I believe so. Okay. So basically those pieces --  
23    like I said, one of them was cut. And then so the other  
24    piece that we captured was the piece that had arc marks on it  
25    that was still suspended.

1 Q Right. So what you recovered was the downline  
2 which was comprised of the eastside and westside strands?

3 A Yes.

4 Q Okay. And then you had a Liberty employee cut down  
5 the shorter piece from a line that was suspended?

6 A Which had arc marks in it, yes.

7 Q And the arc marks on that shorter piece, did you  
8 assume as part of your investigation that there was line slap  
9 between the downline and then a short piece that you had the  
10 Liberty employee cut down?

11 A Yes.

12 Q And what is "line slap"?

13 A Basically, the lines blowing in the wind contacting  
14 each other is my understanding of the definition.

15 Q All right. And you found evidence of arching on  
16 that short piece?

17 A Yes.

18 Q And that's why you had it cut down?

19 A Yes.

20 Q Did you ever form an opinion that the downline was  
21 galloping along with that other line that was still suspended  
22 that had an arc mark that you had the Liberty employee cut  
23 down? Did you form an opinion that there was galloping in  
24 the lines?

25 A I'm not sure what galloping is so I'd have to say



1 "no."

2 Q They're the lines that start swaying towards each  
3 other.

4 A So, yes. My understanding was the lines were, with  
5 the winds, had contacted each other while they were blowing  
6 in the wind.

7 Q So was that your working hypothesis as to why the  
8 downline came down?

9 A Yes.

10 Q Did you ever review the recloser data for the Topaz  
11 circuit?

12 A No. I think the last time I had checked, they were  
13 having trouble providing information.

14 Q Would the recloser data be important to you to  
15 determine whether there was phase-to-phase arching?

16 A Yes.

17 Q And the recloser data would tell you if the lines  
18 were slapping; is that right.

19 A Yes. Because I know, initially, when I had talked  
20 with a representative from Liberty, one of the supervisors, I  
21 had asked him for the trouble data so that we could confirm  
22 whether the lines had contacted each other or not.

23 Q Is it correct that you never referred that  
24 information?

25 A Correct.

1           Q     Is it still an open question, in your mind, as to  
2     whether that was line slap?

3           A     Yes.

4           Q     You would need to review the recloser data?

5           A     Yes. And I'd have to find somebody that can help  
6     me review it so I know what I'm looking at.

7           Q     All right. Did your investigation look into  
8     whether there was any foreign object that may have struck the  
9     downline?

10          A     Yes, because we look in the are for anything, like  
11     I said, that should or should not be there. And we didn't  
12     see anything that looked like it should not have been there.

13          Q     In terms of potential flying projectile?

14          A     Yeah. Like rough material -- trees, mylar  
15     balloons.

16          Q     Branches?

17          A     Branches, anything else.

18          Q     And when you say you looked in the area, are you  
19     talking about looking in the General Origin Area?

20          A     Yes.

21          Q     Had you discovered debris that could, potentially,  
22     have impacted the line and caused the line to go down, how  
23     would that effect your investigation?

24          A     We would review the pieces, see if there was -- so  
25     if there was a tree branch, we'd take a look and see if there

1 was any arc marks or any burn marks on that piece of wood to  
2 show that it had contacted the powerlines. We'd check and  
3 see in the area where it potentially came from and either  
4 exclude or include it.

5 Q But, if you did come across evidence that debris  
6 that may have struck the powerline causing it to go down, how  
7 would that impact your conclusion as to the cause of the  
8 fire?

9 A It would be included as part of the -- why the  
10 powerlines came down or why they contacted each other. So,  
11 yes, it would be included.

12 Q All right. Have you ever investigated a fire  
13 involving a utility line where foreign debris was an issue?

14 A No.

15 Q Like, for instance, if somebody ran into a power  
16 poll with a vehicle, caused the line to go down and ignited  
17 the fire, would your report indicate why the line came down?

18 A Yes.

19 Q Would your report in that instance also conclude  
20 that the powerline caused the fire, versus the person hitting  
21 the pole?

22 A Yes.

23 Q So, for you, you're just focused on what the  
24 ignition source is, not necessarily how that ignition source  
25 came into contact with the combustible; is that right?

1           A     Yes. It will still be included. It's no different  
2     than if we have a wildland fire that was started from a  
3     structure fire, we would say that, yes, the fire started --  
4     the wildland started from the structure fire, but we may not  
5     go in and investigate the structure fire itself if it's an  
6     abandoned building that we don't have property owner for or  
7     we're not going to be able to have a responsible party for,  
8     we'll do the initial investigation to find out, yes, the fire  
9     from extra this spot and move on from there.

10          Q     Okay. I didn't ask this question earlier.

11                     But the PMQ categories identified in Exhibit 4, are  
12     you the Person Most Qualified relating to those topics of  
13     testimony where you're here to testify about on behalf of Cal  
14     Fire?

15          A     Yes. I thought you already asked that before.

16          Q     My apologies.

17                     Did you observe any kinks in the downed powerline  
18     that would suggest potential impact?

19          A     I don't recall any, but I'd have to take a look at  
20     the photos.

21          Q     Would that be important to you if there were impact  
22     marks that were nearby the separation point of the downline?

23          A     Yes.

24          Q     Why is that?

25          A     Just because the conductors are, typically,

1 straight so if there's any type of hard angle to them or bird  
2 caging or any type of other deformity to the line it's going  
3 to be curious to me what caused that.

4 **Q Would you also continue to investigate whether**  
5 **evidence of impact with the line could be associated with why**  
6 **the line came down?**

7 A Yes. The problem we have with the line that was  
8 laying in the parking area at the restaurant was that there  
9 was numerous people that had driven over it when they were  
10 taking pictures, as well as the suppression folks that had  
11 been through there. So we couldn't confirm or deny if  
12 anybody had run over it and if that was a rock that had  
13 created those kinks. So it was, yes, we'll take a look at  
14 it. But we'd also have to take a look and see if it was  
15 any -- like if they ran over a rock if there was any pieces  
16 of scraped fresh metal from the rock or whatever it was  
17 pressed against it or a car ran over it.

18 **Q Is it correct that you do not have the expertise to**  
19 **determine whether a kink or bird caging in a powerline was**  
20 **caused by an impact by a foreign object, versus a car tire**  
21 **running over it or someone stepping on it?**

22 A Correct.

23 **Q So you would have to defer to someone else who has**  
24 **that expertise?**

25 A Yes.

1 Q So is it correct that you don't have an opinion,  
2 one way or another, as to whether the subject downline has  
3 any evidence of being impacted by a foreign object?

4 A Correct.

5 Q Did your investigation include determining whether  
6 the Topaz circuit which is what we're referring to as the  
7 powerline and the power poles -- but did your investigation  
8 determine whether that Topaz circuit was properly designed,  
9 constructed, and maintained by Liberty?

10 A No.

11 Q Is it correct that you don't have any opinion in  
12 that regard?

13 A All I know is the GO 95 is the regulations that  
14 determine that the utility company is required to maintain it  
15 and have that features in place.

16 Q Is it correct that you do not have any opinion that  
17 Liberty violated GO 95?

18 A Correct.

19 Q Is it correct that you don't have any opinion that  
20 Liberty violated the Public Resources Code?

21 A Correct.

22 Q In fact, you inspected the power poles and you  
23 determined that the power poles were in compliance with the  
24 Public Resources Code, right?

25 MR. HIRSCH: Object. Beyond the scope of the

1 witness and expert testimony.

2 MR. JULIUS: Join.

3 BY MR. MIJANOVIC:

4 Q My question is specifically focused on your  
5 conclusions that the power poles in the General Origin Area  
6 were in compliance with the Public Resources Code; isn't that  
7 right?

8 A To the level that I've been trained to inspect  
9 them, yes.

10 Q In other words, you didn't find any violation?

11 A Correct.

12 MR. JULIUS: Same objection.

13 BY MR. MIJANOVIC:

14 Q In your report, starting on the second page which  
15 is Cal Fire, Bates stamped 2, you identified several  
16 violations under Section 1.

17 Do you see all those violations?

18 A Yes.

19 Q Do you agree that you include all of these  
20 violations in every wildland fire that you investigate?

21 A If they apply, yes.

22 Q Okay. So, in this case, do any of the violations  
23 identified in your report apply to this fire?

24 MR. HIRSCH: I'll object the witness is not an  
25 attorney and not qualified to render a legal opinion as to

1    whether a violation occurred or not.  You can talk about why  
2    they're in here, but as to his interpretation and application  
3    of law to facts, that's beyond the scope of the witness's  
4    testimony.

5                   MR. JULIUS:  Join.

6    BY MR. MIJANOVIC:

7           Q     Did you conclude that there was a violation of  
8    Penal Code Section 452?

9           A     Reckless fire setting, yes.

10          Q     And what facts were you relaying on to support that  
11   conclusion?

12          A     The -- I placed those -- all these codes in there  
13   based on the potential that there may be something that I  
14   didn't see.  So when it's reviewed by attorneys or cost  
15   recovery division or other legal sources that they may  
16   determine that, yes, we do believe that it meets this because  
17   we also offer this report to the District Attorneys if they  
18   wanted to file any charges.  And that would be based on the  
19   452, based on the fact that, if there was anything that  
20   violated GO 95 or any public utilities codes because the  
21   utility company did not want to take the action to correct it  
22   beforehand, then we make sure that that's in there.

23          Q     Did you identify any facts as part of your  
24   investigation to support, in your opinion, a violation of  
25   Penal Code Section 452?



1           A     Other than I was not sure if they were required to  
2     have any other type of lines or if there was any violations  
3     that I did not see, based on my experience, so that's why I  
4     included it in there.

5           Q     But my specific question is: Did you identify any  
6     facts as part of your investigation to support a violation of  
7     Penal Code Section 452?

8           A     Yes, because it talks about great bodily injury.  
9     And there was a fatality during the fire which was caused by  
10    the powerlines, based on my conclusion. And so I didn't  
11    charge it as arson. I didn't believe it -- it was 451  
12    because I didn't believe that it was intentional. However,  
13    452 can be a misdemeanor or a felony. And, therefore, I left  
14    it to the District Attorney if they wanted to charge those  
15    charges.

16          Q     So what were the specific facts that you identified  
17    as part of your investigation to support a Penal Code 452  
18    violation?

19               MR. JULIUS: Object to the extent it calls for a  
20    legal conclusion.

21               MR. HIRSCH: I think it's beyond the scope. Again,  
22    the witness isn't an attorney and Cal Fire isn't here the  
23    charging agency. Again, I think, it's a fair question to ask  
24    why these are included in the report, but the witness's  
25    understanding as to the application of facts to law is beyond

1 the scope of the witness's capabilities and testimony here  
2 today.

3 MR. JULIUS: Join.

4 MR. MIJANOVIC: I agree with you. I just want him  
5 to say he has no opinion on any of the violations.

6 MR. HIRSCH: I think you have to ask him that.

7 BY MR. MIJANOVIC:

8 Q Let me ask you, sir.

9 Do you have any opinions that Liberty violated any  
10 of the violations identified in Cal Fire 2 through 4 in your  
11 report?

12 MR. HIRSCH: Again, I'll object. The witness isn't  
13 an attorney and so the application of law to facts is beyond  
14 the scope of the witness's testimony here today.

15 MR. JULIUS: Join.

16 MR. HIRSCH: Nor is Cal Fire charging agency here.

17 MR. MIJANOVIC: Again, I just want him to say he  
18 has no opinion that Liberty is in violation of any of the  
19 specific code sections identified on Cal Fire 2 through 4.

20 MR. HIRSCH: Yeah, I hear what you're asking. The  
21 objection still stands. He's still not an attorney. Cal  
22 Fire is still not the charging agency.

23 MR. MIJANOVIC: Your objections are preserved. I'm  
24 just trying to provide some guidance here.

25 MR. HIRSCH: Yeah. I'm not sure it's helpful

1     though. That's what I'm saying. There are -- we can all see  
2     that these few pages have a handful of violations included.  
3     You might want to ask him why those are included and that's  
4     the scope of his --

5                 MR. MIJANOVIC: You've, obviously, never sat in a  
6     deposition with me. I will not leave this topic unless all  
7     of these are resolved so I will ask specific questions.

8                 MR. HIRSCH: And I will object. That's what we do,  
9     right?

10                MR. MIJANOVIC: Sure. Absolutely. You're entitled  
11     to that.

12     BY MR. MIJANOVIC:

13                Q     Okay. Sir, in your report you identified  
14     violations of Penal Code Section 452, Penal Code Section 454,  
15     Penal Code Section 192, Public Resources Code Section 4421,  
16     Public Resources Code Section 4422, Public Utilities Code  
17     Section 8386, Public Utilities Commission General Order 95  
18     Rule 31.1, Health and Safety Code 13001, and Health and  
19     Safety Code 13007.

20                Do you have an opinion that Liberty Utilities  
21     violated any of these sections that I read off?

22                MR. HIRSCH: I'll incorporate all the prior  
23     objections.

24                MR. JULIUS: Join.

25                MR. HIRSCH: And complex, compound. I think it's

1 kind of an unfair question to ask about all of those handful  
2 in sort of laundry list fashion. I'm not sure what you're  
3 asking the witness to do here -- a layperson witness, that  
4 is.

5 THE WITNESS: So, basically, my job as the  
6 investigator is to collect all the facts. And then as part  
7 of the violation section, anything that I believe is related  
8 or that I may have missed that could also be related is  
9 included in our violations list. It doesn't say that that's  
10 what we're going to charge him with. It doesn't say that  
11 that's what we're going to recommend.

12 This is just recommendations of things that we have  
13 seen that could potentially be charges for the District  
14 Attorney or, if it went civil, for them to utilize for their  
15 civil case. Other than that, I don't have an opinion as far  
16 as whether the utility company was guilty or not or is at  
17 fault for all of this, other than it was the utility  
18 company's powerlines that I believe caused fire.

19 BY MR. MIJANOVIC:

20 Q Is it correct that you reached a conclusion that  
21 Liberty's powerline was the probable cause of the fire?

22 A Yes.

23 Q Is it correct that in your report you do not reach  
24 a conclusion that Liberty violated Penal Code Section 452?

25 A My conclusion is that the powerlines were the cause

1 of the fire and that Liberty is the owner of those powerlines  
2 and, therefore, responsible for the fire.

3 Q Can you show me where in your report you conclude  
4 that Liberty violated Penal Code Section 452?

5 MR. HIRSCH: That misstates testimony. That's not  
6 what he just said.

7 THE WITNESS: 452 talks about unlawfully causing a  
8 fire which relates to Public Utilities Code, which talks  
9 about maintaining electrical lines and equipment in a manner  
10 that will minimize the risk of catastrophic wildfire posed by  
11 electrical lines and equipment.

12 By MR. MIJANOVIC:

13 Q I'll ask the question again. Can you show me --  
14 strike that.

15 Did you conclude in your report anywhere that  
16 Liberty violated Penal Code Section 452?

17 A I'm not sure how to answer that one. I mean I  
18 believe that it was the powerlines that were the cause of the  
19 fire. And, like I said, all of these violations that I find;  
20 452 is reckless fire setting. It's not 451, which was arson  
21 which was willful and malicious.

22 I don't believe it was willful and malicious.  
23 However, like I said, if further investigation determines  
24 that there were violations of Public Utility Code 8386 then,  
25 to me, that's reckless fire setting.

1           Q     Did your investigation reveal that Liberty violated  
2     Penal Code Section 452?

3           MR. HIRSCH: Same objections. This is a lay  
4     witness. You're asking him a question about the application  
5     of law to a fact which is, one, the job of an attorney; two,  
6     possibly, the job of a charging agency. The witness  
7     described for you how and why he included these and what role  
8     they play in his investigation.

9           You keep asking him the same question and he's  
10    struggling to give you an answer. So I have to object that  
11    you're badgering the witness and this is getting to be  
12    harassing. I don't know how much more you need to ask about  
13    this. But, if this continues then, of course, it's badgering  
14    and asking the witness to testify to something he is not  
15    capable or qualified to do as a lay witness.

16           So I'm not sure what you want to do here. But if  
17    this questioning continues, we're going to have to do  
18    something about that and that might mean discontinuing this  
19    deposition.

20           MR. MIJANOVIC: Can I tell you speaking objections  
21    are not appropriate and you're risking getting sanctions?

22           MR. HIRSCH: I understand what this is, but you've  
23    asked him the same question about four or five times and  
24    you've gotten an answer. So I don't know what you want me to  
25    do to try to move this forward, which is all I'm trying to

1 do.

2 MR. MIJANOVIC: All I need you to do is raise  
3 objections where appropriate, and not speaking objections.

4 MR. HIRSCH: I've raised the same objection,  
5 counsel, yet you're badgering and harassing the witness. So  
6 I think I'm appropriately raising this to a next level to let  
7 you know that this is getting harassing at this point. So,  
8 unfortunately, I have to do a little more than just make the  
9 objection because you're badgering and harassing the witness.

10 MR. MIJANOVIC: Well, I'm just going --

11 MR. HIRSCH: You understand? I'm not looking to be  
12 an obstructionist. I think we've been more than cooperative  
13 all day.

14 MR. MIJANOVIC: I think the record is clear on  
15 what's happening.

16 MR. HIRSCH: Very good.

17 MR. MIJANOVIC: I caution you, stop.

18 MR. HIRSCH: I'm cautioning you, similarly,  
19 counsel. So we've made our objections. I think we've had a  
20 decent colloquy about --

21 MR. MIJANOVIC: I just don't you not to interfere  
22 with the deposition.

23 MR. HIRSCH: Do you think I'm interfering with the  
24 depo.

25 Do you think I'm interfering with the depo?

1 MR. MIJANOVIC: I do.

2 MR. HIRSCH: Okay. Well, then, I apologize. I  
3 don't intend to interfere with the depo. But, at the same  
4 time, I do have a witness here that, reasonably, is not here  
5 to be burdened and harassed and asked unfair questions. So  
6 we've got a balance that we're trying to strike. I'm trying  
7 to do that the best I can. And I hope you're doing the same  
8 in asking appropriate questions of a lay witness. That's all  
9 I think we're here to do, you know, try to do the best we  
10 can.

11 MR. MIJANOVIC: I hope the court reporter is taking  
12 all this down because we may have to address this with the  
13 court if you continue to interrupt.

14 BY MR. MIJANOVIC:

15 Q Sir, did your investigation of the origin and cause  
16 of this fire -- did you conclude that Liberty violated Penal  
17 Code Section 452?

18 A Yes. Because in Penal Code 452, it describes  
19 unlawfully causing a fire. Public Utilities Code talks about  
20 maintaining electrical equipment and lines in a manner that  
21 will minimize the risk of catastrophic wildfire, posed by the  
22 electrical lines and equipment. So I believe that truly was  
23 a violation there and, therefore, it's a violation that makes  
24 it unlawful, correct? And so, therefore, unlawfully causing  
25 a fire would be 452.



1 Q So that's your explanation as to how your  
2 investigation as to the origin and cause of this fire, in  
3 your opinion, violates Penal Code Section 452; is that right?

4 A Yes.

5 Q Okay. And, if I heard you right, you concluded  
6 that it was Liberty's powerline that was the probable cause  
7 of the fire, right?

8 A Yes.

9 Q And the mere fact that the downed powerline, in  
10 your opinion, was the cause of the fire, you're of the  
11 opinion that Liberty violated Penal Code Section 452; is that  
12 correct?

13 A Yes.

14 Q Okay. Other than the downed powerline, in your  
15 opinion, causing this fire, do have you any other reason why  
16 you believe Liberty violated Penal Code Section 452?

17 A No.

18 Q Same question with respect to Penal Code  
19 Section 454. Are you of the opinion that Liberty violated  
20 Penal Code Section 454 because Liberty's downed line, in your  
21 opinion, was the probable cause of the fire?

22 A Yes, 454 is because they're causing a fire during a  
23 proclaimed state of emergency, which there was at the time.  
24 And so that's why I added that one in there with the 452.

25 Q All right. So, in your opinion, Penal Code

1 Section 454 was violated because you believe Liberty's downed  
2 powerline caused the fire?

3 A Yes.

4 Q Okay. Any other reason other than that?

5 A No.

6 Q Okay. Same question with respect to Penal Code  
7 Section 192. Are you of the opinion that Liberty violated  
8 Penal Code Section 192 solely because, in your opinion,  
9 Liberty's downed powerline was the probable cause of the  
10 fire?

11 A No, 192 was added because of the fatality that  
12 occurred because of the fire which was, as I concluded,  
13 Liberty's powerline.

14 Q So for the Penal Code Section 192 violation, in  
15 your opinion, if you have a death and you have a Liberty's  
16 powerline, in your opinion, being the probable cause of the  
17 fire, you satisfy those two conditions; in your opinion,  
18 there is a violation of Penal Code Section 192?

19 MR. JULIUS: Objection. Calls for legal opinion  
20 and legal conclusion.

21 BY MR. MIJANOVIC:

22 Q Is that right?

23 A As I interpret the Penal Codes that you're  
24 referencing, I add all of these violations into my report.  
25 It's not saying that that's what we're charging him with.

1 All that's saying is these are things that my interpretation  
2 and belief can be included, based on what I found during my  
3 investigation. So, yes, it's my opinion that these are  
4 appropriate.

5 It doesn't mean that they're going to be charged.  
6 It doesn't mean that the District Attorney is going to take  
7 the case, which they didn't. So it's --

8 BY MR. MIJANOVIC:

9 Q I understand. But the purpose of my question is to  
10 identify all the factual grounds for what you believe satisfy  
11 the requirements of Penal Code Section 192. Whether or not  
12 it satisfies that, that's for somebody else to determine.  
13 I'm trying to get your understanding.

14 A Okay. Well, my understanding was that because  
15 there was a fatality and it wasn't intentional -- it was not  
16 a murder, it was manslaughter -- and that that's why -- so  
17 the unlawful killing that goes along with, like I said  
18 before, Public Utilities Code having violation of their  
19 equipment.

20 Liberty's responsible for their equipment. Just  
21 like a drunk driver -- you go and kill somebody with your car  
22 because you're drunk doesn't mean that we're going to blame  
23 the alcohol company, because it wasn't them. We're going to  
24 blame the person that was the person driving the car. It was  
25 their car. I don't know how else to explain it, other than

1 these are recommendations. These are not legal opinions.

2 Q So the violation section of your report from Bates  
3 stamped Cal Fire 2 to Cal Fire 4, these violations, in your  
4 opinion -- strike that.

5 Let's just go one by one. For Mono County  
6 Section 192, you have someone dying during this fire, and you  
7 have Liberty's downed powerline that you believe probably  
8 caused the fire; is that right?

9 A Correct.

10 Q Other than those two facts, is there any other fact  
11 that you're relying on to support a violation of Penal Code  
12 Section 192?

13 A No.

14 Q For Public Resources Code Section 4421, do you  
15 believe Liberty violated Public Resources Code 4421 simply  
16 because it's downed powerline, in your opinion, was the  
17 probable cause of the fire?

18 A Yes.

19 Q Any other reason?

20 A No.

21 Q For Public Resources Code Section 4422B, do you  
22 believe that Liberty violated that code section solely based  
23 on the fact that Liberty's downed powerline, in your opinion,  
24 was the probable cause of this fire?

25 A Yes.

1 Q Any other reason?

2 A No.

3 Q For Public Utilities Code Section 8386A, do you  
4 believe, in your opinion, that Liberty violated that code  
5 section solely based on Liberty's downed powerline, in your  
6 opinion, being the probable cause of the fire?

7 A I'm sorry. One more time.

8 Q Do you believe that Liberty violated Public  
9 Utilities Code Section 83886A solely because Liberty's downed  
10 powerline, in your opinion, was the probable cause of the  
11 fire?

12 A Yes.

13 Q Any other reason?

14 A No.

15 Q Do you believe that Liberty violated General Order  
16 95, Rule 31.1, solely based on Liberty's downed powerline, in  
17 your opinion, being the probable cause of the fire?

18 A Yes.

19 Q Any other reason?

20 A No.

21 Q Did you identify any design issues relating to the  
22 Topaz circuit that resulted in the downed powerline?

23 A No. And, again, these are all suggestions. These  
24 are not -- I don't believe anywhere in here said this was  
25 Liberty's fault. All I said was these are potential

1 violations. Should there be another person that's found  
2 responsible for it, then they would probably face the same  
3 charges.

4 Q I appreciate that. My job is to determine are  
5 there any facts, other than the downline being a probable  
6 cause of the fire, to support any of the violations. So  
7 that's why I'm asking.

8 A Okay.

9 Q So did you find any evidence that the Topaz circuit  
10 was not properly constructed, and as a result, that caused  
11 the down powered line that, in your opinion, was the probable  
12 cause of the fire?

13 A No. That's outside my scope.

14 Q Did you reach any -- strike that.

15 Did you come across any facts to indicate to you  
16 that Liberty failed to maintain the Topaz circuit and, as a  
17 result, the downed powerline came down at this location and  
18 was the probable cause of the fire?

19 A No.

20 Q So General Order 95, Rule 31.1, relating to design,  
21 construction and maintenance of the Topaz circuit, you've  
22 identified that potential violation, but that's for someone  
23 else to determine?

24 A At this point, yes.

25 Q Okay. Did you come across any facts to support a

1 Health and Safety Code 13001 violation by Liberty as part of  
2 your investigation?

3 A Yes.

4 Q What was that?

5 A The powerlines.

6 Q The powerline going down?

7 A Yes.

8 Q And so are you of the opinion that Liberty violated  
9 Health and Safety Code Section 13001 solely because, in your  
10 opinion, the downed powerline was a probable cause of the  
11 fire?

12 A Yes.

13 Q Any other reason?

14 A No.

15 Q Did you reach an opinion that Liberty violated  
16 Health and Safety Code Section 13007 solely because Liberty's  
17 downed powerline was a probable cause of the fire?

18 A Yes.

19 Q Did you find any other reason other than that?

20 A No.

21 Q With respect to the civilian fatality, did you  
22 perform any investigation as to the cause of death?

23 A No, I did not. That was the Sheriff's Department  
24 and coroner.

25 Q So is it correct that your opinion that the one

1 fatality in this case that did occur, you believe it was  
2 related to the fire based on what someone from the Sheriff's  
3 Department verbally told you?

4 A No.

5 Q Who told you that?

6 A I believe it was based on the fact I was told that  
7 the fatality occurred during the fire. And so I included it  
8 as part of the -- potentially, it was a fatality based on  
9 actions or because of the fire or because of stress from the  
10 fire that caused the fatality for this individual.

11 Q The one individual that died, in your opinion, as a  
12 result of the fire, what is that individual's name?

13 A I don't know.

14 Q Was it a male or a female?

15 A I believe it was a female.

16 Q Where does she live?

17 A Close to the heel of the fire is what I was told,  
18 but I don't know for sure.

19 Q What was the determined cause of death?

20 A I don't know.

21 Q Did you ever review the Coroner's Report?

22 A No.

23 Q Do you recall the name of the person that told you  
24 that the one fatality was related to the subject fire?

25 A I believe it was the Sheriff's Department, but I



1 don't remember who it was with the Sheriff's Department. It  
2 was during the morning briefing.

3 Q So is it correct that the source of information  
4 that you obtained as to the one fatality being linked to the  
5 subject fire came from an unidentified person associated with  
6 the Sheriff's Department during the debriefing?

7 A Yes.

8 Q Did you learn information concerning the one  
9 fatality from anywhere else, other than that debriefing?

10 A No.

11 Q What other information did you learn from that  
12 debriefing?

13 A I confirmed that there was no need for me to stay  
14 out of certain areas or to avoid certain areas, and make sure  
15 that our investigation was concluded for their death  
16 investigation.

17 Q So the information that you learned from that  
18 briefing that the one fatality was caused by this fire --  
19 whoever it is that provided you that information -- is that  
20 the sole basis of your conclusion that the one fatality  
21 occurred as a result of the subject fire?

22 A Yes. I didn't include anything about the cause of  
23 death or the autopsy or anything else because that's not part  
24 of my investigation. My investigation was for the cause and  
25 origin of the fire, and not the death investigation.

1           Q     Bates stamped Cal Fire 13, top paragraph, you  
2     write: "Peak wind speeds on Tuesday, November 17, 2020, as  
3     recorded by the Walker RAWS included wind speeds of 38 mails  
4     per hour and gusts of 72 miles per hour."

5                     You see that?

6           A     Yes.

7           Q     The actual highest wind speed was actually 50 miles  
8     an hour; is that right?

9           A     I believe that came off of --

10          Q     Page 14 of 22 on the RAWS data, at 11:50 p.m., on  
11     November 17th?

12                   MR. HIRSCH: That's not what the witness is looking  
13     at. So you might want to clarify.

14                   THE WITNESS: So that the Walker RAWS WLC 1 is this  
15     one here on Bates Page 70.

16     BY MR. MIJANOVIC:

17          Q     Bates 70?

18          A     Yes. That list that I have there for that weather  
19     station, the peak was 38.

20          Q     Where is that weather station located?

21          A     It says Walker is the station name and it gives a  
22     lat and long.

23                   This is the same numbers that I utilized for the  
24     condition section. And it's only a clip and I did --

25                   MR. HIRSCH: I don't think there's a question

1 pending.

2 MR. MIJANOVIC: I'm trying to determine if it's  
3 based on -- is it Attachment 8? Is that what you're looking  
4 at?

5 MR. HIRSCH: Ours isn't tabbed. We're only going  
6 by the Bates number.

7 MR. MIJANOVIC: Is it Bates 70?

8 THE WITNESS: Yes.

9 BY MR. MIJANOVIC:

10 Q What is the latest time of day on November 17th for  
11 which you have data?

12 A 5:48.

13 Q 5:48 p.m.?

14 A Yes.

15 Q Okay.

16 A So the conditions when we write the report is for  
17 the time of the fire. We believe it's time of the fire. So  
18 that's why I only clipped this section prior to and after the  
19 fire. I didn't go for the full 24 hours.

20 Q Thank you for that.

21 So your statement in your report that the peak wind  
22 speeds on November 17, 2020, as recorded by RAWS included  
23 wind speeds of 38 miles per hour with gusts at 73 miles per  
24 hour -- that should be further revised to indicate up to  
25 5:48 p.m.?

1 A Correct.

2 Q So what the weather wind conditions were after 5:48  
3 p.m., November 17, 2020, all the way up to midnight, you  
4 don't have that data?

5 A No. Well, I do, other than the other RAWs data  
6 that I have as an attachment as well.

7 Q Correct. So earlier we were talking about what was  
8 the wind speed when you got to the scene, and we were looking  
9 at the other RAWs data that reflected wind speeds of 50 miles  
10 an hour and wind gusts of 73.

11 Is that right?

12 A Yes.

13 Q Okay. And on Bates stamped 16 of your report, it  
14 looks like you arrived at the fire scene on November 18, 2020  
15 at 1:45 a.m.; is that right?

16 A It was late. So, yeah.

17 Q Okay. I'll mark as next in order Exhibit 7.  
18 Show you a photograph that we have from the scene.

19 Do you see that appears to be a branch on the  
20 ground there?

21 A Mm-huh.

22 (Exhibit No. 7 marked for identification.)

23 MR. HIRSCH: Is this from Fire Investigation  
24 Report? It's not Bates labelled.

25 MR. MIJANOVIC: It's not from the Fire

1 Investigation Report.

2 MR. HIRSCH: Got you, sir.

3 BY MR. MIJANOVIC:

4 Q Do you recognize the area in the photograph as  
5 being the general area of origin?

6 A It appears to be.

7 Q When you were on scene, did you ever notice the  
8 debris that's depicted in Exhibit 7 looks like a branch on  
9 the ground?

10 A Did not see it.

11 Q Is that something that you would document had you  
12 seen it?

13 A I would have taken a look at it.

14 Q For what?

15 A As I said before, take a look for any potential  
16 burn marks or the source of where it came from.

17 Q Okay. Did you know if your partner looked at it?

18 A I don't believe so.

19 Q You would have taken a photograph of it had he done  
20 so, right?

21 A Yes.

22 Q And would you have looked at the branch that  
23 appears in Exhibit 7 to determine whether it could have been  
24 the debris impacting the overhead line?

25 MR. JULIUS: Calls for speculation.

1 MR. HIRSCH: Can I have that question read back?

2 (The last question was read back by the reporter.)

3 MR. JULIUS: Assumes facts.

4 THE WITNESS: I would have taken a look at as,  
5 potentially, impacting the lines. But even that there it  
6 looks like it's a dead branch. I don't know that it would  
7 have flown for very far if it came off of a tree. Not going  
8 to have a whole lot of weight to it.

9 BY MR. MIJANOVIC:

10 Q My question is: Would you have, in the normal  
11 course of your origin and cause investigation, examined the  
12 branch in Exhibit 7 to determine if it had any witness marks  
13 on the branch associated with impacting the overhead line?

14 A Yes.

15 Q And is it correct that no such inspection occurred  
16 at the scene of the fire while you were there?

17 A Correct, because I don't remember seeing that  
18 branch.

19 Q I'd like to turn to Bates stamped 219 of your  
20 report.

21 I'll mark as Exhibit 8 Bates stamped Cal Fire 219  
22 and 220?

23 Do you recognize Exhibit 8?

24 A Yes. It's a property receipt.

25 (Exhibit No. 8 marked for identification.)

1 BY MR. MIJANOVIC:

2 Q Bates stamped Cal Fire 219 and 220 is a property  
3 receipt?

4 A I'm sorry, no. It's a Witness Statement.

5 Q Okay. So Exhibit 8 is a Witness Statement by  
6 Victoria Francis Victor; is that right?

7 A Correct.

8 Q We've been referring to her as "Ms. Victor"?

9 A Yes.

10 Q And this Witness Statement Form is something that  
11 you provided to Ms. Victor on December 29, 2020; is that  
12 right?

13 A Correct.

14 Q A little over five weeks after the subject fire; is  
15 that right?

16 A Yes.

17 Q And Ms. Victor filled out this Witness Statement  
18 and dated it, according to the statement, January 2nd, 2021;  
19 is that right?

20 A Yes.

21 Q At 3:00 p.m.?

22 A Yes.

23 Q How did she provide you with this statement?

24 A She e-mailed it back to me -- scanned it and  
25 emailed it back to me. Actually, she took a picture and

1      emailed it to me.

2           Q      And do you have that email?

3           A      I believe it was provided.

4           Q      Is that Bates stamped 221?

5           A      No.

6           Q      What's the Bates stamped of Ms. Victor's email to  
7      you?

8           A      I don't see it.

9                   MR. HIRSCH: It was, in fact.

10                  Do you want me to clarify?

11                  MR. MIJANOVIC: Yeah.

12                  MR. HIRSCH: The Fire and Investigation Report is  
13      the entire investigation report. It was produced and  
14      attached.

15                  You also asked for additional documents. That  
16      email was part of the additional documents. So the witness  
17      wouldn't know where that is, but you have it in your  
18      production set.

19                  MR. MIJANOVIC: Okay.

20      BY MR. MIJANOVIC:

21           Q      When you provided Ms. Victor the blank Witness  
22      Statement form, did you email it to her?

23           A      Yes.

24           Q      And I assume you also produced that email?

25           A      Yes. If I had it, it got produced. Because it was



1 a couple of e-mails that were part of the -- that we found  
2 that were part of the packet.

3 MR. MIJANOVIC: All right. Maybe we can find it  
4 during a break, but let me continue on with the statement,  
5 itself.

6 BY MR. MIJANOVIC:

7 Q Why did you have the need to follow up with  
8 Ms. Victor to fill out a Witness Statement on December 29th,  
9 2020, if you had already concluded the origin and cause of  
10 the fire by -- just before noon on November 18, 2020?

11 A Because I felt that her eyewitness account was  
12 fairly significant. And I wanted to make sure she had in  
13 writing what she was saying and what she had seen because I  
14 did not see it on the video that she provided.

15 Q Let's see what Ms. Victor has to say.

16 By the way, did you consider Ms. Victor's  
17 handwritten statement, which is Exhibit 8, when you prepared  
18 your Origin and Cause Report?

19 A I don't remember. I believe so, but I know that I  
20 had some notes from when I initially talked with her, and  
21 then I completed the report. I didn't put the date of the  
22 incident on there. I don't have a date on there.

23 Q Just for completeness, what I'd like to do is mark  
24 as Exhibit 9 your Origin and Cause Report, Bates stamped Cal  
25 Fire 1 through Cal Fire 22, recognizing they're also all

1 sorts of additional attachments. But that's what I'm  
2 attaching as Exhibit 9 is your Investigation Report.

3 Okay?

4 MR. JULIUS: Sorry. Did you say 8 was Witness  
5 Statement?

6 MR. MIJANOVIC: Ms. Victor's statement is 8.

7 (Exhibit No. 9 marked for identification.)

8 BY MR. MIJANOVIC:

9 Q So let's go through -- strike that.

10 Upon -- strike that.

11 Did you finalize your investigation report before  
12 you received Ms. Victor's statement that she dated  
13 January 2nd, 2021?

14 A I don't remember.

15 Q Did you revise your investigation report after  
16 receiving Ms. Victor's statement on or after January 2nd,  
17 2021?

18 A No.

19 Q Let's go through Ms. Victor's statement.

20 She writes that she freely and voluntarily gives  
21 this statement. And then in her own handwriting she writes,  
22 "at 9:30 a.m., November 17, 2020, I drove to my store Walker  
23 Flea Market to prep my outside items for a wind storm that  
24 was to start and had started."

25 You see that?

1 A Yes.

2 Q Is it your understanding that she was actually  
3 located at the Walker Flea Market at the time she made her  
4 observation?

5 A I don't know if that's her business or if that's a  
6 separate location.

7 Q Do you know if the Walker Flea Market is across the  
8 Street from the General Origin Area that you identified?

9 A I don't know if that's where it's at. I don't know  
10 the Walker Flea Market location.

11 Q We'll mark as Exhibit 10, the legal overhead, with  
12 names associated with some of the stores.

13 (Exhibit No. 10 marked for identification.)

14 BY MR. MIJANOVIC:

15 Q Do you see on Exhibit 10, the Walker Flea Market is  
16 not across the street from the General Origin Area that you  
17 identified?

18 A Where's it at?

19 Q It's not directly across the street.

20 A Oh, there we go. Okay.

21 Q What I'd like you to do is circle with this marker  
22 where the Walker Flea Market is identified.

23 A (Witness complies.)

24 Q So did you circle the Walker Flea Market on  
25 Exhibit 10?

1 A Yes.

2 Q Okay. Let's go on with Ms. Victor's statement,  
3 which is Exhibit 8.

4 She writes: "I moved one of our U-Haul trucks to  
5 block metal art for protection. After securing yard art, I  
6 went in my building to do a walkthrough check. I felt wind  
7 inside my building. Went towards breeze. I had damage to  
8 south rear corner of my building. I called a local man, Mark  
9 Shetler, to help me screw boards up for protection of  
10 building."

11 Do you read with me so far?

12 A No.

13 Q Bates stamped 219, which is Exhibit 8.

14 A Okay.

15 Q Next sentence in Ms. Victor's statement, which is  
16 Exhibit 8, she writes: "About 11:30 a.m., something made me  
17 turn towards looking at road, and I saw sparks raining down  
18 and in seconds flames puffed out in just seconds."

19 You see that?

20 A Mm-huh. Yes.

21 Q Okay. Did you ever ask Ms. Victor whether she made  
22 these observations from the Walker Flea Market?

23 A No.

24 Q Would it be significant to you if Ms. Victor made  
25 the observations of sparks raining down from her location at

1 the Walker Flea Market?

2 A Probably.

3 Q Why is that?

4 A Because it's significantly west of the Mountain  
5 View Barbeque and my SOA.

6 Q And did you check her Ring video to confirm that  
7 she was, in fact, at the Walker Flea Market when she made  
8 these observations?

9 A No. I checked her Ring video to see if I could see  
10 the sparks raining down or the smoke that she saw, and I did  
11 not see any in the videos that she provided.

12 Q Did you ever investigate further to inquire from  
13 Ms. Victor where exactly she observed the sparks that were  
14 raining down?

15 A No. She said it was across the Street from where  
16 she was at when I talked to her, initially.

17 Q So you had assumed that she was, literally, across  
18 the street from your specific origin area?

19 A Yes.

20 Q But now, assuming Ms. Victor is correct, shes  
21 wasn't directly across the street. She was quite a distance  
22 away; isn't that right?

23 A Yes.

24 MR. HIRSCH: I'll object. The document speaks for  
25 itself. You're misstating it.

1                   MR. JULIUS:   And vague.

2   BY MR. MIJANOVIC:

3           Q     And recognizing that Ms. Victor may not have been  
4   directly across the street when she saw sparks raining down,  
5   does that identify for you another potential source of  
6   ignition that you have to investigate?

7           A     No, because there was no burn materials in that  
8   area directly across the street from the Walker Flea Market.

9           Q     Did you investigate that area?

10          A     Yes.  I did walk each direction from the Mountain  
11   View Barbeque and part of my exclusion and inclusion is to  
12   make sure there wasn't any vehicles.  There was no broken  
13   down vehicles, and I walked each direction from where the  
14   fire was closest to the road to see if there was any other  
15   small burns or other debris that may have come from a  
16   mechanical failure of the vehicle.

17          Q     Did you review the Ring video that actually shows  
18   Ms. Victor walk outside?

19          A     No.  That wasn't a Ring video.  The video that I  
20   saw, she was never in any of the videos.

21          Q     Where in your report is the -- are the ring videos  
22   attached?

23          A     It should have been on one of the CDs.

24          Q     And what is it -- can you identify by attachment as  
25   referenced in your report what you believe to be the Ring

1     **videos?**

2           A     Attachment Number 14 says: "Victor Ring camera  
3     footage."

4           Q     Did you observe any video footage of Ms. Victor,  
5     showing that she's walking out of the Flea Market -- Walker  
6     Flea Market facing 395, and then she's looking left in terms  
7     of the observations that she's making?

8           A     I don't remember seeing that.

9           Q     Would that be significant to you?

10          A     Potentially.

11          Q     Why is that?

12          A     I'd have to make sure there wasn't any burns or any  
13     damage to the lines in that area.

14          Q     Is it correct that you never searched that area for  
15     burns or damage at all?

16          A     No. I did walk that area. I didn't look at the  
17     lines. I looked along the ground, looking for the vehicle  
18     pieces.

19          Q     How far down did you go?

20          A     Just pass the Andruss Motel. So it would have been  
21     in front of the Walker Flea Market.

22          Q     So you walked as far as the Andruss Motel?

23          A     Yes. Walked to just past where there was more  
24     grass, and I walked past down to Dorsey Lane, going east.

25          Q     So you walked to the Andruss Motel and then down to

1 the other side to Dorsey Lane?

2 A Yes.

3 Q And that was the general area that you walked?

4 A Yes, along the highway looking for vehicle debris  
5 or any other small burn marks from potential vehicles or  
6 vehicle malfunctions.

7 Q Ms. Victor, goes on to say in the second page of  
8 Exhibit 8 in that last couple sentences that she writes:

9 "The sparks came from the second pole south of Andruss Motel,  
10 the one with the transformer on it."

11 You see that?

12 A Mm-huh.

13 Q "Yes"?

14 A Yes.

15 Q Did you ever conduct any investigation to confirm  
16 what Ms. Victor was observing?

17 A We did walk the lines in looking for other damage.  
18 And, like I said, that's the only reason we took the piece  
19 out of the one that was still attached because we observed  
20 arc marks on the line that was still suspended.

21 Q But her comment is that in her -- what she  
22 observed, she says: "The sparks came from the second pole  
23 south of Andruss Motel, the one with transformer on it."

24 Did you ever identify what pole she was referring  
25 to?



1           A     No.

2           Q     Did you ever identify what transformer she was  
3 referring to?

4           A     No.

5           Q     The fact that a witness observes sparks coming down  
6 from the second pole, south of the Andruss Motel, the one  
7 with the transformer on it, would you agree that that is a  
8 potential source of ignition?

9           A     Yes.

10               MR. JULIUS: Calls for speculation.

11 BY MR. MIJANOVIC:

12           Q     Did you ever investigate that potential source of  
13 ignition?

14           A     I believe so. We did walk the lines looking at the  
15 lines, looking at whatever equipment was on the power poles.

16           Q     So you did examine the transformers?

17           A     I would have to take a look at where that is  
18 exactly located, but I believe so. We did walk the poles  
19 each direction and walked over to -- there's a fence line.  
20 In fact, there's pictures of the pole here with the  
21 transformer on pictures that -- no, we did not see any damage  
22 on any of the poles with transformers on it.

23           Q     You were doing a visual inspection, right?

24           A     Yes.

25           Q     From the ground?

1           A     Yes.

2           Q     Ms. Victor states: "I didn't see if came from wire  
3     or transformer. Just saw sparks coming down and light grass  
4     on fire."

5                     You see that?

6           A     Yes.

7           Q     Did you ever follow up to conduct an interview of  
8     Ms. Victor after she provided you with her written statement?

9           A     No.

10          Q     Why?

11          A     I had done a phone interview with her and I'd asked  
12     her to confirm what she had told me on the phone with a  
13     written statement.

14          Q     And so the phone interview that you did, was that  
15     on November 18, 2020?

16          A     I don't remember what date that was.

17          Q     Is there anything in your report that would  
18     indicate when you had the phone interview with Ms. Victor?

19          A     I don't believe so.

20                     MR. MIJANOVIC: Why don't we take a short break.

21                     THE VIDEOGRAPHER: We're off the record at 1:09.

22                             (Off the record.)

23                             (A break was taken.)

24                     THE VIDEOGRAPHER: This begins Media Number 3 in  
25     the testimony of Joseph Pidgeon. We're back on the record at

1 1:23.

2 BY MR. MIJANOVIC:

3 Q I'll mark as Exhibit 11 what is Bates stamped Cal  
4 Fire 290.

5 (Exhibit No. 11 marked for identification.)

6 BY MR. MIJANOVIC:

7 Q Do you have that as part of your file?

8 A (No audible response.)

9 Q We'll email Bates stamped 290 to the court  
10 reporter, but it will be marked as Exhibit 11.

11 Sir, do you have Bates stamped Cal Fire 290 in  
12 front of you?

13 A Yes.

14 Q Just for the record, Exhibit 11 is an email chain.  
15 The first email it looks like you sent on December 29, 2020,  
16 at 3:42 p.m., to Victoria Victor; is that correct?

17 A Yes.

18 Q That's your email address on Exhibit 11: Is that  
19 right?

20 A Yes.

21 Q You write: "Hello Victoria. Thank you for taking  
22 my phone call today."

23 You see that?

24 A Yes.

25 Q Does this refresh your memory that the first time

1     you spoke to Ms. Victor was December 29th, 2020?

2           A     For the phone interview, yes.

3           Q     "Attached are the Witness Statement Forms that I  
4     spoke to you about. Be as detailed as possible about your  
5     observations on Tuesday, November 17, 2020."

6                     You also write: "One of the forms is the cover  
7     page and the other is additional pages if needed to complete  
8     your observation."

9                     Do you see that?

10          A     Yes.

11          Q     You write: "After completing your statement,  
12     please sign and date at bottom return them to me."

13                     You see that?

14          A     Yes.

15          Q     She writes you an email on January 7, 2021.

16                     Do you see that email at the top of Exhibit 11?

17          A     Okay.

18          Q     "Yes"?

19          A     Yes.

20          Q     Did you receive this email?

21          A     I believe so.

22          Q     That's your email address that she's writing to; is  
23     that right?

24          A     Yes.

25          Q     And there's an attachment to the email which is to

1 Jay Penn (phonetic).

2 You see that?

3 A Yes.

4 Q And earlier you indicated that you received a  
5 photograph of each of the pages of her statement; is that  
6 right?

7 A Yes.

8 Q And that is what is marked as Exhibit 8; is that  
9 right?

10 A Is that her statement? Yes.

11 Q Okay. Is there anything in your investigation  
12 report that indicates that you spoke to Ms. Victor on  
13 November 18, 2020?

14 A I don't believe so. Because my notes in here have  
15 "following summary of the telephone interview,  
16 December 29th."

17 Q Right. So according to your own report, it doesn't  
18 reflect that you spoke to Ms. Victor on November 18, 2020; is  
19 that correct?

20 A Well, I haven't spoken to her, but I asked her  
21 information to be able to contact her. I just didn't get  
22 anybody to answer the phone or give a statement.

23 Q Right. But for purposes of you taking any form of  
24 statement from Ms. Victor, has your recollection now been  
25 refreshed, the first time you ever took any type of statement

1 from her was November 29th, and then the following written  
2 statement that you received on January 7, 2021?

3 MR. JULIUS: Sorry. You said "November 29th."  
4 You meant "December 29th"?

5 BY MR. MIJANOVIC:

6 Q Strike that.

7 Do you agree that the first time you ever spoke to  
8 Ms. Victor about her observations was December 29th, 2020?

9 A That's what I have in my report, so I believe so.

10 Q Okay. So does this refresh your memory that you,  
11 in fact, did not speak to Ms. Victor on November 18, 2020?

12 MR. JULIUS: Misstates testimony.

13 THE WITNESS: My understanding -- I had to have  
14 gotten her information to be able to contact her. I know I  
15 got an initial statement, but she wasn't willing to do  
16 anything else and hadn't gotten me the Ring camera footage.  
17 So the date that I put on for her official statement was when  
18 she talked to me on the phone, was December 20th.

19 Q That's what I'm trying clarify. Do have you  
20 anything in writing to indicate that you spoke to Ms. Victor  
21 on November 18, 2020?

22 A No.

23 Q Do you still believe, as you sit here today, that  
24 you spoke to Ms. Victor regarding her observations of the  
25 subject fire -- that you spoke to her on November 18, 2020?

1           A     I believe I got her official statement on December  
2     29th. However, I got her contact information, I believe, on  
3     November 18th.

4           Q     All right. So you obtained the Ms. Victor's  
5     contact information November 18, 2020, and spoke to her for  
6     the first time about the incident on December 29, 2020?

7           A     Correct.

8           Q     Okay. And during that phone conversation that you  
9     had with her on December 29, 2020, you, in essence, told her  
10    to write down, specifically, what it is that she told you  
11    during that phone conversation?

12          A     Yes.

13          Q     And she did so by giving her you written statement,  
14    to your understanding?

15          A     Yes.

16               MR. MIJANOVIC: Okay. What I'll do is I'll mark as  
17    Exhibit 12 the Ring video which is Cal Fire 127. And the  
18    Ring video which is Bates stamped Cal Fire 127, we will  
19    provide that to the court reporter by way of email. And the  
20    court reporter will put that video on a DVD and attach the  
21    DVD as Exhibit 12.

22               MR. HIRSCH: Which one?

23               MR. MIJANOVIC: Cal Fire Bates stamped 127.  
24    (Exhibit No. 12 marked for identification.)

25               MR. HIRSCH: Because there's two, I think.

1 MR. MIJANOVIC: One is 126, and one is 127.

2 MR. HIRSCH: You only referred to singular.

3 MR. MIJANOVIC: No, just 127. Cal Fire Bates  
4 stamped 127 is Exhibit 12. We will email the court reporter  
5 Cal Fire 127, which is the video to mark as Exhibit 12.

6 BY MR. MIJANOVIC:

7 Q So we cued it up here on the laptop, sir. You want  
8 to just watch it. And I'll just ask you questions after  
9 you're done.

10 (Witness watches video, not reported.)

11 BY MR. MIJANOVIC:

12 Q So you finished reviewing Exhibit 12 which is the  
13 video -- Ring video that Ms. Victor provided you.

14 Is that right?

15 A Yes.

16 Q Did you notice that the timestamp on the Ring video  
17 is November 17, 2020, at 11:26 a.m.?

18 A Okay.

19 Q Did you notice that?

20 A No, I did not.

21 Q I'll show you again on right-hand corner.

22 A Okay.

23 Q Ms. Victor described in her statement that at about  
24 11:30 a.m., something made her turn towards looking at the  
25 road and she saw sparks raining down. And in seconds after



1 that, she saw flames.

2 Do you recall that in her statement?

3 A Yes.

4 Q And when Ms. Victor, according to the Ring video,  
5 comes out, she's looking left in terms of her observations.

6 Is that significant to you?

7 A No, because it looked to me like she was talking on  
8 her phone.

9 MR. HIRSCH: I'll object. Lacks foundation. Calls  
10 for speculation.

11 MR. JULIUS: Join.

12 BY MR. MIJANOVIC:

13 Q Did any part of this Ring video, which is  
14 Exhibit 12, indicate to you that Ms. Victor was looking  
15 right, which is towards the Mountain View Restaurant?

16 A No.

17 MR. JULIUS: Assumes facts. Lacks foundation.

18 BY MR. MIJANOVIC:

19 Q Ms. Victor indicates observing sparks raining down  
20 after she was alerted by something at approximately 11:30  
21 a.m.

22 Would it be important to you to check the recloser  
23 data for the Topaz circuit to determine if there was any  
24 electrical activity going on on the Topaz circuit at 11:26  
25 a.m., on November 17, 2020?

1 MR. HIRSCH: Vague and ambiguous.

2 MR. JULIUS: Join.

3 THE WITNESS: Probably.

4 BY MR. MIJANOVIC:

5 Q Why is that?

6 A So that there was some type of fault or some type  
7 of surge or some other indication that there was something  
8 wrong with the system.

9 Q But if the recloser data did not show any type of  
10 electrical circuit activity at 11:26 a.m., which is the time  
11 stamp on the Ring video, would that also be significant to  
12 you?

13 MR. HIRSCH: Calls for expert testimony on the part  
14 of the witness's knowledge.

15 MR. JULIUS: Calls for speculation. Lacks  
16 foundation.

17 THE WITNESS: I would imagine it would be the same  
18 reason that, if there's nothing indicated, then the system is  
19 running normally according to their data.

20 BY MR. MIJANOVIC:

21 Q But that would leave the question open as to what  
22 sparks Ms. Victor is observing at 11:26 a.m., would it not?

23 A Mm-huh. Yes.

24 MR. JULIUS: Same objections.

25 BY MR. MIJANOVIC:

1 Q And that would suggest that a further investigation  
2 is necessary to determine if the sparks that Ms. Victor is  
3 observing is something unrelated to the Topaz circuit; isn't  
4 that right?

5 MR. JULIUS: Same objections.

6 THE WITNESS: Probably.

7 BY MR. MIJANOVIC:

8 Q But that would have to be investigated because  
9 earlier you indicated that the sparks Ms. Victor is observing  
10 is a potential source of ignition; isn't that right?

11 A Yes.

12 Q And, in order to do a complete fire investigation,  
13 all potential sources of ignition would have to be  
14 investigated, especially the one that Ms. Victor told you she  
15 observed; isn't that right?

16 A Yes.

17 MR. JULIUS: Assumes facts. Lacks foundation.  
18 Calls for speculation.

19 MR. HIRSCH: Incomplete hypothetical.

20 BY MR. MIJANOVIC:

21 Q Isn't it true, now that you've seen the Ring video,  
22 that the sparks that Ms. Victor is describing may not be  
23 associated with the Topaz circuit if, in fact, the recloser  
24 data doesn't show any electrical activity at that time?

25 MR. JULIUS: Assumes facts. Lacks foundation.

1 Incomplete hypothetical. Calls for speculation.

2 THE WITNESS: Like I said, I didn't see anything in  
3 the video to substantiate her statement saying that she  
4 looked -- as you're saying, looked to the left, which would  
5 be north, when she said in her statement she looked to the  
6 right which was south. I just -- I'm not seeing in the video  
7 that's showing what she stated which was the sparks raining  
8 down or the fire starting. All I see is dust and the trees  
9 moving from the wind. It looks to me she's talking on her  
10 phone and her focus isn't on watching the fire. She's  
11 talking on the fire while she's gathering her thoughts.

12 Q Again, going back to Exhibit 8 which is  
13 Ms. Victor's statement, she states: "About 11:30 a.m.  
14 something made me turn towards looking at road and I saw  
15 sparks raining down and in seconds flames puffed out in just  
16 seconds."

17 She's not indicating she's looking left or right;  
18 she looking at the road.

19 A Okay. You had stated earlier that she -- she  
20 states that she looks to the south. And you had stated that  
21 she came out and looked at the fire in the video. I don't  
22 see any fire in the video.

23 Q I'm just going on her own written statement.  
24 Without anything else?

25 MR. JULIUS: Just for the record, the document

1 speaks for itself.

2 BY MR. MIJANOVIC:

3 Q So Ms. Victor writes in her statement that she's  
4 looking at the road and she observes sparks raining down, and  
5 in seconds flames puffed out in just seconds."

6 My question to you is: Given that she is at the  
7 Walker Flea Market, that is not across the street from your  
8 specific origin area, but rather several hundred feet west of  
9 that location; isn't that right?

10 MR. HIRSCH: Assumes facts. Lacks foundation.

11 MR. JULIUS: Join.

12 THE WITNESS: I had walked both directions, and I  
13 don't believe that the fire ever reached that area. There  
14 was no other burns that I found. I'm going to check the  
15 parameter maps that were provided by incident management team  
16 and see if it shows that location.

17 I still never found anything -- burn marks -- past  
18 the Andruss Market, or Andruss Motel when I walked down that  
19 direction. It's too far to tell which roads they are.

20 What was your question, again?

21 Q Let me ask you, given this discussion that we've  
22 had about Ms. Victor's observations and the statement that  
23 you obtained from her by way of email on January 7, 2021, do  
24 you agree with me that the contents of her statement  
25 warranted a followup investigation by you to try to pinpoint

1     **what exactly she was seeing and describing?**

2           A     Well, hindsight being 20/20 I would say "yes."  
3     However, the way I interpreted her conversation and her  
4     statement was that we were talking about the same location  
5     because I was not aware that the flea market was a different  
6     location.

7           Q     You assumed entire time that she was directly  
8     across the Street from your specific origin area?

9           A     Yes.

10          Q     And, given that you assumed that the specific  
11     origin area was directly across the street from her location,  
12     now that you know that she was actually located at the Walker  
13     Flea Market, do you agree that part of your investigation  
14     should include a specific investigation of whatever is across  
15     the street from the Walker Flea Market?

16               MR. JULIUS: Misstates testimony. Calls for  
17     speculation. Lacks foundation.

18               THE WITNESS: Again, hindsight being 20/20 --

19               MR. JULIUS: And assumes facts.

20               Go ahead.

21               THE WITNESS: Hindsight being 20/20, most likely,  
22     yeah, if I confirmed that she was not at the location I  
23     thought she was at -- she was down the street -- still she  
24     said she looked south, which would still put her back towards  
25     my SOA.

1 BY MR. MIJANOVIC:

2 Q Is your origin of cause and investigation complete?

3 A Yes.

4 Q If the recloser data on the Topaz circuit shows no  
5 electrical activity on the Topaz circuit at 11:26 or 11:30 or  
6 11:40 a.m. -- in other words, not during the time that  
7 Ms. Victor is observing the sparks -- would you agree that a  
8 further origin and cause investigation is necessary to  
9 determine where the sparks are coming from that Ms. Victor is  
10 describing in her statement?

11 MR. JULIUS: Objection. Assumes facts. Lacks  
12 foundation. Calls for speculation. Misstates testimony.

13 MR. HIRSCH: Expert testimony.

14 MR. JULIUS: Join.

15 MR. HIRSCH: Beyond the scope of the witness's  
16 knowledge.

17 BY MR. MIJANOVIC:

18 Q Why not? Why wouldn't a further investigation be  
19 necessary?

20 A Because it's the --

21 MR. HIRSCH: Same objection --

22 MR. JULIUS: Join.

23 MR. HIRSCH: -- as the prior question.

24 THE WITNESS: My investigation is based on the  
25 totality of circumstances that I observed. And all of my

1 indicators came back to the SOA that we determined. The burn  
2 pattern as we observed it, made a "V" out from our SOA,  
3 indicating that it was following the wind as it spread out.  
4 And I'm going to stand behind my determination that -- and it  
5 was also peer reviewed with Captain Kirkhart that our SOA was  
6 correct.

7 MR. HIRSCH: Counsel, it's coming up on 2:00  
8 o'clock. We haven't had a break. The court reporter might  
9 need a break; I'm referring to a lunch break, that is.

10 How much longer -- I thought maybe by you taking --  
11 saying you wanted a short break the last time, that we'd be  
12 kind of getting close to wrapping it up. If we're not, then  
13 folks might be getting hungry.

14 How about 30 minutes, and we grab a bite?

15 That's what I'm proposing.

16 MR. MIJANOVIC: All right. Absolutely. I think  
17 it's a reasonable request.

18 Why don't we break for 30 minutes.

19 THE VIDEOGRAPHER: We're off the record at 1:44.

20 (Off the record.)

21 (A lunch break was taken.)

22 THE VIDEOGRAPHER: Back on the record at 2:27.

23 BY MR. MIJANOVIC:

24 Q We're back from our lunch break.

25 During your break, Mr. Pidgeon, did you have any



1 discussion with anybody other than your attorney about this  
2 fire?

3 A No.

4 Q You mentioned that you saw some evidence of bird  
5 caging on the wire?

6 A Yes.

7 Q Did you ever take photographs of that bird caging?

8 A Yes.

9 Q Did you have that in your report?

10 A Page 10 of 12 of pictures, and it's Bates number  
11 67.

12 Q Is it Cal Fire, Page 67 -- Bates stamped 67, where  
13 the bottom photograph shows the wires are somewhat separated?  
14 You see that?

15 A Yes.

16 Q And where was that bird caging located? Which  
17 section of line was that?

18 A The one that was down.

19 Q Was that bird caging located in the specific origin  
20 area?

21 A I don't know if it was or not. I never took photos  
22 of it. (Unintelligible.)

23 THE REPORTER: I'm sorry, Mr. Pidgeon, I couldn't  
24 hear you.

25 THE WITNESS: Sorry. I'm not sure if it was or

1 not. We found it when we were walking through, placing our  
2 flags and so we took a picture of it so that we documented  
3 it.

4 BY MR. MIJANOVIC:

5 Q What does the bird caging in the powerline -- what  
6 does that indicate to you?

7 A To me, it's a surge in power. The lines get too  
8 much energy going through them. As the surge goes through,  
9 the line will start to unravel.

10 Q And did this unraveling -- do you have an opinion  
11 as to whether that occurred while the line was on the ground?

12 A I do not.

13 Q Do you have an opinion as to what caused the bird  
14 caging and at what point?

15 A My understanding through my training is that bird  
16 caging is caused when the line has power going through it.  
17 So I couldn't tell you whether it was part of the initial  
18 lines contacting or what the initial power surge was. But it  
19 looks like the line was already down when the fire came  
20 through on this picture.

21 Q When you searched for molten metal, was that search  
22 limited to the specific origin area?

23 A Yes.

24 Q Is it correct that you did not search for molten  
25 metal outside the specific origin area?

1           A     No.

2           Q     **That's not correct?**

3           A     We do not. We looked inside the SOA, and that was  
4     it.

5           Q     **Did you identify the pole number of the east side**  
6     **pole?**

7           A     Yes. I believe it's identified in one of these  
8     photos.

9           Q     **Are you able to tell us from your report the number**  
10    **that you associate with the east side pole?**

11          A     As far as the utility company number or --

12          Q     **The pole number, correct.**

13          A     The east pole, we had pole number 34334 CIT.

14          Q     **In your report on Cal Fire, Bates stamped 30,**  
15    **there's a reference to a spot fire in Desert Creek.**

16                **You see that reference?**

17          A     Which page? 30? Where was it at?

18          Q     **The time entry for 1736.**

19          A     Okay.

20          Q     **Was that spot fire related to the Mountain View**  
21    **Fire?**

22          A     I would imagine.

23          Q     **Do you know one way or the other?**

24          A     No, I do not. Spot fires are common with  
25    wind-driven fires. So it could have been an amber that was

1 cast down from the fire. Could have been whatever, but I  
2 don't know for sure.

3 MR. JULIUS: Krsto, can you clarify where you're  
4 looking at?

5 MR. MIJANOVIC: Bates stamped Cal Fire 30,  
6 timestamp 1736.

7 MR. JULIUS: Thank you.

8 BY MR. MIJANOVIC:

9 Q On November 24th, 2020 -- strike that.

10 The timestamp at 9:00 for November 24th, 2020, also  
11 on Cal Fire 30, there's a reference to hotspot above 240  
12 Birch and Flat Road (phonetic).

13 Is that something associated with the Mountain View  
14 Fire?

15 A I don't know.

16 Q On Cal Fire 17 and 19 of your report, you indicate  
17 that you observed staining on large rocks west of the  
18 roadside turnout.

19 What does that refer to?

20 A "Staining" is typically as the fire is moving the  
21 smoke in front of it, the heat will stain the rocks with a  
22 brownish gray color. And it's usually an indication that the  
23 fire was travelling in that direction.

24 Q That's not evidence of molten metal contacting the  
25 rock, is it?

1 A No.

2 Q Bates stamped Cal Fire 19, you indicate that there  
3 were bleached rocks that appeared to be the same type of  
4 rocks, but discolored due to contact with high heat.

5 Are you referring to the same thing?

6 A Those would be separate.

7 Q What does that refer to -- the discoloration of  
8 rock due to high heat?

9 A So the lava rocks that were out in that area, what  
10 appear to be lava rocks, looked like there was something high  
11 heat so, high temperature. So it bleached all the color out  
12 from the high temperature on the rock.

13 Q That's not evidence of molten metal making contact  
14 with the rock, is it?

15 A To me, it's more evidence that the energized  
16 powerlines were arcing across the rock.

17 Q Did you ever formulate an opinion that it's  
18 corroborated by evidence as to what caused the downline?

19 A No.

20 Q Did you identify any evidence within the General  
21 Origin Area of roofing material that had blown around?

22 A No.

23 Q Would that be significant if there was?

24 A It would just show that there was high winds.

25 Q Would it be significant for purposes of determining

1 whether roofing material may have contacted the overhead  
2 line?

3 A Most likely, but I didn't find any in the General  
4 Origin Area.

5 Q The General Origin Area that you identified in  
6 Exhibit 6?

7 A Correct.

8 Q Is there any other part of the subject fire that  
9 you intend to investigate?

10 A No.

11 Q As far as you're concerned and Cal Fire is  
12 concerned, is the origin and cause of investigation of the  
13 Mountain View Fire -- was it complete as of just before noon,  
14 November 18th, 2020?

15 A No. It was completed after -- when the report was  
16 written and I signed it and initialled the pages.

17 Q Has anyone asked you -- other than your attorney --  
18 to conduct any further work in connection with the Mountain  
19 View Fire?

20 A No.

21 Q Have you or anyone else at Cal Fire made an attempt  
22 to reach out to Ms. Victor since she provided her -- since  
23 she provided her written statement to you on January 7, 2021?

24 A No.

25 Q When is the last time you conducted an origin and

1     **cause investigation?**

2           A     It's been a while. It's not typically my scope  
3     since I've promoted so it would be last year sometime. I  
4     can't remember the specific date or month.

5           Q     **Is there a designated origin and cause**  
6     **investigator, currently, at Cal Fire that took your position?**

7           A     Yes.

8           Q     **Who is that?**

9           A     Matt Kirkhart. I believe it's south fire, the last  
10    fire I helped him investigate. I wasn't the lead. I helped  
11    investigate that. Matt Kirkhart was the lead on that one  
12    which I believe was November of '21.

13          Q     **Did Cal Fire charge any of these other governmental**  
14    **agencies or local agencies in the Walker area for its**  
15    **investigation services?**

16          A     No.

17          Q     **Is that unusual that there would be no charge?**

18          A     No, no charge. Like I explained earlier with the  
19    responsibility for the lands in that agreement that we have  
20    with all the cooperators, they handle that land as if it was  
21    theirs. So that means that they're also supposed to do the  
22    cause and origin investigations for that land as well.

23          Q     **If you don't mind, can you clarify that agreement**  
24    **for me in terms of its purpose?**

25               MR. HIRSCH: I'll object. It's beyond the scope of

1 the deposition.

2 But, if you have a general understanding, you can  
3 answer.

4 THE WITNESS: Generally, California Fire Management  
5 Agreement -- it's an agreement between Cal Fire and, I want  
6 to say six other federal agencies. It talks about the scope  
7 of how we will handle, basically, swapping lands and  
8 protection of those lands. So we'll protect federal lands as  
9 if the federal government agencies will. Federal government  
10 agencies will protect state lands, as if we were the ones  
11 responding to that.

12 Q Since you completed your origin and cause  
13 investigation -- strike that.

14 From the time that you were involved in the origin  
15 and cause investigation on November 18, 2020, until the  
16 present, have you had any communications with attorneys for  
17 any of the parties related to your opinions?

18 A No.

19 Q Were you able to exclude any malfunctioning highway  
20 vehicles as a possible cause?

21 A Yes.

22 Q Were you able to exclude arson as a possible cause?

23 A Yes.

24 Q In your report on Bates stamped, Cal Fire 21, you  
25 indicate that arson and a malfunctioning are possible causes.



1 Do you see that?

2 A Yes.

3 Q And you indicated that your investigation was  
4 complete after this report was signed.

5 So did you change your mind in that regard in terms  
6 of whether they were possible causes?

7 A No. They were still possible. Arson is always  
8 possible. It could be a hot start where they took a lighter  
9 on the side of the road. However, there was no witness  
10 statements that showed anybody get out of their vehicle and  
11 light the grass on fire next to the parking lot -- the  
12 Mountain View.

13 I did not find any devices in the General Origin  
14 Area or the SOA that would indicate that it was some type of  
15 arson device. And, as part of my walk along the roadway,  
16 like I said, I take a look for other burn marks for  
17 malfunctioning vehicles. There was no other vehicles that  
18 were reported broken down in the area or towed away from the  
19 area during the initial part of the fire.

20 Q The downline that you took possession of, as well  
21 as the short strip from the other circuit that you had the  
22 Liberty employee cut down -- did you conclude that the damage  
23 to the downline was as a result of striking the rocks and  
24 grass and everything else?

25 A There was indications it was arced. There was

1 beating on some of the wires. So, yes, we took that as it  
2 had contacted either the other conductor or the ground. And  
3 lava rock does have iron in it, so that would potentially end  
4 up with some indicators as well.

5 Q So, in essence, the damage to the downline that you  
6 observed was as a result of striking the ground and whatever  
7 the ground had on it?

8 A Or the other energized line that was still  
9 suspended.

10 Q Okay.

11 MR. MIJANOVIC: All right, sir. I don't have any  
12 other questions.

13 MR. JULIUS: Why don't we take a break, and also  
14 switch.

15 THE VIDEOGRAPHER: We're off the record at 2:44.

16 (Off the record.)

17 (A break was taken.)

18 THE VIDEOGRAPHER: Back on the record at 2:46.

19

20 FURTHER EXAMINATION

21 BY MR. JULIUS:

22 Q Assistant Chief Pidgeon -- is that correct?

23 A Yes.

24 Q Again, my name is Jason Julius. I represent the  
25 plaintiffs in this case, that includes Mono County, Toiyabe

1 Indian Health District, Antelope Valley Fire Protection  
2 District and Bridgeport Indian Colony.

3 Thanks again for taking the time today. I'm going  
4 to follow up on a couple of things. I don't think I have a  
5 whole lot to go through, but bear with me.

6 You testified earlier that it has been your -- or  
7 it was your practice and experience in investigating wildland  
8 fires that you would at times use experts -- outside experts?

9 A Yes.

10 Q Metallurgists, electrical engineers, that sort of  
11 thing?

12 A Yes.

13 Q You didn't use any of those experts in this case?

14 A No.

15 Q Is there a particular reason why not?

16 A We felt that not having any other ignition sources  
17 that we could determine and, truthfully, because Liberty was  
18 very cooperative and didn't seem to have any complaints with  
19 the investigation as it went to that point.

20 Considering the wind event, I contacted our case  
21 managers and asked if they had any issue with us collecting  
22 that evidence and moving forward. And they had no issue with  
23 it. So that's -- because we knew that the case, ultimately,  
24 was going to end up with Bureau of Land Management. So that  
25 was their responsibility area. We were just doing an initial

1 investigation. If there was any further, we were going to  
2 have them do that.

3 Q Have you had any conversations with Bureau of Land  
4 Management regarding the conclusions in your report?

5 A No. Other than transferring the evidence, we  
6 haven't had any conversations with them.

7 Q Has there been any criticism from Bureau of Land  
8 Management regarding the conclusions in your report that  
9 you're aware of?

10 A Not that I'm aware.

11 Q You said that Liberty was being cooperative.  
12 Was there any data information that you requested  
13 from Liberty that you didn't receive?

14 A I know I asked for trouble reports. I don't  
15 remember if it got sent to me or not. They did send me  
16 social media. I'm not seeing it.

17 When I talked to the supervisor, I'd asked them for  
18 any trouble reports, any reports that showed that there was  
19 any issue with the service delivery in the area and any  
20 social media that they had sent out for public safety power  
21 shut-offs or anything else.

22 Q Did you ever have any followup with Liberty about  
23 why you haven't received those?

24 A No, I did not.

25 Q Given the conclusions in your report, was that

1 trouble -- those trouble reports necessary to come to the  
2 conclusion you eventually did?

3 A Based on my attorney experience, I don't believe  
4 so. But it was one of those -- I wanted to make sure we had  
5 it, if it went beyond that and we needed to have experts  
6 review that documentation.

7 Q It didn't come to that, though?

8 A Not that I know. Like I said, one was given, but I  
9 had turned it in.

10 Q We talked a little about recloser -- and I  
11 apologize if I get this wrong -- recloser data earlier.

12 A Yeah.

13 Q Is that something you requested from Liberty?

14 A To me, that's the same information as a trouble  
15 report for the lines in that area.

16 Q Okay. And, just to clarify, what would have been  
17 the purpose of reviewing recloser data as it relates to this  
18 fire?

19 A To confirm that there was some type of malfunction  
20 or trouble in -- within the line in that area.

21 Q And your understanding is that recloser data would  
22 have provided a timestamp, if you will, for when there was an  
23 issue with the lines in that area?

24 A Correct.

25 Q Given that you didn't receive that information, you

1 don't have a specific timestamp for electrical service issues  
2 in that area for this report?

3 A Correct.

4 Q And I believe you testified earlier that, based on  
5 your interviews and the first call-in to I believe it was  
6 Mono County, that you put the start of the fire somewhere  
7 between noon and, I think, 12:09, you said.

8 Do you recall that?

9 A Yes. That was the timestamp for the Sierra Front  
10 Interagency Dispatch Center. They have it as dispatched  
11 early incident starting at 1209.

12 Q I'm going to talk a little bit about your  
13 interactions with eyewitness Victoria Victor.

14 And I just wanted to clarify when you recall  
15 actually speaking with her. I know your report identifies  
16 that you spoke with her on December 29th, correct?

17 A Yes.

18 Q But you recollect a conversation with her prior to  
19 that date?

20 A Yes.

21 Q Was that prior conversation in person?

22 A Yes.

23 Q Where did that prior conversation take place?

24 A Across the street from Mountain View Barbeque.

25 Q And when you say "across the street from Mountain

1 View Barbeque," is that the area of the houses that you  
2 identified with a "V" in Exhibit 6?

3 A Yes.

4 Q So when you had that initial conversation with her,  
5 you were physically standing in front of those locations?

6 A Yes.

7 Q One of those locations?

8 A Yes.

9 Q And is it fair to say that today is the first time  
10 that you learned that the business that she owns and was  
11 referring to -- the Walker Flea Market -- was actually  
12 located to the west of that location?

13 A Correct.

14 Q And when I say "west," I mean west, along that  
15 stretch of 395?

16 A Yes.

17 Q What was the extent, if you recall, of that initial  
18 in-person conversation you had with Ms. Victor?

19 A She commented that she'd heard a noise, and that  
20 she tried to get help and get her -- I think it was her  
21 boyfriend or a worker for her to get it back -- to use the  
22 tractor to suppress the fire.

23 And then she didn't have time to talk or get a  
24 further statement and so I got her contact information so  
25 that I could contact her later.

1 Q Do you recall why she didn't have time to talk that  
2 day?

3 A No. I don't remember.

4 Q And the further conversation that you intended to  
5 get was the conversation that eventually happened on  
6 December 29th?

7 A Correct.

8 Q It's true, though, that in that initial  
9 conversation you had -- and I don't think I asked this -- you  
10 recall what date that was? Was that November 18th?

11 A I believe so.

12 Q And in that initial conversation on November 18th,  
13 she did convey to you some underlying facts about her  
14 experience with the fire; is that correct?

15 A Correct.

16 Q And are those facts included within your summary of  
17 her Witness Statement included in your report, or is this  
18 simply based on the phone call alone?

19 A No. The initial statements that she had made to me  
20 was that she had heard and seen thing across the street and  
21 seen the fire across the street. So I went with that and  
22 then included her Witness Statement and the videos that she  
23 said she had from her Ring camera.

24 Q And, just for clarity, the Walker Flea Market is  
25 technically across the street from your SOA, correct?



1           A     For the most part, yeah.

2           Q     It's, physically, on the other side of the street?

3           A     Yes.

4           Q     Located further to the west on that portion of 395,  
5     than the two properties you previously identified, correct?

6           A     Yes.

7           Q     But it is across the street?

8           A     Yes.

9           Q     In your review of the video today that she  
10    provided, the Ring video, was there anything that indicated  
11    to you that from her location at the Walker Flea Market,  
12    located west of your SOA, that she could not see the specific  
13    origin area that you had identified?

14          A     I don't know where she was at when she -- being  
15    behind her business or residence or where ever she said she  
16    was behind, so I'm not sure. I'd have to speculate that,  
17    yes, she would be able to see if she came around the corner  
18    and looked across the street.

19                But, looking at video today, from that location you  
20    can still -- even in the video, you can see the power poles  
21    that were east of that location across the street.

22          Q     And that was one of my questions.

23                In that Ring video, you could see one of the two  
24    poles that are identified in your report, correct?

25          A     I believe that's the one with the transmitter, the

1 east. Is that east?

2 Q I would call that to the east of -- east on that  
3 portion of 395?

4 A Right. But it looks like -- from what I could see  
5 in the video, it looks like one of the poles that we were  
6 looking at is in the video.

7 Q And Ms. Victor stated in her written statement that  
8 she saw sparks coming from the pole and the transformer,  
9 correct?

10 A Yes.

11 Q Do you have any understanding as to what Ms. Victor  
12 was referring to when she said "transformer"?

13 A No. Other than the barrel shape equipment that's  
14 on the pole is what most people identify as a transformer.  
15 So that's what I was assuming was her description.

16 Q And there is the barrel shape transformer on that  
17 eastern pole, east of your SOA, correct?

18 A The one that's in the video, yes. There's a  
19 transformer on that pole.

20 Q And, certainly, in your observations of that pole  
21 on that day, there was a transformer on that pole?

22 A Yes. There was a transformer on the poles that we  
23 identified in the report, too.

24 Q Ms. Victor -- well, in your summary of Ms. Victor's  
25 statement in your report states that the two video clips from

1 the Ring camera cut out at the time the power was lost and  
2 the Wi-Fi connection to her cameras was lost?

3 A That's what she stated, yes.

4 Q What was the significance of that statement to you?

5 A There was some type of trouble or break in the  
6 electrical service. And losing power to her property so the  
7 lines they were running on the north side of 395 are the  
8 power where the service drops that come off. And so, if  
9 there's an interruption in that service delivery, then she  
10 wouldn't have power to ground.

11 Q Did you make a connection between Ms. Victor's  
12 statements about seeing sparks from the pole and the  
13 transformer to the loss of service that would have cut out  
14 her Ring cameras?

15 A Yes.

16 Q So, in your mind, when the sparks were occurring,  
17 she would not have had power based on her statements to you;  
18 is that correct?

19 A Possibly. I think there's usually a delay when  
20 there's an interruption in service. There's a delay before  
21 one of the switches activates the break in service.

22 Q Do you know, typically, how long that delay is?

23 A I don't.

24 Q At any point did Ms. Victor communicate anything to  
25 you that would indicate that the sparks from the pole and the

1 transformer were at any location west of the hotel across the  
2 street from the Walker Flea Market?

3 A No. My understanding was it was across the street  
4 or to the east of where we were at.

5 Q And in her statement she said she looked south --  
6 to the south of the hotel across the street.

7 Did that indicate to you that she was looking to  
8 the right?

9 A Yes.

10 Q And based on your conversations with her -- not  
11 only on November 18th, but also on December 29th -- is that  
12 when she's talking about sparks from the pole and  
13 transformer, it was the pole that she describes as to the  
14 south or to the right of the hotel across the Street as  
15 you're looking at it from the Walker Flea Market?

16 MR. MIJANOVIC: Objection, leading.

17 THE WITNESS: That's my understanding, yes.

18 BY MR. JULIUS:

19 Q In preparing for today's deposition, did you look  
20 at any previous deposition transcripts that had been taken as  
21 it relates to the Mountain View Fire?

22 A No.

23 Q So Exhibit 8 that you looked at earlier, this  
24 picture is Ms. Victor's written statement, correct?

25 A Yes.

1 Q And, again, this is the statement that you  
2 requested that she provide during your phone call with her on  
3 December 29th?

4 A Yes.

5 Q And she provided that about a week later; is that  
6 right?

7 A Yeah. I think it was a couple days, so the second.  
8 So yeah, four or five days later.

9 Q And in your report you summarize your  
10 December 29th, 2020 phone call with Ms. Victor, and then also  
11 state that she provided a written statement of her  
12 observations, correct?

13 A Yes.

14 Q And does that mean that you have reviewed the  
15 written statement prior to finalizing and signing your  
16 report?

17 A No. I had not reviewed her written statement at  
18 the time. I went with the notes that I had and finished  
19 writing my report.

20 Q When you say "Victor provided a written statement  
21 of her observations," that was looking forward?

22 A So I added that after she provided it. When she  
23 sent it to me, I did not read it. I just went off the notes  
24 that I had from my phone interview.

25 Q Understood. Okay.

1                   Is there anything about that written statement that  
2   changes your mind about your determination of the probable  
3   cause of this fire?

4           A     No.

5           Q     Is there anything about that statement that you  
6   view as inconsistent with your two conversations with  
7   Ms. Victor?

8           A     It's much more vague than the phone conversation I  
9   had with her and that's why I need her to be very specific.  
10   And she seemed very vague about what she was describing of  
11   where she was at and what she was describing. She told me  
12   that she saw sparks raining down and I think she had put in  
13   here that she just saw glowing material or something.

14          Q     Does your misunderstanding about the specific  
15   location of the Walker Flea Market have any impact, as you  
16   sit here today, on your conclusions about the probable cause  
17   of this fire?

18          A     No.

19          Q     One last piece. The written statement that she  
20   provided to you indicates that at about 11:30 she heard a  
21   noise and looked across the street; is that correct?

22          A     Yes.

23          Q     The Ring video that she provided, though, was at  
24   11:26 or thereabouts, correct?

25          A     Yes.

1 Q Did she say to you why she was going to send you a  
2 Ring video from at least four minutes prior to the time she  
3 heard the noise?

4 A No. She said that -- she had told me that the Ring  
5 video contained footage of the transformer and the noise that  
6 she described, as well as the sparks raining down, but I  
7 didn't see it when I reviewed the video.

8 Q What she had intended to send to you and what you  
9 believe she was going to send was a video of the sparks?

10 A Yes.

11 Q She didn't send that?

12 A I didn't see it in the video.

13 Q And you didn't follow up with her at all to say,  
14 hey, you sent me the wrong video?

15 A No, because she had told me that her -- she sent  
16 me the video up until when it cut out. So that's why I went  
17 with what she had sent.

18 Q Did she confirm to you prior to your conversation  
19 on -- strike that.

20 Did she confirm to you during your conversation on  
21 December 29th that she had actually seen a Ring video that  
22 showed sparks?

23 A No.

24 Q At any point did she say to you that she had  
25 reviewed a video that showed sparks?

1           A     I don't believe so. She just commented that she  
2     had a Ring camera and it had captured all of the event.

3           Q     So based on those conversations, your understanding  
4     was that to the extent that she had a Ring video that showed  
5     sparks from the pole and transformer that she described in  
6     her statements, that was what she was going to send to you?

7           A     Yes.

8           Q     And, again, you had no followup with Ms. Victor?

9           A     No.

10          Q     Switching gears a little bit.

11                There was a -- looking at Exhibit 7 is a photograph  
12     of a stick or a branch in what appears to be the parking lot  
13     of the Mountain View Barbeque; is that correct?

14          A     Yes.

15          Q     And there's a pole in this photo, correct?

16          A     Yes.

17          Q     One of the two poles that you describe or identify  
18     in your pictures in your report?

19          A     Yes.

20          Q     Is this the western pole closer to the Andruss  
21     Motel, or is this the eastern pole closest to the Mountain  
22     View Barbeque?

23          A     I believe this is the Eastern pole. This is the  
24     one that has the equipment on it.

25          Q     Did you, during the time that you were there on



1 November 18th, make any observations about trees that were  
2 located at or around or near the lines at issue that you  
3 believed could have been an ignition source in contacting the  
4 lines?

5 A We did look for trees in the area. The trees that  
6 we noticed were outside or parallel to our SOA. And so with  
7 the wind conditions that we believe were part of cause of the  
8 fire was we didn't believe they were related.

9 Q So there were no trees in the direction that the  
10 wind was coming that day where your SOA is located, correct?

11 A Correct. We looked across the street because there  
12 wasn't any -- we didn't see any and I didn't see this,  
13 obviously. But we looked to see if there was any bigger  
14 trees across the tree that may have thrown something from  
15 across the street with the winds that we were told were  
16 significant winds.

17 Q Have you ever been involved in an investigation, a  
18 cause and origin investigation that involves suspended  
19 electrical lines being impacted by flying tree debris like  
20 branches?

21 A No.

22 Q Have you ever been involved in an investigation  
23 that included a factual situation of high winds blowing  
24 debris into the lines at all is that determined to be the  
25 cause of the fire?

1 A Have I been involved?

2 Q Yes.

3 A No.

4 Q Do you -- your service area is the high desert?

5 A Yes. My current area is High Desert of San  
6 Bernardino County. And then San Bernardino Unit includes  
7 San Bernardino Inyo and Mono County.

8 Q Given your service within the high desert, you're  
9 familiar with high winds in the high desert --

10 A Yes.

11 Q -- locations?

12 A Yeah.

13 Q Have you ever personally observed winds in the  
14 range of 25 to 50 miles an hour that caused tree branches to  
15 be blown through the air such they would contact lines  
16 suspended 20, 30, 40 feet off the ground?

17 A Not tree branches, no.

18 Q Did you ever experience winds that you, in your  
19 opinion, would cause a branch the size of that depicted in  
20 Exhibit 7 to get high enough off the ground to impact lines?

21 A No.

22 Q You interviewed Mr. Hinds as part of your  
23 investigation?

24 A Is that the owner of the parking?

25 Q Yes. And I'll refer you to your report at Cal

1 Fire, Bates Number 18?

2 A Okay.

3 Q About how long did you -- did you speak with  
4 Mr. Albrecht, Mr. Walter, and Mr. Hinds all together?

5 A Yes. I think one of them was female.

6 Q Oh, you're right. I think it's Mr. Hinds'  
7 daughter. Sorry.

8 About how long did you talk to that group?

9 A Probably 20, 30 minutes.

10 Q Was there anything during your conversations which  
11 would lead you to question Mr. Hinds' recollection of the  
12 events that day?

13 A No.

14 Q Were his statements consistent with your findings  
15 and your investigation regarding the probable cause of this  
16 fire?

17 A Yes.

18 MR. HIRSCH: We're on 13 -- Exhibit 13?

19 MR. MIJANOVIC: Yeah, we're on 13.

20 (Exhibit No. 13 marked for identification.)

21 BY MR. JULIUS:

22 Q I'm going to mark as Exhibit 13. This is a  
23 photograph with some writing on it. This is exhibit  
24 001-0004-C from the Deposition of Jeffrey Hinds.

25 Have you ever seen this photo before?

1 A No.

2 Q Does the area depicted on this photograph look  
3 familiar to you?

4 A Yes.

5 Q What does this area depict?

6 A This is described as a turnout in my report, but  
7 this is also the parking area for the Mountain View Barbeque  
8 Restaurant and the SOA.

9 Q All right. Your SOA is depicted in this  
10 photograph?

11 A Yes.

12 Q I'll state to you that Mr. Hinds, himself, drew the  
13 red lines that are on this photo.

14 You see those red lines?

15 A Yes.

16 Q There's a circle and then there's an arrow,  
17 correct?

18 A Yes.

19 Q I'll represent to you the circle indicates  
20 Mr. Hinds' recollection of the area where he first saw the  
21 fire and also where he saw the lines contacting the ground.

22 Is that circled area consistent with your  
23 investigation in the evidence that you observed?

24 A It's very close. It overlaps a little bit. My SOA  
25 overlaps a bit into the right side of his drawing, his

1 circle.

2 Q You couldn't categorize this as being inconsistent  
3 with your determination of the SOA?

4 A No, I would not.

5 Q Have you ever had any additional or further contact  
6 with Mr. Hinds about the fire?

7 A No.

8 Q Have you ever had additional or further contact  
9 with any of the witnesses you spoke to about this fire?

10 A No.

11 Q Who did you speak with at Liberty Utilities?

12 A I'm horrible at names and I didn't -- I don't  
13 remember who it was. He identified himself as a supervisor.

14 Q Referring to Page 18 of your report, it looks like  
15 Area supervisor Travis Johnson?

16 A Yes.

17 Q And Elliott Jones, Senior Manager Wildfire  
18 Prevention?

19 A Yes.

20 Q Did you speak with Mr. Johnson and Mr. Jones by  
21 phone?

22 A Yes.

23 Q Did you speak with them together or separately?

24 A Mr. Jones was on speaker phone at one point; but  
25 mostly I talked to them, independently.

1           Q     And what was purpose of your conversation was these  
2     two individuals?

3           A     Confirming that it was their equipment, confirming  
4     if I could get copies of the -- any trouble reports, any  
5     social media reports, or any other notifications they made  
6     for our safety shut-offs. And then, eventually, contacting  
7     them and telling them that we were releasing that area as  
8     our -- so that they could come back in and repair the lines  
9     and ask them if they could take a section of conductor out  
10    for us for evidence.

11          Q     And they confirmed, obviously, that this was their  
12    equipment?

13          A     Yes.

14          Q     Did either Mr. Johnson or Mr. Jones ever describe  
15    to you the status of the Topaz 1261 circuit?

16          A     No.

17          Q     Were you aware at any time that the Topaz 1261  
18    circuit had been identified by Liberty as one of the top two  
19    worse performing circuits in terms of their system average  
20    interruption duration?

21          A     I'm not aware of that.

22          Q     Did you ever review a document entitled the  
23    Electric System Reliability Annual Report from 2019?

24          A     I don't believe so. Doesn't sound familiar.

25          Q     Did Mr. Hinds, when you spoke with him, ever convey

1 to you that someone from Liberty had apologized to him for  
2 the fire?

3 A I don't remember him saying that.

4 Q I apologize for jumping around here a little bit.

5 A No worries.

6 Q I'm going to go back to our discussion about  
7 Ms. Victor, briefly.

8 And looking at Exhibit 10 here. Exhibit 10 is a  
9 depiction of the Walker Flea Market that you circled,  
10 correct?

11 A Yes.

12 Q And this is a pretty far overhead view, but can you  
13 identify your specific origin area in this photo, just  
14 generally. I don't need you to mark it. I just want to know  
15 if you can tell what we're looking at.

16 A The line of rocks right here in the open space.

17 Q Would you describe -- given where that SOA is,  
18 would you describe the Walker Flea Market as being  
19 significantly west, as compared to the distance between the  
20 SOA and Mountain View Barbeque?

21 A No.

22 Q Can you estimate for me about how far the distance  
23 is between the Walker Flea Market and the western-most pole  
24 that's identified in your report as having the conductor  
25 where you believe Ms. Victor saw the sparks?

1           A     Probably 30 yards, 40 yards.

2           Q     When you stated that you searched for molten metal,  
3     can you describe to me what you did in searching for molten  
4     metal?

5           A     Both Kirkhart and I got on hands and knees and in  
6     the general area, SOA area that we identified, looked around  
7     for either beads and metal or melted metal that looked like  
8     what could be melted and molten metal, metal that cooled.

9                     We have a magnet that we use with it being  
10    aluminum, we wanted to make sure that we at least ran a  
11    magnet across there so it picked up any other metal. So we  
12    ran a magnet across it. Got down on our hands and knees and  
13    looked, visually, scouring the area that we identified as the  
14    SOA.

15          Q     And when you say you "scoured the SOA," did you  
16    scour the entirety of the SOA as you depicted it here in  
17    Exhibit 6?

18          A     As I said that six-foot by twelve-foot area is what  
19    we looked at. Both of us moved so we could cover the whole  
20    area.

21          Q     Is it typical, even when you're searching for  
22    molten metal, to find it?

23          A     I have not ever heard of anybody finding any.

24          Q     But it's something you look for, regardless?

25          A     Yes.



1           Q     And what's the purpose of looking for it if you've  
2     never found it?

3           A     Just because it's not there, it may not be -- it  
4     may be there, we're just not seeing it. So we double-check  
5     and use a magnet to make sure that it picks up anything as we  
6     sweep across.

7           Q     And the fact you didn't find the molten metal,  
8     despite your hand-and-knee search of the SOA, did that have  
9     any impact on your determination of the SOA and your  
10    determination of the probable cause of the fire in this case?

11          A     No. I'm not even sure how much of it melted, so it  
12    may be small pieces that we're just not seeing.

13          Q     I'm going to mark as Exhibit 14. We've been  
14    talking about the logistics of this, but this is a 12-page  
15    document that has a Bates range US\_00000058 through 69.

16                   (Exhibit No. 14 marked for identification.)

17    BY MR. MIJANOVIC:

18          Q     Take a look at that and tell me if you recognize  
19    those photos depicted in that document?

20          A     Yes. These are the photos that Kirkhart took as  
21    part of our investigation.

22          Q     And is it true that these are just larger versions  
23    of the photos that are -- that were produced in this specific  
24    case at Bates range -- starting at Bates range 166?

25                   The only reason I -- I have thumbnails that were

1 produced that are smaller. These are larger. These are.

2 Easier to see?

3 A Correct. So the thumbnails -- like I said, those  
4 are all the pictures that were on the disk. And then,  
5 typically, in our fire reports we went through the photos  
6 that we believe are pertinent to the investigation and we put  
7 them in two pictures per page.

8 Q And these photos depicted in this exhibit are the  
9 ones that were included with the report?

10 A Yes.

11 Q Okay. I just want to go through a couple of the  
12 photos that are in here and find out the significance.

13 If you will, the first two photos are overall  
14 photos of the General Origin Area -- correct -- one is  
15 west-east and one is south-north?

16 A Yes.

17 Q And those photos are consistent with the General  
18 Origin Area that you depicted with a Sharpie on Exhibit 6?

19 A Yes.

20 Q It's a pretty large General Origin Area, right?

21 A Yes.

22 Q Is there a reason why your General Origin Area in  
23 this case is that large?

24 A Because I wasn't sure, initially. So there was  
25 something I could make sure I could drive. And I wanted to

1 make sure that I drove to check for any other possible  
2 ignition sources. And then this is, basically, standing in  
3 the parking lot -- one in the parking lot, and then looking  
4 out the middle here. So these photos are basically depicting  
5 this area and this area (indicating).

6 Q It's not the entirety of the General Origin Area;  
7 it's just a portion of it?

8 A Yes.

9 Q Were you able to drive through the hotel property  
10 located at the western edge of your General Origin Area?

11 A I did drive around this direction, but I don't  
12 remember where I came through at.

13 Q But, generally speaking, it was where you depicted  
14 it here?

15 A Yes.

16 Q The next page, Page 2 of that exhibit, identifies  
17 arc burns on rocks and then a close-up of that same photo.

18 Do you see that?

19 A Yes.

20 Q What's the significance of those photos?

21 A The white flags are indicating items of  
22 significance. And then the white rocks in the upper photo  
23 are the rocks that we were referring to. Looks like they've  
24 been discolored from high heat. And we zoomed in closer to  
25 show the discoloration on the rocks.

1 Q And when you say "high heat," are you talking about  
2 actual contact between the downline and those rocks?

3 A That's what it looked like to us, yes.

4 Q And the high heat would have been a result of  
5 arching?

6 A The only other source that would provide that high  
7 temperature to us was the powerlines.

8 Q And when you say "the only other source," was there  
9 any other source that you were aware of at that location?

10 A No.

11 Q And, again, Page 3 -- these are identified as PMK  
12 005 and PMK 006 -- again, these are similar arc burns on  
13 rocks?

14 A Yes.

15 Q And the significance is similar to what you just  
16 stated?

17 A Yes.

18 Q PMK 007 and PMK 008 -- this is an advancing fire  
19 indicator angle of char on graphs, correct?

20 A Yes.

21 Q What's the significance of angle of char?

22 A Angle of char is the fire burns through will  
23 actually -- it burns through at an angle. So the grass stubs  
24 that are left here will actually have an angle on them. And  
25 they angle -- typically, we describe it as low-end high-out.

1 So the low spot is where the fire came from. And the high  
2 spot is where the fire exited.

3 Q And these photographs are consistent with the  
4 findings of your investigation about the SOA and the probable  
5 cause of the fire?

6 A Yes.

7 Q And, again, on the next page, PMK 009 and PMK 0010,  
8 similar significance for those photos?

9 A Yes.

10 Q And when I say "similar significance," that's to  
11 the same angle of char photos we just talked about?

12 A Correct.

13 Q The next page PMK 011 and PMK 012 -- these are  
14 transition fire indicators low-level burning on brush.

15 What is the significance of those?

16 A The yellow flag indicates a transitional stage. As  
17 the fire burns, the advancing or the main body of the fire  
18 will travel through -- like I said, there's an angular char.  
19 On the edges as that fire starts to spread out, it doesn't  
20 have much intensity. And you'll see almost like a line -- if  
21 you step back, you can look and see a line. These are  
22 showing that the fire was either low intensity or the wind  
23 was blowing it through. So it was only charring on the lower  
24 parts of these stubs that are here.

25 Q And, generally speaking, these photographs that

1 we've look at so far, are these photographs taken within your  
2 SOA, or are they within and outside of the SOA?

3 A They're going to be -- the advancing and the  
4 transition are going to be more in the GOA than the SOA.

5 Q Okay. The arc burns on the rocks -- do you recall  
6 if that was within the SOA?

7 A Those are within the SOA.

8 Q And I think you testified earlier -- but just to  
9 confirm -- there was also a downline within your SOA?

10 A Yes.

11 Q And there was a downline within your SOA on the day  
12 that you were there investigating?

13 A Yes.

14 Q The next page, PMK 013 and 014. This is the end  
15 section of powerline with char and beading, correct?

16 A Yes.

17 Q What's the significance of these photos?

18 A Our understanding is that the beading on the end of  
19 the wire would show, as the wire heats up and separates, that  
20 there will be a little bead of metal on the end of the wire.  
21 So we were showing that.

22 The charring on here is from the line being on the  
23 ground but there was also -- some of the scalding marks that  
24 were on here looks like it was more from arching, as opposed  
25 to the fire itself, turning across it.

1           Q     And what is your understanding of how the beading  
2     on these lines occurs?

3           MR. MIJANOVIC: Lacks foundation.

4           MR. JULIUS: If you know.

5           MR. MIJANOVIC: Calls for an expert opinion.

6           THE WITNESS: As I understand it, in my training  
7     it's -- so the wire heats up. It gets to a weak spot in the  
8     metal. As it starts to melt and it will create a bead and  
9     stays on the end of the line as it starts to separate.

10    BY MR. JULIUS:

11           Q     And this photo, is this within your SOA, if you  
12     know?

13           A     I don't remember.

14           Q     Is there a way to identify where, specifically,  
15     these photos were taken in relation to your SOA?

16           A     The diagram that we have for our fire advancement,  
17     we can try and map up some of the flags. But other than  
18     that, it's -- I couldn't tell you for sure.

19           Q     Generally speaking, though, the photographs you're  
20     taking are either within the SOA or within the GOA that is --

21           A     Correct.

22           Q     -- adjacent to the SOA?

23           A     Yes.

24           Q     You're not taking these photos 200 yards away down  
25     the field, correct?

1           A     No. There will be some photos that will be in the  
2     GOA and then we work our way back to the SOA.

3           Q     I'm going to mark this as -- the next one will be  
4     15. And that Exhibit 15 is the sketch that you're referring  
5     to?

6           A     Yes.

7                     (Exhibit No. 15 marked for identification.)

8     BY MR. MIJANOVIC:

9           Q     We'll get to that in a minute.

10                    So back to the photographs. PMK 015 and 016,  
11     again, is arc burns on rocks?

12                    You see that?

13           A     Yes.

14           Q     Is that similar significance to the arc burns we  
15     talked about earlier?

16           A     Yes.

17           Q     Anything specific or distinguishable about these  
18     arc burns, compared to those?

19           A     No, they were all similar. They were just  
20     multiple.

21           Q     And when you say "multiple," were they spread out?

22           A     Yes.

23           Q     What does that indicate to you that those aren't  
24     spread out?

25           A     That the line was bouncing or the line was



1     contacting in different spots.

2           Q     And is these arc burns and the -- your presumption  
3     that a term the "line bouncing" consistent with Mr. Hinds'  
4     statements to you?

5           A     Yes.

6           Q     PMK 017, 018 is arc burn near downed powerline.  
7                   What's the significance of this photo?

8           A     The line that was going across the ground through  
9     the SOA and the GOA, there was a spot that we found -- a  
10    couple of spots that we found that were next to the line. So  
11    we mad sure we documented those.

12          Q     Is that arc burn depicted in 17 and 18 different  
13    from the other arc burns we talked about?

14          A     No. It looks like it's still off one of the rocks.

15          Q     Is the fact that this arc burn is adjacent to the  
16    downline -- does that make it different than the other  
17    statement you made that the spread out arc burns are evidence  
18    of the line bouncing?

19          A     No. Because the line may have been moved. There  
20    was a -- I think I said earlier there was a trouble that,  
21    reportedly, came through and cut part of the line. And so  
22    just throwing them out of way that may have moved part of the  
23    line. But we wanted to make sure at least that it was  
24    showing that the powerline was in the SOA and there also the  
25    arc marks on the ground.

1           Q     Again, regardless of the location of the line  
2     itself, the presence of the arc burns on the rocks indicates  
3     that at some point the line had been in that location and was  
4     creating these arc burns?

5           A     Yes.

6           Q     The energized line?

7           A     Yes.

8           Q     And Page 019 and 020 is the bird caging we talked  
9     about earlier?

10          A     Yes.

11          Q     And then, again, PMK 021 and 022 are beading on the  
12     powerlines.

13                Is that similar to the beading we talked about  
14     earlier?

15          A     Yes.

16          Q     This beading isn't at the end of the line or a  
17     broken strand in the line. It's in the middle of the line;  
18     is that right?

19          A     Yes.

20          Q     Is there significance to the fact that is beading  
21     is in the middle of the line, as compared to the end of the  
22     broken line?

23          A     To me to looks like it wasn't in contact as long.  
24     It didn't get as hot. But there was still enough to create  
25     small beads of the metal on the conductor.

1           Q     And when you say "in contact," what do you mean in  
2     contact with?

3           A     With another -- for us, our understanding was it  
4     contacted another energized line.

5           Q     And the last photo PMK 023 and 024 are stem fall  
6     and low intensity consumption.

7                     This is what you talked about earlier with the  
8     initial area of the fire and the fact that it wasn't hot  
9     enough to burn fully?

10          A     Yes. The blue flag is an indicator of a backing  
11     indicator. So the fire will still try and burn back into the  
12     wind. So even though the main body of fire is blowing with  
13     the wind, this will still try and move itself into the fire.  
14     And with it being slower and low intensity, the stem fall  
15     piece is that it will burn out the bottom of the stem and the  
16     stem will fall forward indicating where the fire had come  
17     from.

18                     MR. JULIUS: Okay. Let's go off the record.

19                     THE VIDEOGRAPHER: This completes Media Number 3 in  
20     the testimony of Joseph Pidgeon. We're off the record at  
21     3:33.

22                                     (Off the record.)

23                     THE VIDEOGRAPHER: This begins Media Number 4 in  
24     the testimony of Joseph Pidgeon. We're back on the record at  
25     3:34.

1 BY MR. JULIUS:

2 Q We marked as Exhibit 15, previously, the  
3 hand-drawn -- what would you describe this as?

4 A Fire Progression Diagram.

5 Q Did you prepare this diagram?

6 A No.

7 Q Who prepared that diagram?

8 A Matt Kirkhart.

9 Q And do you know when he prepared that?

10 A I believe he did the initial sketch at the  
11 location.

12 Q And so he would have taken the initial sketch and  
13 the used that to prepare this sketch?

14 A I believe he did the whole thing at the site, but  
15 could be wrong. I know he did at least the initial on that  
16 site.

17 Q I see date on here, December 18th, 2020.

18 Do you know the significance of that date?

19 A That would be date that he prepared it.

20 Q Okay. So about a month later, a month after the  
21 fire and investigation that you did?

22 A Yes.

23 Q Can you just -- I just want to walk through some of  
24 the symbols and how you determined where they are.

25 First, when you're preparing a diagram like this,

1 do you physically measure distances between points of  
2 significance?

3 A Not always. Usually, it's an estimate.

4 Q The area that's identified or the points that are  
5 identified in this sketch, again, are those within the SOA  
6 and in the adjacent portions of the GOA?

7 A Yes.

8 Q Is there any way, other than your depiction in  
9 Exhibit 6 of the SOA, to determine exactly where these marks  
10 were on a map?

11 A We'd have to pull a meta data off the camera.

12 Q So, potentially, the meta data on the camera would  
13 show a specific latitude, longitude?

14 A Yes.

15 Q There are several -- ten to be exact -- red arrows  
16 to indicate advancing.

17 A Yes.

18 Q What's the purpose those arrows?

19 A So we utilize a couple different descriptors for  
20 wildland fires, advancing lateral, and backing. Of the three  
21 fire spread indicators that are utilized, the red are for  
22 advancing. That means the fire has established and is  
23 travelling the direction that the fire travels.

24 Q What is the lateral --

25 A Lateral is the edges were -- like I said, as the

1 main body of fire is travelling, this is basically the edges  
2 that it starts to spread out.

3 Q And what's the significance -- some of the  
4 yellow -- I'll call them Vs -- are pointing one direction,  
5 some are pointing the other direction.

6 What's the significance of that?

7 A The point on the "V" is designed to point which  
8 direction that lateral spread was.

9 Q And for both the advancing and lateral depictions  
10 on here, are these the only areas where you observed  
11 advancing and lateral evidence, or are these just some of the  
12 ones that you observed?

13 A These are just the ones that are close to the SOA.

14 Q Okay. And then the blue -- we'll call it "U" --  
15 those are -- that's backing?

16 A That's the backing. The same thing -- the bottom  
17 of that "U" points to the direction that we believe it was  
18 travelling.

19 Q Does the location of the backing provide any  
20 specific indication of the exact ignition point?

21 A Sometimes. If you have one ignition point, then  
22 the backing will be closer to that ignition point. But with  
23 multiple admission points, it's not always going to be the  
24 case.

25 Q You didn't observe any other backing within the SOA

1 or the adjacent GOA, other than these three backing  
2 indicators?

3 A Correct. Basically, the fire had burned up and  
4 consumed the fuels along the edge of the gravel parking area  
5 and roadway.

6 Q And there are 13 ignition points indicated on this  
7 chart, correct?

8 A Correct.

9 Q Can you describe how you determined those as  
10 ignition points?

11 A Those were the ignition points we identified --  
12 those are the white char marks that we found on the rocks  
13 within our SOA and GOA. And when we look at those, those are  
14 micro indicators. And when we get down closer, there's some  
15 other photos that showed some of the close-ups of the rocks  
16 and the fuels aren't completely consumed.

17 Q Okay. That was my next question. The photos at  
18 PMK 023 and 024 in Exhibit 13, would that also be an ignition  
19 point?

20 A No. That's all backing, the blue photos there.  
21 The blue flags there.

22 Q Okay. So these photos would have been where the  
23 three backing marks are?

24 A Yes.

25 Q The rocks with the arc -- arc burns on rocks, would

1     **that have been more indicative of these ignition points?**

2           A     Yes. Those whit rocks -- the white flags are  
3     indicative of the X's that are on the diagram and the flags  
4     were placed just in general areas next to the rocks.

5           Q     And you talked about this earlier. When you were  
6     physically in that field doing this investigation, you and  
7     Mr. Kirkhart were not doing this together. You were doing it  
8     separately?

9           A     So the way we typically do our observations is the  
10    initial walk around the parameters is done without talking to  
11    each other, looking for the macro indicators. And then once  
12    we both confirm that we both agree where the fire was  
13    advancing to, we go out to the advancing which would be the  
14    head of the fire.

15                   And then we start working our way back in kind of a  
16    zig-zag as we come across and we start looking for  
17    indicators, as well as micro indicators and start placing  
18    flags. Flags are typically placed after there's an agreement  
19    amongst both of us. Yes, that's an advancing; or no, that's  
20    a lateral or that's something significant that we need to  
21    mark.

22           Q     So it's a cooperative process in placing flags?

23           A     Yes.

24           Q     And those flags are actually what's depicted in  
25    this chart?



1 A Yes.

2 Q Did Mr. Kirkhart ever express any disagreement with  
3 your conclusion about the probable cause of this fire?

4 A No.

5 Q Did you ever express any disagreement with any of  
6 Mr. Kirkhart's observations?

7 A No.

8 Q Did anyone at Cal Fire at any time express to you  
9 any disagreement with your conclusions?

10 A No.

11 Q Did anyone at Cal Fire ever express to you any  
12 disagreement with the manner in which you performed the  
13 investigation?

14 A No.

15 Q Is there some sort of review process within Cal  
16 Fire?

17 And I don't want to hear any attorney review or  
18 anything like that.

19 But is there a review process for draft findings of  
20 a cause and origin report, other than you and Mr. Kirkhart  
21 having discussions and putting the report together?

22 A No.

23 Q So once you and Mr. Kirkhart determine the SOA, the  
24 GOA, and then the possible and probable causes and put  
25 together a report, and you sign it. That's it?

1 A Yes.

2 Q And, again, just to confirm, with respect to the  
3 findings in your report at Cal Fire 21 Bates stamped, do you  
4 still agree that based on your training and experience, the  
5 most probable cause of the Mountain View Fire was ignition of  
6 fueled annual grasses due to a spark from a down energized  
7 conductor contacting the ground?

8 A Yes.

9 Q Nothing about information you've seen today changes  
10 your opinion?

11 A No.

12 Q Do you believe that there's any further  
13 investigation necessary as it relates to the probable cause  
14 and origin of this fire?

15 A No.

16 MR. JULIUS: That's all I have.

17 MR. MIJANOVIC: I have a couple followup questions.  
18 Do I need a mic?

19 THE VIDEOGRAPHER: No. You just speak loud.

20 MR. MIJANOVIC: Sir, just a couple of followups.

21

22 FURTHER EXAMINATION

23 BY MR. MIJANOVIC:

24 Q When you spoke to Mr. Hinds on November 18, 2020,  
25 did he tell you that the downline that he observed was

1 bouncing to the ground and then bouncing back up and hitting  
2 the overhead line?

3 A He didn't say it was hitting the overhead line. He  
4 did say that it was bouncing off the ground.

5 Q Mr. Hinds testified that what he observed was the  
6 downline hitting the ground then bouncing back up and hitting  
7 the overhead line. Just letting you know that that's the  
8 sworn testimony that he gave.

9 A Okay.

10 Q You as fire a investigator, accepting that sworn  
11 testimony because that's what he observed, would that explain  
12 why there was electrical activity or damage on that piece of  
13 the center phase that you had the Liberty trouble man cut  
14 down?

15 MR. JULIUS: Calls for speculation. Calls for  
16 expert opinion.

17 MR. HIRSCH: Lacks foundation.

18 THE WITNESS: If the line did bounce off the ground  
19 and go that high, yes, there's possibility for that.

20 BY MR. MIJANOVIC:

21 Q If, in fact, Mr. Hinds specifically observed that  
22 happening and testified to it under oath, you as a fire  
23 investigator would take that type of evidence -- in other  
24 words, sworn testimony -- in consideration to explain why  
25 there was damage to a piece of the center phase, the center

1     **wire on those poles.**

2                   **Is that right?**

3                   MR. JULIUS: Same objections.

4                   MR. HIRSCH: Incomplete, improper hypothetical.

5                   THE WITNESS: Yes.

6                   MR. MIJANOVIC: Thank you. I don't have any other  
7     questions. A couple of housekeeping issues.

8                   MR. HIRSCH: No other questions as to PMQ,  
9     Custodian of Records, and Mr. Pidgeon. We're good.

10                  MR. MIJANOVIC: Yes.

11                  MR. HIRSCH: Great.

12                  Housekeeping matters. Let's do it.

13                  MR. MIJANOVIC: Thank you.

14                  The title of this deposition is "Person Most  
15     Qualified and Custodian of Records of Cal Fire." And then in  
16     parenthesis we'll have Mr. Pigeon's name.

17                  Everyone agree with that?

18                  MR. HIRSCH: Sure. He's also here -- there're  
19     three subpoenas, right? One for Mr. Pidgeon, one for the  
20     Custodian of Records, one for Cal Fire, and one for Person  
21     Most Qualified.

22                  MR. MIJANOVIC: But I did not ask him any questions  
23     as an individual. Only as the Person Most Qualified and  
24     Custodian of Records.

25                  MR. HIRSCH: There were lots of questions. Let's

1 go over them now. You want me to go over that there they  
2 were personal? You're not calling him back as an individual.

3 I think we're clear on that, right?

4 MR. MIJANOVIC: I'm not.

5 MR. JULIUS: I'm not.

6 MR. MIJANOVIC: With respect to the color  
7 photographs that are being used as exhibits, especially if  
8 they're double-sided, which I think some are, please  
9 reproduce them in color and make sure that the double-sided  
10 ones are -- I'd rather that you don't reproduce them as  
11 double-sided. If you could just do -- but just get both  
12 sides. Don't do the double-sided ones as double-sided and  
13 make sure they're in color.

14 MR. JULIUS: Agreed. Sorry about that.

15 MR. MIJANOVIC: Okay, not a problem.

16 No other questions. We're done.

17 MR. JULIUS: Do you want to do a stip?

18 THE REPORTER: Code.

19 MR. MIJANOVIC: Well, it's illegal these days.

20 The court reporter will give you a dirty look.

21 (Laughter.)

22 MR. HIRSCH: We're fine.

23 MR. MIJANOVIC: We'll just go by Code. We have to.

24 But, on the C.V., do you mind -- can we just get

25 the email address from the court reporter to Mr. Pidgeon,

1     number one?

2                   And the other exhibits are the video and the email  
3     that we will email the court reporter to attach as  
4     Exhibits 11 and 12.

5                   All right. That's the end of the record.

6                   THE VIDEOGRAPHER: This completes Media Number 4  
7     and it concludes the deposition testimony of Joseph Pidgeon.  
8     We're off the record at 3:48.

9                                   (Off the record.)

10                   (Whereupon, the deposition of JOSEPH PIDGEON ended  
11     at 3:48 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, JOSEPH PIDGEON, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken November 15, 2022; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_, California.

JOSEPH PIDGEON

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES )

3

4 I, Rosalyn K. Adams, CSR #11794, Certified  
5 Shorthand Reporter, do hereby certify:

6 That prior to being examined, the witness named in  
7 the foregoing deposition was by me duly sworn;

8 That said deposition was taken down by me in  
9 shorthand at the time and place therein named and thereafter  
10 transcribed under my direction;

11 I further certify that I am neither counsel for,  
12 nor related to, any party to said proceedings, not in any way  
13 interested in the outcome thereof.

14 I declare under penalty of perjury under the laws  
15 of the State of California that the foregoing is true and  
16 correct.

17

18

19 Dated: November 28, 2022

20

21

22

23



24 Rosalyn K. Adams  
25 CSR No. 11794



**COUNTY OF MONO, ET AL. vs LIBERTY UTILITIES (CALPECO ELECTRIC), LLC., ET AL.**  
**Chief Joseph Pidgeon on 11/15/2022**

1 CHANGES AND SIGNATURE

2 WITNESS NAME: Chief Joseph Pidgeon, 11/15/2022

3 PAGE LINE CHANGE REASON

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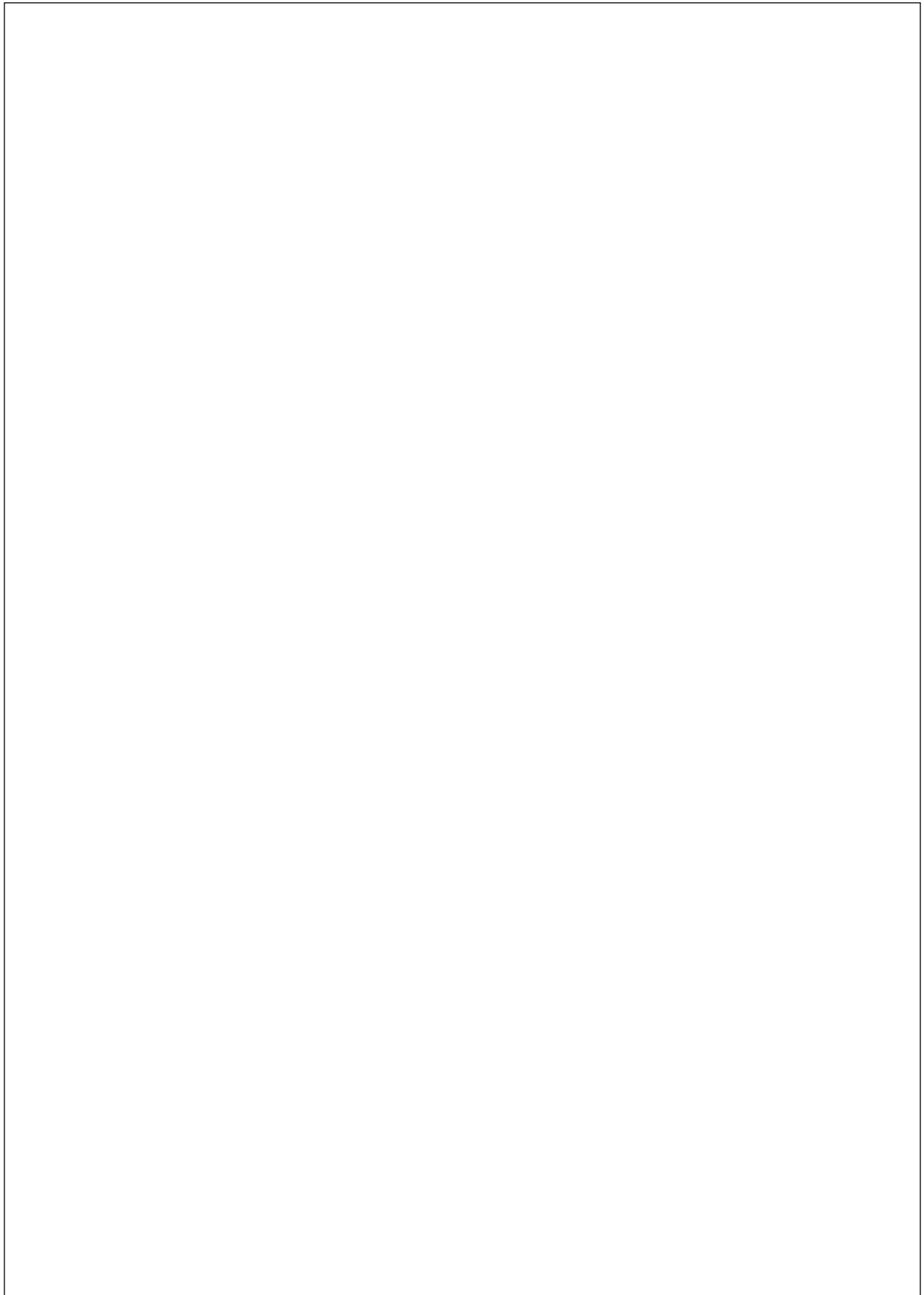
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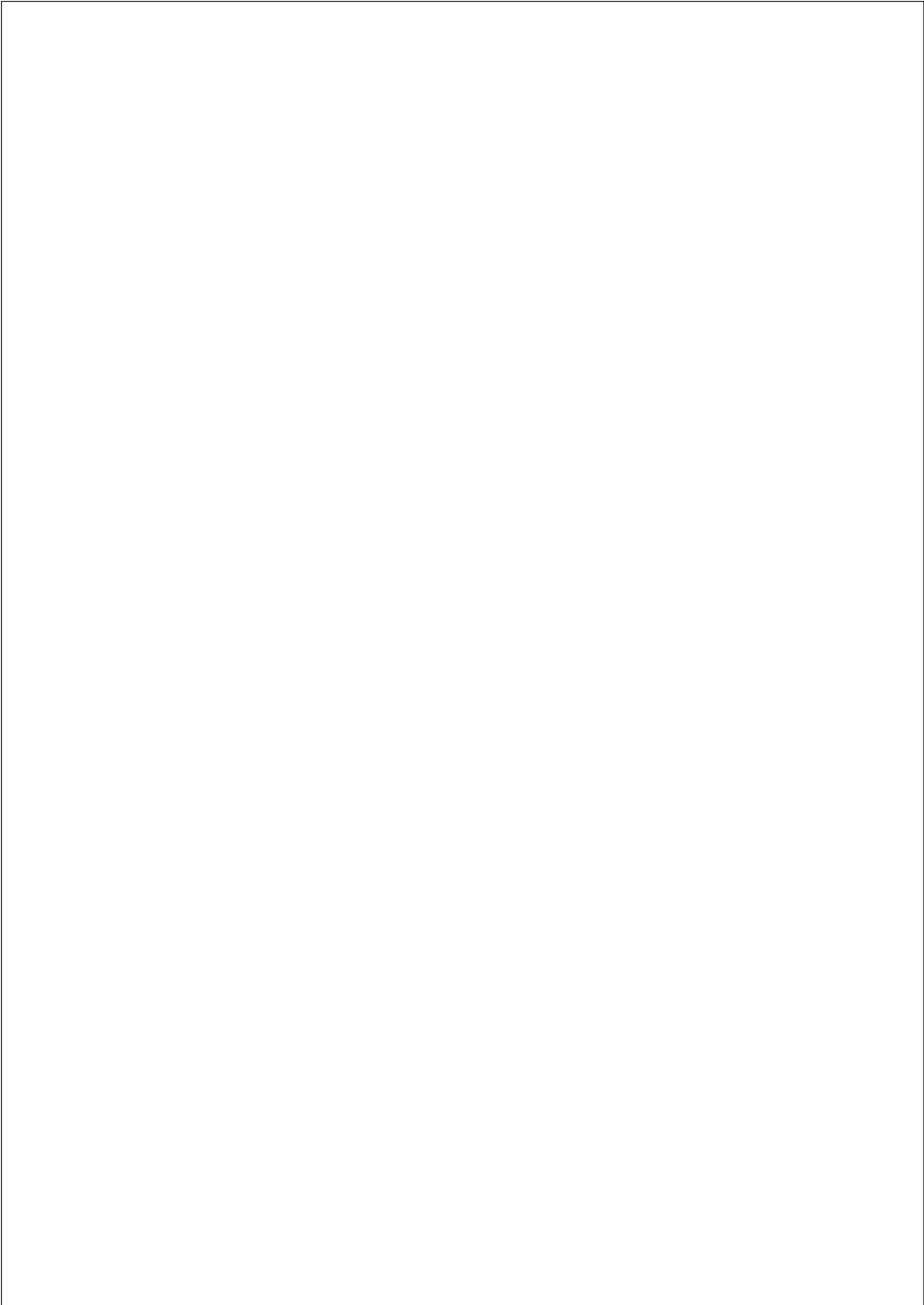
20 I, Chief Joseph Pidgeon, have read the foregoing  
21 transcript and hereby affix my signature that same is  
22 true and correct, except as noted above.

23

24 \_\_\_\_\_

25 Chief Joseph Pidgeon

























































































































































# **ATTACHMENT 7**

**Liberty's response to Data Request  
TURN-Liberty-004, Question 12, subpart c**



Liberty Utilities (CalPeco Electric) LLC  
933 Eloise Avenue  
South Lake Tahoe, CA 96150  
Tel: 800-782-2506  
Fax: 530-544-4811

November 17, 2025

**Liberty Utilities (CalPeco Electric) LLC**

**A.25-06-017**

**WEMA**

**TURN**

Data Request No.: TURN-Liberty-004  
Requesting Party: The Utility Reform Network (TURN)  
Originator: David Cheng, dcheng@turn.org  
Reina Yanagiba, ryanagiba@turn.org  
Sylvie Ashford, sashford@turn.org  
Subject: Ex. Liberty-03 (Prudence)  
Date Received: October 31, 2025  
Due Date: November 17, 2025

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**REQUEST NO. 1:**

Ex. Liberty-03 at pages 12-13 discuss Liberty's compliance with its 2020 WMP and states that "OEIS reviewed 45 of 79 initiatives outlined in the 2020 WMP." Why did OEIS review only 45 of the 79 initiatives in Liberty's WMP?

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed, and also overbroad to the extent it seeks information not in Liberty's possession. Subject to and without waiving its objections, Liberty responds as follows: Based on the Office of Energy Infrastructure Safety ("Energy Safety")'s Annual Report on Compliance (ARC) for Liberty's 2020 WMP (see pp. 21-23), Liberty understands that Energy Safety reviewed the 45 initiatives as to which Liberty reported progress in its Q4 2020 Quarterly Initiative Update (QIU) and/or Liberty's ARC.

**REQUEST NO. 2:**

OEIS' Annual Report on Compliance for Liberty's 2020 WMP at page 16 states that for 12 of the 29 initiatives reviewed by the independent evaluator (NV5) "NV5 was unable to determine whether Liberty met the WMP target." Why was NV5 unable to make a determination for those

12 initiatives?

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed, and also overbroad to the extent it seeks information not in Liberty's possession. Subject to and without waiving its objections, Liberty responds as follows: Liberty refers TURN to NV5's Independent Evaluator (IE) Annual Report on Compliance (ARC) for Liberty's 2020 WMP which set forth explanations for why NV5 was unable to make a determination for 12 of the initiatives, see Table 1 of NV5's IE ARC (pp. 1-3), which is publicly available at this link:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=51961&shareable=true>.

**REQUEST NO. 3:**

In Liberty's Independent Evaluator Annual Compliance Report (Liberty IE ARC) on Liberty's 2020 WMP, pages 1-3, NV5 recommended that the Wildfire Safety Division conduct additional investigations into many of the initiatives where NV5 could not make a determination on Liberty's compliance. Did Wildfire Safety Division issue a subsequent determination on compliance for each of those 12 initiatives? If so, please identify where those findings are located for each of the 12 initiatives. If not, please explain why not.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed, and also overbroad to the extent it seeks information not in Liberty's possession. Liberty understands the term "Wildfire Safety Division" to refer to the Office of Energy Infrastructure Safety ("Energy Safety"), to which the Wildfire Safety Division transitioned as of July 1, 2021. Subject to and without waiving its objections, Liberty responds as follows: Liberty refers TURN to Energy Safety's Annual Report on Compliance (ARC) for Liberty's 2020 WMP which set forth Energy Safety's compliance assessments as to specific WMP initiatives (e.g., pages 14-34), which is publicly available at this link:

<https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=53325&shareable=true>.

**REQUEST NO. 4:**

Ex. Liberty-03 at page 13, lines 18-19, states that "at the time of the fire, Liberty was proactively rebuilding the Topaz 1261 Circuit (referred to as the "Topaz Line Rebuild Project")." Please provide Liberty's 2019 GRC testimony and workpapers pertaining to the "Topaz Line Rebuild Project."

**RESPONSE:**

See *Attachment to TURN-Liberty-004-Q4.zip* for copies of *Liberty-02: Capital* and *Liberty-10: Rebuttal Testimony* in support of Liberty's 2019 GRC testimony and workpapers associated with the Topaz Line Rebuild Project.

**REQUEST NO. 5:**

In Liberty's Electrical Corporation Annual Report on Compliance (Liberty EC ARC) on Liberty's 2020 WMP, at page 7, Liberty states that: "Utilization of digitally distributed field



collection forms in 2020 allowed Liberty to collect, store and analyze more System Survey results than in the previous five years combined.” Please provide support for this statement, including a quantification of Liberty’s inspection record digitization progress in 2020 and each of the previous five years.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Subject to and without waiving its objections, Liberty responds as follows: Liberty understands the quoted passage from its EC ARC to refer to the systemwide asset survey Liberty conducted in 2020 using digital field collection forms. Prior to 2020, the annual detailed inspection cycle covered approximately one-fifth of Liberty’s system each year and was conducted using hard-copy physical forms. In 2020, Liberty conducted an asset survey of its entire system and used digital collection forms that gathered and stored more information than Liberty’s pre-2020 hard-copy physical inspection forms, such as additional details regarding Liberty’s asset inventory, photographs of equipment, and latitude/longitude information. Together, this meant that Liberty collected, stored, and analyzed more inspection results in 2020 than in the prior five years combined.

**REQUEST NO. 6:**

Ex. Liberty-03 at page 22 describes Liberty’s inspections of Specific Facilities prior to the Mountain View Fire.

- a. Please provide a copy of each patrol report referenced on lines 2-3 (January 2013, April 2015, and November 2017). Please identify the pages pertaining to the Specific Facilities.
- b. Please provide a copy of each inspection report summarized in Figure 10 (including two inspections from 2011, two from 2016, and two from 2020). Please identify the pages pertaining to the Specific Facilities.

**RESPONSE:**

Liberty objects to this Question as duplicative to the extent it seeks information Liberty has already produced to TURN in this proceeding. Subject to and without waiving its objections, Liberty responds as follows: Liberty previously provided responsive inspection records to TURN in TURN-Liberty-001, Question 4, confidential attachment *CONFIDENTIAL-SED Data Requests and Responses.pdf*, including at the Bates ranges identified below:

- a. LIB000074-LIB000076
- b. LIB000086 and LIB000089 (2011 detailed inspections); LIB000111 and LIB000115 (2016 detailed inspections); and LIB000010-LIB000011 and LIB000058-LIB000059 2020 detailed inspections

**REQUEST NO. 7:**

Ex. Liberty-03 at page 31 states that in 2020, Liberty conducted a 15% random audit on vegetation management work and “these random audits generally yielded good results.”

- a. Please provide support for the statement that “these random audits generally yielded good results,” including a quantification of audits with and without findings in 2020.
- b. Did Liberty perform a random audit in 2018, 2019, or 2020 which reviewed work in the vicinity of the “Specific Facilities” related to the Mountain View Fire? If so, please

provide the results of the audits related to the Specific Facilities, with reference to specific page numbers.

**RESPONSE:**

Liberty objects to this Question as duplicative to the extent it seeks information Liberty has already produced to TURN in this proceeding. Subject to and without waiving its objections, Liberty responds as follows:

- a. For results from an audit performed on Liberty's vegetation management work in 2020, please refer to *Liberty Utilities Pole Clearing and Tree Work Audit Report - 2020 FINAL.pdf*, attached to Liberty's response to CalAdvocates-LIB-A2506017-005, Question 6, which Liberty produced to TURN in confidential attachment *CONFIDENTIAL-Attachments to TURN-Liberty-001-Q3.zip* in its response to TURN-Liberty-001, Question 3.
- b. Liberty's 2020 audit included work on the Topaz 1261 Circuit and these results were reported on a circuit and inspector basis. Please refer to *Liberty Utilities Pole Clearing and Tree Work Audit Report - 2020 FINAL.pdf* for audit results. Liberty is not aware of audits of vegetation management work that occurred on the Topaz 1261 Circuit in 2018 and 2019.

**REQUEST NO. 8:**

Ex. Liberty-03 at page 39, Figure 17, shows the de-energization decision tree for the relevant PSPS zones in 2020.

- a. Please provide Liberty's complete PSPS protocol document for these PSPS zones effective on (i) November 17, 2020, and (ii) the present date.
- b. Please clarify the forecast window for this decision tree. Does Liberty initiate a PSPS event if the ERC percentile, wind gusts, and FFWI are forecast to exceed stated thresholds at any point in the forecast window?

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty further objects to this Question as duplicative to the extent it seeks information Liberty has already produced to TURN in this proceeding. Subject to and without waiving its objections, Liberty responds as follows:

- a. For Liberty's PSPS procedures in effect as of November 17, 2020, please refer to attachments Liberty provided in its response to CalAdvocates-LIB-A2506017-011, Question 2, which Liberty produced to TURN in confidential attachment *CONFIDENTIAL-Attachments to TURN-Liberty-001-Q3.zip* in its response to TURN-Liberty-001, Question 3. For Liberty's PSPS procedures in effect today, please refer to *Attachment to TURN-Liberty-004-Q8.zip* and to *CRI one-pager.docx*, attached to Liberty's response to CalAdvocates-LIB-A2506017-011, Question 6. Pursuant to the Nondisclosure Agreement executed by TURN on October 22, 2025, please refer also to *CONFIDENTIAL - PSPS Playbook\_6.24.2024.pdf*.
- b. Liberty understands this subpart to be asking about Liberty's PSPS decision-making as of November 17, 2020. Liberty's fire weather dashboard displayed seven-day forecasts for

each of its PSPS zones. Liberty monitored the relevant criteria in this forecast window and activated its PSPS Incident Management Team (IMT) as needed if forecasted ERC percentile, wind gusts, and FFWI approached or exceeded the relevant criteria set forth in its PSPS protocol. According to Liberty's PSPS Emergency Response Playbook and PSPS Communications Playbook in effect at the time, Stage 1 of a PSPS event began 72 hours prior to potential anticipated de-energization.

**REQUEST NO. 9:**

Liberty's response to Cal Advocates DR 6, Q3 states that "In the event of a PSPS activation, live weather station observations, along with data from field observers, would guide the ultimate decision to de-energize." Under the PSPS protocol effective on November 17, 2020, if the six-hour forecast for ERC percentile, wind gusts, and FFWI did not meet the PSPS threshold, can Liberty still initiate a PSPS if real-time weather or field observations indicate dangerous conditions? Please explain why or why not.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Subject to and without waiving its objections, Liberty responds as follows: Liberty implemented its approved PSPS criteria based on forecasted conditions and thus would not initiate a PSPS de-energization if those criteria were not met. Separate from its PSPS program, Liberty also maintained the authority to de-energize portions of its system in response to safety events or other hazards on its system, as Liberty did on the Topaz 1261 Circuit on November 17, 2020, following ignition of the Mountain View Fire.

**REQUEST NO. 10:**

Ex. Liberty-03 at page 40, footnote 9, reports the forecast ERC, FFWI, and wind gust speeds for the Topaz 1261 circuit on November 17, 2020.

- a. What was the source of each of these forecasts?
- b. Please provide a copy of the source forecasts on November 17, 2020.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous. Liberty objects to this Question as duplicative to the extent it seeks information Liberty has already produced to TURN in this proceeding. Subject to and without waiving its objections, Liberty responds as follows:

- a. The ERC, FFWI, and wind gust forecasts Liberty set forth in *Liberty-03* at p. 40, fn. 9 were those displayed on Liberty's fire weather dashboard as part of its PSPS predictive tool. Liberty's ERC percentile forecasts were obtained from the U.S. Forest Service Wildland Fire Assessment System ("WFAS") and updated on Liberty's fire weather dashboard daily. The 6-hour average Fosberg Fire Weather Index (FFWI) and wind gust values displayed on its fire weather dashboard were calculated by its fire weather and risk modeling consultant using inputs from National Weather Service ("NWS") weather forecast models and updated every 6 hours.
- b. Please refer to pages 481-560 of *FPI Forecasts.pdf*, attached to Liberty's response to CalAdvocates-LIB-A2506017-008, Question 8, which Liberty produced to TURN in

confidential attachment *CONFIDENTIAL-Attachments to TURN-Liberty-001-Q3.zip* in its response to TURN-Liberty-001, Question 3. Those pages contain forecasts for all of Liberty's FPI and PSPS zones. The Topaz 1261 Circuit lies within the Topaz zone.

**REQUEST NO. 11:**

Ex. Liberty-03 at page 40, lines 8-11 states that "The NWS issued a high wind warning for the area but did not issue a Red Flag Warning. In the NWS's weather briefings in the days leading up to the fire, including on the day of the fire, the NWS noted that there were no heightened fire risk concerns because of favorable moisture content in the area."

- a. Please provide a copy of the referenced NWS "high wind warning" issued for November 17, 2020.
- b. Please provide a copy of the referenced NWS "weather briefings" leading up to the fire, including on the day of the fire.
- c. Did the NWS issue any other notifications related to weather conditions in the relevant area, aside from the referenced "high wind warning" and briefing? If so, please provide a copy of these notification(s).

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous. Liberty further objects to this Question as overbroad and unduly burdensome to the extent it seeks information not maintained by Liberty in the ordinary course of business. Subject to and without waiving its objections, Liberty responds as follows:

- a. Please see attachment *High Wind Warning.pdf*. Note that Liberty downloaded this copy of the High Wind Warning the NWS issued for November 17, 2020 from the publicly accessible Iowa Environmental Mesonet database.
- b. Liberty is providing copies of emails and weather briefings attached therein it received from the NWS during the seven-day period leading up to and including November 17, 2020. Pursuant to the Nondisclosure Agreement executed by TURN on October 22, 2025, please see files contained within *CONFIDENTIAL-Attachment to TURN-Liberty-004-Q11.zip*. Liberty is designating the emails as confidential because they contain personal identifying information. Liberty is continuing to search for weather briefings in this time frame and will supplement its response if additional weather briefings are identified.
- c. Liberty is not aware of notifications other than the High Wind Warning (which was preceded by a High Wind Watch) and weather briefings being provided in subparts (a) and (b) during the seven-day period leading up to and including November 17, 2020.

**REQUEST NO. 12:**

Ex. Liberty-03 at page 43 states that the two reclosers on the Topaz 1261 Circuit were in "hotline tag" mode due to reconductoring work for the rebuild project.

- a. What is "hotline tag" mode and how does it impact recloser functionality?
- b. Why did Liberty decide to disable "hotline tag" mode and return the 1261 R2 Recloser to "normal mode", as described on lines 12-14?
- c. Did Liberty disable "hotline tag" mode on the 1261 R2 Recloser at 10:41am, the same time that it reenergized customers? If not, please identify what time Liberty disabled

“hotline tag” mode.

- d. What was the timeline of the status (hotline tag, normal etc.,) of the 1261 R1 Recloser on the Topaz 1261 circuit throughout the day on November 17, 2020?

**RESPONSE:**

Liberty’s records indicate that the 1261 R1 Recloser was in normal mode on November 17, 2020. Liberty will correct *Liberty-03: Prudence of Operations* in forthcoming errata testimony to clarify that only the 1261 R2 Recloser was in hotline tag mode on November 17, 2020 in connection with the reconductoring work on the Topaz 1261 Circuit that morning.

- a. “Hotline tag” refers to an alternate setting or mode that may be selected for a recloser in connection with maintenance work on or near energized equipment. The hotline tag mode provides for instantaneous tripping at a specified pickup amperage and disables automatic reclosing functionality (meaning the recloser trips to lockout after a single operation).
- b. Following the outage on the Topaz 1261 Circuit at approximately 9:48 a.m., Liberty’s records indicate that field personnel supervising the reconductoring work released the non-reclose assurance, meaning the 1261 R2 Recloser could be restored to its normal mode. Please see Liberty’s response to CalAdvocates-LIB-A2506017-003, Question 4, for further information regarding why the 1261 R1 and 1261 R2 Reclosers were in normal mode as of November 17, 2020, except for the period during which hotline tag mode was enabled on the 1261 R2 Recloser to support the reconductoring work.
- c. Liberty’s records indicate that the hotline tag mode for the 1261 R2 Recloser was disabled at the same time Liberty reenergized customers at approximately 10:41 a.m.
- d. Liberty’s records indicate that the 1261 R1 Recloser was in normal mode on November 17, 2020 until approximately 12:28 p.m., when it was placed in a non-reclose mode with automatic reclosing disabled in response to the recent fire. At approximately 12:51 p.m. and at the direction of Liberty field personnel, the 1261 R1 Recloser was opened to de-energize Liberty’s Topaz 1261 Circuit because of the spreading fire. The 1261 R1 Recloser remained open (and the line de-energized) throughout the remainder of the day.

**REQUEST NO. 13:**

Ex. Liberty-03 at page 43 states that “following a patrol of the affected line, at 10:41 a.m. the 1261 R2 Recloser was closed, re-energizing the line and restoring power to the affected customers.”

- a. Please provide a copy of the relevant reenergization protocol which was effective on November 17, 2020.
- b. What factors did Liberty personnel consider before re-energizing the line at 10:41am?
- c. Did the System Operator conduct a “Risk Assessment” before the line was re-energized, as defined on Ex. Liberty-03, page 34, lines 2-4? If so, please provide a description of this Risk Assessment and any supportive materials. If not, please explain why not.
- d. As part of the decision to re-energize, did Liberty personnel evaluate real-time weather conditions? If so, please describe the conditions and sources consulted.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous and overbroad as framed. Liberty

further objects to this Question as duplicative to the extent it seeks information Liberty has already produced to TURN in this proceeding. Subject to and without waiving its objections, Liberty responds as follows:

- a. Please refer to attachment *Re-Energization of Circuits - Electric Operating Procedure.pdf*, attached to Liberty's response to CalAdvocates-LIB-A2506017-003, Question 4, which Liberty produced to TURN in confidential attachment *CONFIDENTIAL-Attachments to TURN-Liberty-001-Q3.zip* in its response to TURN-Liberty-001, Question 3.
- b. Before re-energizing the Topaz 1261 Circuit downstream of the 1261 R2 Recloser at 10:41 a.m. and pursuant to the procedures outlined in attachment *Re-Energization of Circuits - Electric Operating Procedure.pdf*, the System Operator considered available information, in consultation with field personnel dispatched to respond to the outage, including confirmation that field personnel had patrolled the affected line and decided to remove slack because this specific section of the line was in a different configuration and not at its usual tension as a result of spreading from the hot arms in place during Phase Five of the Topaz Line Rebuild. For supporting materials associated with the Risk Assessment, please refer to attachments provided in response to CalAdvocates-LIB-A2506017-022, Question 4, which Liberty produced to TURN in confidential attachment *CONFIDENTIAL-Attachments to TURN-Liberty-001-Q3.zip* in its response to TURN-Liberty-001, Question 3.
- c. Yes, see Liberty's response to part (b).
- d. Yes, Liberty was aware of local weather conditions on the Topaz 1261 Circuit based on observations from the field personnel who responded to the outage and recommended re-energization of the circuit downstream of the 1261 R2 Recloser following the patrol and actions taken in response to the 9:48 a.m. outage on November 17, 2020 as described in part (b). As described in *Liberty-03*, Liberty did not initiate a potential Public Safety Power Shutoff (PSPS) event on November 17, 2020, because weather and fire risk forecasts did not meet Liberty's approved PSPS criteria for the Topaz 1261 Circuit prior to ignition of the Mountain View Fire.

**REQUEST NO. 14:**

Liberty's response to Cal Advocates DR 1, Question 8, states that: "Liberty installed splices on the Topaz 1261 Circuit as needed in connection with operation of the distribution system. As referenced in Liberty-02: Ignition, splices were present on the lines in the Subject Span." How many splices were present in the subject span?

**RESPONSE:**

Liberty understands that, as of November 17, 2020, there were two splices on each of the center and field phase conductors in the Subject Span (a total of four splices).

## **ATTACHMENT 8**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-013,  
Question 1, subpart d**



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September 29, 2025

**Liberty Utilities (CalPeco Electric) LLC**

**A.25-06-017  
WEMA**

**The Public Advocates Office**

Data Request No.: CalAdvocates-LIB-A2506017-013  
Requesting Party: Public Advocates Office  
Originator: Herman Eng, Herman.Eng@cpuc.ca.gov  
Aaron Louie, Aaron.Louie@cpuc.ca.gov  
Patrick Huber, Patrick.Huber@cpuc.ca.gov  
Cc: Matthew Karle, Matthew.Karle@cpuc.ca.gov  
Date Received: September 15, 2025  
Due Date: September 29, 2025

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**REQUEST NO. 1:**

On page 11 of Liberty-02, lines 4 through 7, states that “The 1261 R2 Recloser was in normal operating mode at the time, which provides for three reclose operations before locking out, as described further in Liberty-03. At approximately 11:55:43 a.m., thirty-two seconds after the initial ground fault, the 1261 R2 Recloser operated and locked out, de-energizing the Topaz 1261 Circuit downstream of the 1261 R2 Recloser.”

Liberty’s DR response to Question 3(e) of Data Request CalAdvocates-LIB-A2506017-003 states that “Based on the available relay data, two reclose operations occurred before the 1261 R2 Recloser tripped to lock out at approximately 11:55:43 a.m.”

- a) Please discuss and explain the discrepancy on the number of reclose operations on Liberty-03’s three reclose operations versus the DR response of two reclose operations.
- b) In the DR response, in the thirty-two seconds, how many reclose operations occurred after the initial ground fault?
- c) Please provide the available relay raw data or waveforms downloaded from the 1621 R2 Recloser or SCADA, beginning with the initial ground fault to reclosing and locking out on November 20, 2020.



- d) Please describe the timestamp of each reclose operation and lockout beginning with the initial phase-to-ground fault on November 20, 2020, by completing the table below:

	Time
Initial ground fault trip	
1st Reclose	
Trip after 1st Reclose	
2nd Reclose	
Trip after 2nd Reclose	
3rd Reclose	
Lock Out	

### **RESPONSE:**

- a) Liberty's response to Data Request CalAdvocates-LIB-A2506017-003, Question 3, is accurate. The 1261 R2 Recloser's normal settings allowed for two reclose operations prior to lockout. The quoted language from *Liberty-02: Ignition* should reference "three **relay** operations" rather than "three reclose operations." Liberty will correct this language in *Liberty-02* in forthcoming errata testimony.
- b) Two reclose operations occurred before the 1261 R2 Recloser tripped to lockout.
- c) Liberty objects to this subpart as vague and ambiguous as framed. Liberty understands this subpart to be asking for the .cev files downloaded from the 1261 R2 Recloser after the incident related to the phase-to-ground faults that began at approximately 11:55:14 a.m. on November 17, 2020. Please see attached file *1261 Phase-to-Ground Waveforms.zip* for these specific .cev files.
- d) Please see below for the completed table. These times are approximate and reflect adjustments to account for time zone differences and alignment with the timestamps for the 1261 R1 Recloser device and SCADA. (Specifically, the timestamps from the records downloaded from the 1261 R2 Recloser device after the incident were adjusted by -58 minutes and 28 seconds.)

	Time
Initial Ground Fault Trip	11:55:14.149
1st Reclose	11:55:16.313
Trip after First Reclose	11:55:22.664
2nd Reclose	11:55:37.760
Trip after 2nd Reclose	11:55:43.476
3rd Reclose	N/A (there was no 3rd reclose attempt)
Lock Out	N/A (device locked out at 11:55:43.476 on trip after 2nd reclose)

### **REQUEST NO. 2:**

Liberty's response to Question 3, parts (b) through (d) of Data Request CalAdvocates-LIB-A2506017-003 states that "The 1261 R2 Recloser's normal settings allowed for two reclose attempts prior to lock out. The first operation was on a fast time-current curve with a two second reclose interval following operation. The second and third operations were on a delayed time-

current curve, with a fifteen second reclose interval following the second operation. The 1261 R2 Recloser's normal settings used a 30 second reset timer."

- a) Based on the DR response above, how many reclose operations took place following the initial phase-to-ground fault on November 17, 2020?
- b) Please define and explain what is a "normal settings of a 30-second reset timer".

**RESPONSE:**

- a) See Liberty's response to Question 1(b) of this set of data requests.
- b) The 30-second reset timer delineates the period during which the recloser will proceed with its continuous sequence of operations regarding operation and reclose attempts. If the recloser initiates an initial trip and reclose operation, and then has no further operation within a continuous 30-second period, the recloser's sequence of operations resets, and a subsequent trip and reclose operation (*e.g.*, 60 seconds later) would occur consistent with the settings for an initial operation and reclose (operation on a fast time-current curve with a two-second reclose interval). Using the table in response to Question 1(d) of this set of data requests as an example, if more than 30 seconds had passed between any of the individual recloser events, the relay would have reset and started again at the "initial" trip step.

**REQUEST NO. 3:**

- a) After the 1261 R2 Recloser locked out on November 17, 2020, how was the Recloser being reset? Was the reset performed manually in the field or remotely from the Nevada Energy Substation or Control Center?

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed, including with respect to its use of the term "reset." Liberty understands this Question to be asking what would happen after the 1261 R2 Recloser locked out and de-energized the Topaz 1261 Circuit downstream of the recloser as of the November 17, 2020 time frame. Subject to and without waiving its objections, Liberty responds as follows: The 1261 R2 Recloser did not need to be "reset" after locking out. The recloser could be closed to re-energize the circuit either remotely via SCADA or manually at the device. In either case, Liberty's operating procedures required that the line be patrolled by field personnel before re-energizing the circuit. These procedures were followed on November 17, 2020, see *Liberty-02: Ignition*, p. 11.

**REQUEST NO. 4:**

- a) How many auto reclosers did Liberty have in the distribution system since November 17, 2020?
  - i. How many of the auto reclosers at the time were programmed with two (2) reclose operations under normal settings?
  - ii. What were the typical time intervals for the following conditions on reclosers programmed with two (2) reclose operations?
    1. Between the initial fault and the first reclose operation.
    2. Between the first reclose and second reclose operations.

- b) Since November 17, 2020, how many auto reclosers were programmed with three (3) reclose operations under normal settings?
  - i. What were the typical reclose time intervals for the following conditions on reclosers programmed with three (3) reclose operations?
    - 1. Between the initial fault and the first reclose operation.
    - 2. Between the first reclose operation and the second reclose operations.
    - 3. Between the second reclose operation and third reclose operations

**RESPONSE:**

- a) Liberty objects to this Question as vague and ambiguous as framed, especially with respect to the time period of focus. Liberty understands this Question to be asking about the November 17, 2020 time frame. Liberty further objects to this Question to the extent that it is overbroad and unduly burdensome. Subject to and without waiving its objections, Liberty responds as follows: Based on a review of available records, there were approximately 29 automatic reclosers in use on Liberty's distribution system as of November 17, 2020. With respect to the time interval and sequence for reclose operations, the vast majority of these reclosers would have been programmed with normal reclose settings consistent with those described for the 1261 R2 Recloser in Liberty's response to Data Request CalAdvocates-LIB-A2506017-003, Question 3.
- b) As explained in Liberty's response to Question 1(a) in this set of data requests, the quoted language from *Liberty-02: Ignition* should reference "three **relay** operations" rather than "three reclose operations." To Liberty's knowledge, none of Liberty's automatic reclosers was programmed to allow for three reclose operations prior to lockout under normal settings.

**REQUEST NO. 5:**

What is the peak loading in percent and amperes for the 1621 Topaz circuit in the following years?

- a) 2017
- b) 2018
- c) 2019
- d) 2020
- e) 2021
- f) 2022
- g) 2023
- h) 2024

**RESPONSE:**

Liberty objects to this Question as vague, ambiguous and overbroad as framed, especially with regard to the terms "peak loading" and "percent." Subject to and without waiving its objections, Liberty responds as follows: See below for information regarding peak loading on the Topaz 1261 Circuit. Based on Liberty's review of interval amperage data for the A phase of the Topaz 1261 Circuit from its SCADA historian system, the below values reflect the highest amperages on the A Phase of the Topaz 1261 Circuit as recorded through SCADA from the 1261 R1

Recloser, excluding certain outlier data determined to not reflect load amperage. Liberty does not have amperage data for 2017 and 2018.

- a) No Data
- b) No Data
- c) 117 amps
- d) 137 amps
- e) 144 amps
- f) 145 amps
- g) 132 amps
- h) 159.5 amps

## **ATTACHMENT 9**

**EPRI, Avoiding Conductor Slap,  
[https://distribution.epri.com/ex-  
weather/public/results/conductor-slap/](https://distribution.epri.com/ex-weather/public/results/conductor-slap/).**

# Distribution

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## Avoiding Conductor Slap

One electrical line phenomenon that is commonly associated with power line faults is referred to as conductor slap where two or more of the wires come in contact during either wind gusting or from electromagnetic pendulum forces during sequential faults. When the wires contact one-another they can throw sparks and molten metal onto the vegetation below. Interestingly this happens quite often on bare overhead conductors and is not well understood by field crews that don't find evidence of a fault when they patrol the line and many times record the breaker lockout incident with a cause code of "No problem found."

Even with the "no problem found" result, the following pattern of currents and voltages would be recorded by a power monitoring device. To supplement the narrative, the following figure and the (lower blue trace) in The Figure contains a power quality recording from a magnetically induced conductor slap incident and can be described with the sequence description that follows the image.

1. An initial fault occurs downstream of a protective device from some initiating event such as a tree branch, or a balloon, or an animal. When the initial fault occurs, the wires have equal and opposite fault currents, and this causes the wires to magnetically oppose on another and to swing apart in a pendulum motion. For a typical power system, the upstream protection senses the fault current and opens to clear the fault - leaving the wires heated up, stretched out a foot or more from the heat, and still swinging. In the figure (bottom blue trace) the first current increase on the left side shows this initial fault followed by zero current once the protective device opens.

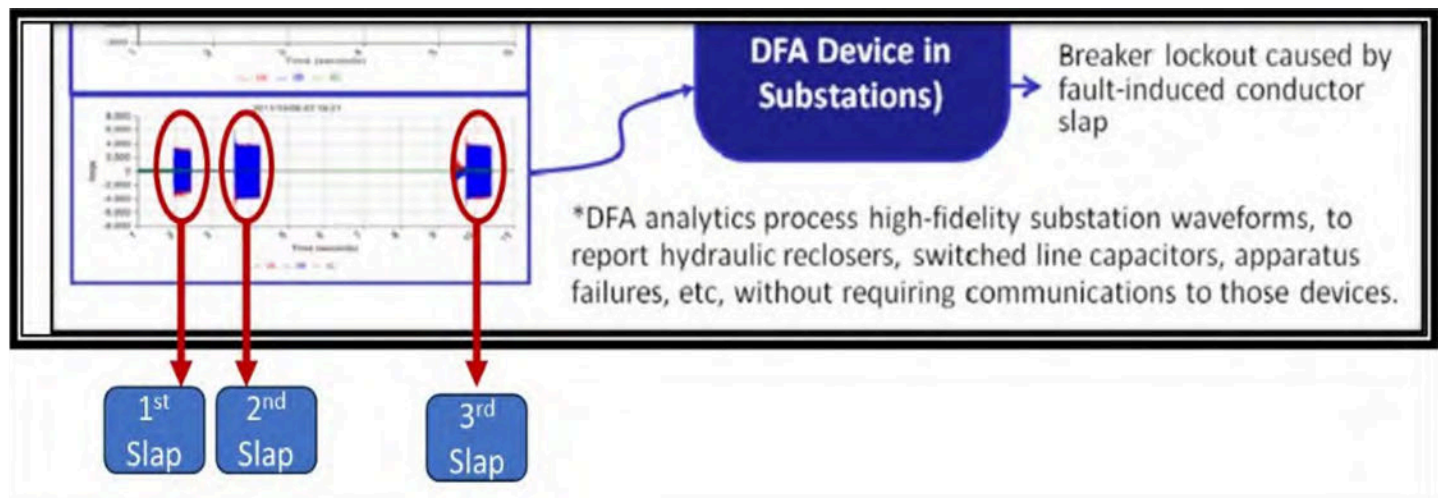
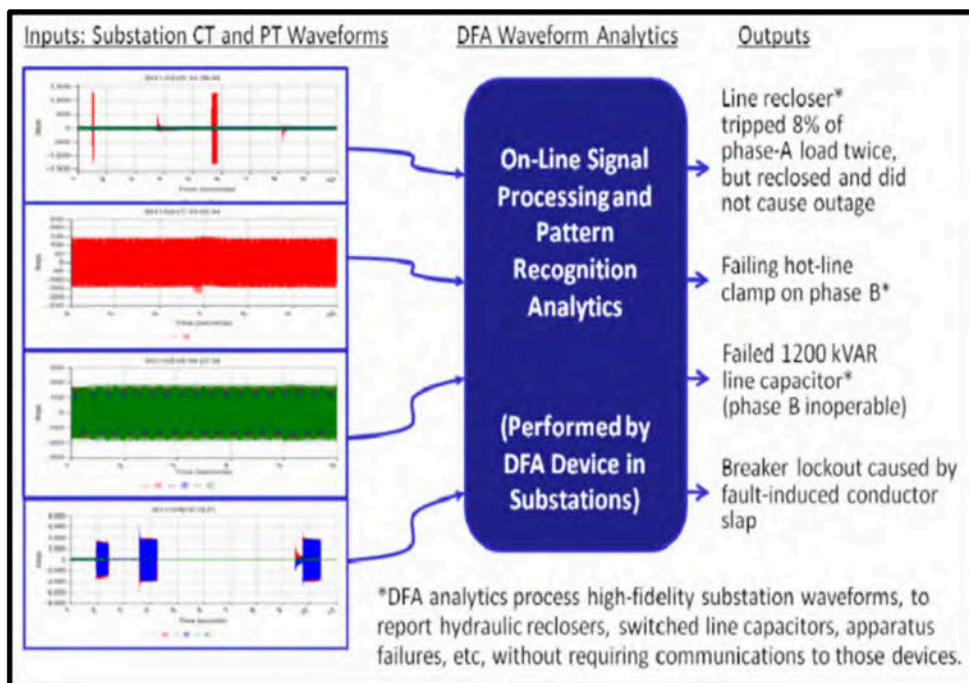


Figure 1: Waveforms and Trained Insight from the EPRI TA&M Developed Distribution Fault Anticipator

- When the protective device re-closes back in (a few seconds or so later) the upstream conductors (somewhere closer to the substation) can swing together and cause a new fault, this time with even higher currents than the previous event. This can be seen as the second current increase in the blue trace and again a protective device opens and the currents go to zero again
- After the protection recloses, the conductors slap together for a third time. After enough unsuccessful reclose attempts, the main breaker opens – locking out the circuit and the currents and voltage go to zero.

The same kinds of outcomes may occur with wind caused conductor slap, and for both types (magnetic and wind caused) there may be several different variations and combinations of fault – reclose – fault – reclose – lockout that can and do happen. The key takeaway here is that this sequence of events, and the current magnitudes and the patterns are detectable, predictable and can

CA-02-0360

be turned into recognition algorithms. In fact, not only can the power signatures for conductor slap be patterned, but the same patterning and algorithm development approach works for another dozen different kinds of fault incidents and fault causes. Further, taking the time synchronized voltage and current data from some of the other line sensors, either upstream or downstream of the fault location, make the algorithms even more accurate and insightful and even more useful for fault and ignition risk analytics. For more on the conductor slap topic visit this [EPRI link](#).

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## **ATTACHMENT 10**

**Texas Wildfire Mitigation Project, Power Line  
Phenomena Detectable with Intelligent Monitoring  
(Partial List),**

**<https://wildfiremitigation.tees.tamug.edu/faqs/detectable-line-phenomena>**

# Texas Wildfire Mitigation Project



## POWER LINE PHENOMENA DETECTABLE WITH INTELLIGENT MONITORING (PARTIAL LIST)

The TEES **Circuit Health Monitoring** system detects multiple types of circuit apparatus failures and pre-failures, including downed conductors and other potential fire-ignition sources, thus enabling proactive response to some failures and quicker response to others. By providing greater visibility of circuit health and events, it enables improved reliability, operational efficiency, and safety. The technology achieves these benefits by using sophisticated signal processing analytics to process high-fidelity current and voltage waveforms that are measured passively from conventional current and potential transformers typically available in substations.

**Power line tear-down, including those caused by off-ROW trees** – This is a common cause of wildfires. It often can be detected only after it occurs, rather than proactively, but potential for fire spread can be reduced by detecting the resulting downed conductor more quickly. An AMI system or a customer call may alert the utility that an outage has occurred, but does not distinguish downed conductor events from routine outages and therefore cannot elevate the response to an emergency-priority event. The TEES CHM system detects downed conductors and other arcing faults.

**Conductor slap** – This is a common cause of wildfires. When power line conductors slap together, they eject molten, possibly burning particles capable of igniting ground-level vegetation and other fuels. Each incident also progressively erodes the circuit conductors, weakening them and raising the potential for a broken conductor. Spans susceptible to slap tend to experience it repetitively, but long periods of time may pass between incidents and, as a result, the condition often is never recognized. Location and repairs generally are straightforward, but possible only if the condition is detected. TEES CHM has detected and helped locate conductor slap in multiple locations on circuits of multiple utility companies. The utilities seldom had any other notice of the condition.

# Texas Wildfire Mitigation Project



Each incident creates a high-temperature power arc and may eject molten, possibly burning particles, which are potential ignition sources. Each incident also progressively erodes the affected conductors, weakening them and potentially leading to broken, downed conductors. Flashovers to the housing of a transformer or other circuit equipment also can breach the housing, allowing moisture ingress and the potential for a catastrophic failure involving explosion of the equipment and expulsion of burning insulating oil. Detecting these failures reduces the number of flashover faults, the number of incidents that eject particles, the degree of conductor erosion, the potential for broken conductors, and the potential for other catastrophic failures. The CHM system detects and helps locate failing bushings and other conditions that cause repetitive flashover faults.

**Arcing inside capacitor banks** – Capacitor banks can develop internal arcing that can last for an extended period of time and eventually breach the capacitor housing, eject burning oil, and create ignition sources for pole top and ground-level fires. TEES CHM detects capacitor arcing, which otherwise may occur for hours to days to weeks before the utility becomes aware of it.

**Failing clamps and line switches** – Hotline clamps and line switches commonly experience a failure mode in which their mechanical jaws degrade, creating low-level arcing in the jaws, further eroding the jaws and the attached power line conductors. This is a known cause of pole top fires and broken conductors. The failure is a progressive one. TEES CHM often detects these failures hours, days, or weeks before they escalate to cause fires, outages, or other condition that gets the attention of the utility company or customers.

**Routine capacitor bank failures** – Switched capacitor banks frequently experience failures, such as loss of a phase. The periodic testing and maintenance that are intended to detect these failures are expensive and inefficient, and even may be deferred in times of tight budgets or overworked crews. Further, testing and maintenance typically occur only annually, so capacitors may remain in a failed state for months. With substation-only monitoring, and without communicating with the capacitors, TEES CHM reports inoperative phases of switched feeder capacitors, enabling the creation of work lists to address failures as they occur, rather than waiting for an arbitrarily long routine maintenance interval.

**Non-routine capacitor bank defects** – Periodic maintenance detects some types of capacitor failures, including blown phases. It does not detect other types of failures and pre-failures, however, including switches that bounce when closing or restrike when opening. These conditions occur intermittently and can cause difficult-to-diagnose power quality problems that affect sensitive customer equipment. Periodic maintenance also may not detect capacitor controller problems that have been documented to switch banks too frequently, perhaps dozens of times per day, but only under certain operating condi-

# Texas Wildfire Mitigation Project



**Primary, cable range, and pole failures** – During primary, cables sometimes produce detectable pre-failure electrical signatures hours to weeks in advance of failure. Also, when cables experience final failure, they sometimes produce unique electrical behavior. TEES CHM system detects these conditions.

**Diagnosis of fault cause** – Some apparatus failures create fault signatures unique to the type of failure. Crews responding to outages or other trouble can respond more effectively if they know the fault cause before they begin their search. Some failure-specific signatures currently are known. In the future, it is anticipated that these signatures will be added to the CHM system, which accepts new or refined software analytics, without change of hardware.

**Oversight of unmonitored reclosers and sectionalizing switches** – Many circuits, in particular the long circuits typical of rural service territories, use numerous unmonitored reclosers and automatic sectionalizing switches to limit outage extent when faults occur. The CHM system reports fault sequences involving these devices, enabling detection of proper and improper operation. This has been demonstrated to detect reclosers that are operating incorrectly (e.g., incorrect sequences or too many shots without lockout) and conversely to validate correct operation of otherwise-suspect reclosers.

**Fault location** – The CHM system reports fault current and other fault-location information for operations of substation feeder breakers and also for fuse blows and line recloser operations. These values can be put into system models to provide fault location.

## **ATTACHMENT 11**

**A. Eberle HmbH & Co. KG,**  
**B. Earth Fault Electrically Conductive Connection**  
**Between Electrical Conductor and Earth,**  
**<https://www.a-eberle.de/en/knowledge/earth-fault/>**

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Service

News

Downloads

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0



# Earth Fault

Electrically Conductive Connection Between  
Earth

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## What Is an Earth Fault?

### Definition

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News

Downloads

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In networks with an isolated neutral point and in compensated networks, there is no short-circuit current; the fault current is determined by the conductor-to-earth capacitance of the network and, in the compensated network, by the degree of compensation. In the event of an **earth fault in medium-voltage systems** or high-voltage systems with earth fault compensation, the system can continue to be operated.

Systems with an isolated neutral point can continue to operate only in rare cases with a small system size (small capacitive earth fault current) in the event of a fault. If earth faults occur simultaneously at several points in the system, a **double earth fault** or multiple earth faults occur, which can lead to high short-circuit currents even in isolated and compensated systems.

## What Happens During an Earth Fault?

The behavior of the phase-to-earth voltages in the event of an earth fault in the isolated and compensated system is shown below:

1. Symmetrical voltage triangle in a healthy network
2. Discharge process of the faulty phase: The phase-to-earth voltage of the affected phase (here  $\underline{U}_{IE}$ ) conductor collapses; in the case of a full earth fault,  $\underline{U}_{IE}$  goes to zero
3. Charging process of the healthy phases: The phase-to-earth voltages of the healthy phases increase by the factor  $\sqrt{3}$  to the value of the interlinked voltages, the zero sequence voltage  $\underline{U}_{NE}$  (vectorial sum of the three L-E voltages  $\underline{U}_{ne} = \underline{U}_{L1} + \underline{U}_{L2} + \underline{U}_{L3}$ ) increases from the operating value (in the "ideal network" 0 V, in reality a few volts) to a higher value (corresponds at most to the value of the phase-to-earth voltage in case of a saturated earth fault)
4. Stationary earth fault state (only for continuous earth faults): The phase-to-earth

GA-02-0368

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Service

News

Downloads

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*Figure 1: Conductor-to-earth voltages in the event of an earth fault*

## Charging and Discharging Process With Earth Fault

The charging and discharging processes are short-term transient processes. **ACA-02-0369**



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News

Downloads

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0



system, among other things. Regardless of the fault location,  $I_F = I_{CE}$  applies to the fault current in the isolated system in the event of a saturated earth fault. The current flows in the isolated system are explained using the following example.

*Figure 2: Example system with 3 outgoing circuits and isolated neutral point currents in the event of a fault*

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Service

News

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## Causes and Examples of Earth Faults

An earth fault can have many causes

- | sagging high-voltage lines when the line touches the ground surface or objects on the ground.
- | aged or damaged insulation
- | Dirty insulators
- | Foreign objects such as trees, branches or birds on overhead lines

## How Does an Earth Fault Occur / Examples of Earth Faults

- | Overvoltages in a power grid can damage the insulation and cause an earth fault
- | Stationary material fatigue or wear, which causes the insulation to be damaged. If the insulation (dielectric) in cables is damaged, re-ignition faults also frequently occur
- | short earth fault wipers on overhead lines, e.g. through contact with trees
- | Contact with earth on overhead lines

## In Which Situations/at Which Locations Do Earth Faults

CA-02-0371

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- | Old or neglected infrastructure: In outdated or poorly maintained electrical installations and supply networks, there is an increased risk of insulation failure and other problems that can lead to earth faults.
- | Areas with downed power lines: Contact between a high-voltage line and the ground surface or objects on the ground results in an earth fault.
- | Underground cabling: In situations where electrical cables are buried underground, there is an increased risk of earth faults due to ground movement, corrosion and moisture.
- | Residential areas: Ground faults can occur in residential areas, especially if the electrical infrastructure is outdated or there are problems with the wiring. High and medium voltage lines in residential areas can also cause earth faults if they are damaged or sag.
- | Industrial facilities: In industrial environments, such as factories and production facilities, there is an increased risk of earth faults due to the complex electrical systems and the high electrical load.

## Consequences and Problems of Earth Faults

The following problems or **dangers exist with earth faults**

- | If the network does not have earth fault compensation, high electrical currents flow to the ground at the point of the earth fault, which can cause high step voltages and touch voltages that are life-threatening for people and animals. If the permissible step and touch

**CA-02-0372**

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News

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| Grids without earth fault compensation must be switched off in the event of an earth fault and a power failure occurs

| In an insulated and compensated system, the voltages of the healthy conductors increase in the event of an earth fault, which places additional stress on the insulation. Extra-high-voltage grids are therefore operated with rigid earthing, as the additional insulation effort would not be economical.

## Earth Fault Clearing/Compensation

Petersen coils are used in medium and high-voltage networks so that in the event of a single-pole earth fault, the capacitive current across the fault location is compensated by an inductive current of approximately the same magnitude but in the opposite direction. For this purpose, the coil must be set to an inductive resistance  $X_L$  in the healthy state of the network, which corresponds approximately to the capacitive resistance  $X_C$  of the network.

**Earth fault compensation in the three-phase system** is shown in the following example analogous to the example for the isolated system. With full compensation by the compensation coil, the capacitive earth fault current  $I_{ce}$  is fully compensated and in the event of an earth fault, the current at the fault location becomes  $I_F=0$ .

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News

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Figure 3: Explanation of earth fault compensation on the example grid - currents in the event of an earth fault

Real grids are generally not fully compensated, but usually operated slightly overcompensated, as the zero sequence voltage is highest at full compensation (at the resonance point) and therefore one of the conductor voltages also assumes the most excessive value.

The degree of over- or under-compensation is indicated by the so-called detuning factor  $v$ .

$$v = (I_L - I_C) / I_L$$

The resonance point and therefore the ideal tuning point for the earth fault suppression coil changes in real networks, as the network's capacitance changes due to switching. Automatic control of the coil is important to ensure that it is always tuned as appropriate as possible for the current grid status. This can be done with the **REG-DP** arc suppression coil regulator from A. Eberle. The **REG-DP calculates the correct earth fault compensation** automatically and continuously by measuring the resonance curve.

CA-02-0374

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## Earth Fault Location

Although continued operation of the grid is possible in compensated phases, the earth fault still places an additional load on the grid by increasing the voltages of the healthy phases. Fast and reliable **earth fault detection** and **localization** is therefore necessary.

A variety of locating algorithms are available to **detect the earth fault** and **localize the earth fault**, depending on the respective framework conditions

In order to make optimum use of the advantages of the individual earth fault location methods in different earth fault situations, network types and measurement conditions, a large number of methods are implemented in the earth fault indicators and earth fault location devices from A. Eberle:

- | Wiper method (qu2 method)
- | Qui method for intermittent faults / re-ignition qui
- | Reactive current method /  $\sin(\phi)$  method
- | Wattmetric method /  $\cos(\phi)$  method (with or without residual wattage current increase)
- | Harmonic method
- | Pulse detection

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The following table shows an overview of the [fault locating devices from A. Eberle](#) and the methods implemented in each case for earth fault location. The combined short-circuit and earth fault indicators [EOR-3DS](#) and [EOR-IDS](#) have a short-circuit detection function for displaying and reporting short-circuits in addition to the earth fault location functions.

Another important feature of A. Eberle's locating devices is their high degree of flexibility and adaptability to different areas of application. The devices are designed to be used in various industrial environments, whether in power generation, distribution or industrial automation. In addition, they offer advanced diagnostic capabilities that enable precise monitoring and analysis of electrical networks. This versatility makes A. Eberle's products a preferred choice for companies looking for reliable and powerful location solutions for their electrical installations.

## Differentiation of Our Locating Devices According to Main Characteristics

The main characteristics of the different [fault locating devices from A. Eberle](#) are clearly presented here:

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Service

News

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## EOR-IDS

**| Inexpensive variant with the following locating methods:**

**|** qu2 wiper method

**|** pulse detection

**|** Additional short-circuit detection

**| Simple operation and parameterization without software**

**| Integrated Modbus RTU connection**

**LEARN MORE ABOUT EOR-IDS**



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## EOR-3DS

- | **Extensive earth fault location functionality (algorithms such as EOR-D)**
- | **Additional location methods for the EOR-IDS such as:**
  - | qui method for re-igniting faults
  - | Harmonics method
- | **Extensive functionality for the intelligent local network station (SCADA, security, switching)**
- | **Can be used as a digitization unit for local substations**

[LEARN MORE ABOUT EOR-3DS](#)

## Precise Earth Fault Location and Comprehensive Network Analysis

The evaluation of the procedures results in directional information for each monitored circuit (fault forward / faulty outgoing circuit or reverse / fault-free outgoing circuit). It is possible to localize and **find the earth fault** from all the displays (see example). The more devices are distributed throughout the network, the more precisely the fault location can

CA-02-0378

out

Products

Service

News

Downloads

Contact



these devices enable continuous recording and evaluation of network parameters. This leads to improved performance in fault detection and enables proactive fault prevention. In addition, the locating devices can also store historical data and identify trends to support long-term network analysis and optimization. As a result, A. Eberle's products not only provide reliable earth fault location, but also contribute to the efficiency and reliability of the entire power grid.

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News

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## Earth Fault Location Method

The Following Section Briefly Describes the Individual Methods for **Localizing the Earth Fault**:

### Wiper Process

- | Response threshold of the zero sequence voltage  $U_{en}$  is adjustable
- | Evaluation of the transient process at earth fault inception
- | Extremely reliable detection due to integrating evaluation (qu2 method)
- | works in both compensated and isolated networks
- | in contrast to the "stationary methods", all earth faults (including short earth fault wipers) can be detected

### Qui Method

- | Extension of the qu2 method to specifically and separately detect re-igniting faults
- | Methodology of the qu2 method applied to a sliding observation window and observation of the number of re-ignitions

out

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Service

News

Downloads

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| The angle between zero sequence voltage and zero sequence current is evaluated. In the isolated system, it can be easily concluded from this whether the monitored outgoing circuit is faulty ( $I_0$  and  $U_0$  behave inductively) or fault-free ( $I_0$  and  $U_0$  behave capacitively)

## Wattmetric Method (With or Without Watt Residual Current Increase)

- | Evaluation of the residual wattage current, which still flows via the fault location even in the fully compensated grid
- | Precise measurement required to determine the angle between  $I_0$  and  $U_0$  in order to correctly determine the residual watt current
- | Consideration of transformer faults possible via parameterization
- | Response threshold of the zero sequence voltage  $U_{en}$  is adjustable, response threshold of the residual watt current is adjustable per outgoing circuit
- | The residual wattage current can be increased by increasing the residual wattage current (resistor parallel to the compensation coil) in order to simplify the correct determination of the direction of the wattmetric current

## Harmonics Method

- | Response threshold of the zero sequence voltage  $U_{en}$  is adjustable
- | Application of the principle of the reactive current method for compensated network by using higher frequencies (e.g. 250 Hz)
- | in EOR-D, harmonic method with comparison of the current values of several outgoing circuits is also possible (comparative evaluation) Otherwise

CA-02-0381

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News

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## Pulse Localization

- | By cyclically switching a capacitor or an inductor in parallel to the compensation coil, a pulse pattern is generated in the event of an earth fault, which is then recognized by the locating device
- | "Deep localization" down to the fault location is possible
- | optionally, a threshold for the zero sequence voltage  $U_{en}$  can be parameterized
- | with our **EOR-IDS** fault indicator, the change in angle caused by the pulsing is evaluated in addition to the amount of current, which is why a specific degree of compensation no longer needs to be maintained for correct detection of the pulse pattern

## Advantages of Earth Fault Monitoring

With the Combined Short-Circuit and Earth Fault Indicators From A. Eberle

Welche Vorteile sind durch konstante Erdschlussüberwachung gegeben?

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**EOR-IDS: The Economical Fault Indicator for Analog Secondary Substations**

**EOR-3DS: The Fault Indicator for the Digital Secondary Substation**

**EOR-D: The earth fault location relay for several feeders (\*discontinued, can only be ordered until 31.12.2026)**

Constant earth fault monitoring in electrical systems and power grids offers several advantages, including:

- | **Prevention of outages:** Timely identification of earth faults and their rectification helps to prevent or minimize power outages, which ensures continuity of operations in industrial plants and supply to consumers in public power grids.
- | **Reduction of downtime:** The rapid elimination of earth faults due to continuous monitoring results in shorter downtimes, which increases productivity and efficiency in various application areas.
- | **Cost savings:** By preventing major damage and power outages, significant repair costs and financial losses can be avoided.

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Service

News

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| Compliance with safety regulations: Earth fault compensation to reduce residual currents and permissible touch voltages as well as continuous earth fault monitoring are usually the optimum solution for complying with the applicable safety regulations in conjunction with an economical mode of operation, particularly in the medium voltage range.

| Data analysis: Continuous monitoring allows extensive data to be collected on the condition of the electrical system. This data can be used to analyze and optimize operation.

| Overall, constant earth fault monitoring helps to increase the reliability and safety of electrical systems, minimize failures and increase operational efficiency. This is particularly important in critical applications and in environments where human safety and environmental impact are of paramount importance.

## Worauf kommt es bei Erdschlussüberwachung an?

## What Is Important for Earth Fault Monitoring?

**Detection capability:** The earth fault monitoring system should be able to reliably detect and report earth faults. A. Eberle devices have a variety of detection algorithms (see above) that can be combined as required. This means that a suitable and reliable solution is always available for different applications (type of network, available measurement accuracy, operating philosophy).

**Speed of detection:** The monitoring devices should detect and report faults quickly to enable a rapid response and fault rectification before major damage can occur. The method with which our devices work detects the fault within a few 100 ms, the static locating methods evaluate the direction of the fault within around one second, with pulse

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News

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**Locating capability:** The system must be able to pinpoint the exact location of the earth fault or leakage current to facilitate localization and repair. All our procedures therefore provide a directional localization message

**Alarms:** The system should be able to trigger alarms to inform operating personnel or the relevant authorities of the presence of an earth fault. These alarms can be visual, audible or via networks and communication systems. You therefore have a wide range of options for linking to control systems (binary outputs for all A. Eberle fault indicators, Modbus for EOR-IDS, **EOR-3DS** and EOR-D (various common control system protocols).

**Data recording:** The monitoring devices should record and store data on detected earth faults and leakage currents to enable later analysis and tracing. Therefore, all A. Eberle locating devices record logbooks and fault records so that faults can be analyzed retrospectively.

**Maintenance and diagnostics:** The system should have self-diagnostic and self-test functions to ensure that it is working properly and to report maintenance requirements. **A. Eberle fault indicators** have active status monitoring and reporting in the event of a fault, as well as logbook entries and regular software updates.

**Integration into the overall system:** Earth fault monitoring should be seamlessly integrated into the overall electrical system in order to enable efficient monitoring and control. Our **short-circuit and earth fault indicators** are therefore available in various hardware designs.

**Remote monitoring:** In some cases, it makes sense to be able to monitor the monitoring equipment remotely in order to be able to react to faults even if the operating personnel are not on site. With our flagship fault indicator, the new **EOR-3DS**, remote access to "Management and Operations" is possible via MQTT. With the classic EOR-D, remote access is possible via COM server.



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Service

News

Downloads

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**Data evaluation and reporting:** The collected data should be analyzed and reports created to identify trends and patterns and to contribute to the optimization of operations. Therefore, **EOR-IDS** and especially **EOR-3DS** provide a variety of measured values (also MQTT & IoT), which ensure transparency and security in your network.

# Earth Fault Compensation & Current Injection

Reliable, Proven, Globally Favoured

**REG-DP:**The  
Arc Suppression  
Coil Regulator

**REG-DPA:**The  
Petersen Coil  
Regulator in an

**CA-02-0386**

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**CIF: Current  
Injection for  
Low or Highly  
Variable Zero-  
Sequence  
Voltages**

**MCI: Multi-  
Frequency  
Current  
Injection for  
Low or Highly  
Variable Zero-  
Sequence  
Voltages**

**HPCI: Current  
Injection and  
Pulse Cabinet in  
One Product**

## Earth Fault and Short-Circuit Location Combined in One Device

For Digital and Analogue Local Network Stations

A-02-0387

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**EOR-IDS:**The  
Economical Fault  
Indicator for  
Analog Secondary  
Substations

**EOR-3DS:**The  
Fault Indicator for  
the Digital  
Secondary  
Substation

**EOR-D:**The earth  
fault location relay  
for several feeders  
(\*discontinued, can  
only be ordered  
until 31.12.2026)

**Further Questions About »Earth Fault«?**

**Feel Free to Contact Us!**

[CONTACT US NOW](#)

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## Latest News

### News About Short Circuit & Earth Fault Location

**Brand New: Short-Circuit  
and Earth Fault Indicator  
EOR-3DS Released on  
27.03.2023**

**Product Announcement  
Short and Earth Fault  
Locator EOR-IDS Released  
05.08.2022**



Webinar

»Cyber Security« Webinar: A Challenge for European Energy C

Webinar recording from 2025-11-26: »Cyber Security« - A Challenge for European Ener

A. Eberle Newsletter





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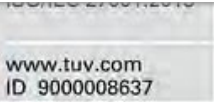
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# **ATTACHMENT 12**

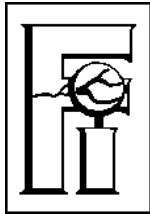
**CAL FIRE Report, Photo Attachments  
by Matthew Kirkhart**

**Confidential**

## **ATTACHMENT 13**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-010, Question 8.  
Opinions of Gary J. Fowler  
regarding the Mountain View Fire at 1**





## FOWLER INC.

METALLURGICAL ANALYSIS  
MATERIALS ANALYSIS &  
FAILURE ANALYSIS

13707 Cimarron Avenue  
Gardena, CA 90249  
(310) 329-8300  
fowlerinc@aol.com  
www.metallurgicalengr.com

### Opinions – Gary J. Fowler Mountain View Fire

1. The evidence indicates that the center and north ACSR conductors between poles 226731 (West pole) and 34334 (East pole) experienced contact during windy conditions on November 17, 2020.
  - The north conductor separation was approximately 135'8" from the west pole (17' from the lab reference cut). Separation of the north conductor, was caused by damage created during arcing between the north and center conductors.
  - The north phase exhibited multiple areas of arcing on both sides of the separated ends.
  - The center conductor exhibited multiple areas of arcing. The most severe arcing matches the location of the north conductor separation.
  - Conductor clashing typically occurs within the center third of the span. The span was 304 ft.
  - The separated strands (estimated to be about 50 by Dr. Kumar) on the north and center conductors were all caused by arcing during conductor clashing.
  - Recloser data analyzed by Don Russell indicates phase-to-phase fault at approximately 11:55 am followed by three phase-to-ground faults prior to lockout.
2. The west end of the north conductor fell to the ground and was discolored due to the ground fire. The north conductor contacted the triplex attached to the west pole and arced with the neutral wire approximately 8 ft. from the end of the triplex. There were multiple arc marks on the north conductor between 9.5 to 20.5 ft. from the cut end at the west pole, indicating additional contact with a grounded object such as a guy wire.
3. The east end of the north conductor fell to the ground in a gravel parking area and experienced mechanical damage. Apparently, numerous people had driven over the conductor. (Pidgeon deposition, p. 91).
4. Multiple wires were melted and fractured due to the heat generated during arcing when the conductors clashed in the mid-span area.
  - Every separated strand exhibits melting.
  - The core strand at the point of separation was melted.
  - Multiple aluminum strands exhibited melting, incipient melting and high temperature fracture.
  - The elevated temperature created during arcing also caused oxidation on the fracture surfaces.

5. The microstructure of the steel core at the point of separation indicates local melting due to arcing. The microstructure does not exhibit annealing or recrystallization due to resistance heating. The change in diameter at the point of separation is due to melting, not “tensile necking.”
  - The steel core at Item # 1, 23' to 23'4" was melted on one side and brittle cracks went through the melted and resolidified area. The "thumbnail" appearance created by the brittle crack was not characteristic of fatigue crack growth. No striations or beachmarks were present in the "thumbnail" region.
6. There is no evidence of a fatigue fracture in the conductor strands.
  - Fatigue is a progressive mode of crack growth that occurs in small increments due to cyclic stress of sufficient magnitude and duration. The progressive fatigue crack growth creates striations and “beachmarks” that are observed on the fracture surface (Metals Handbook article).
  - No striations or “benchmarks” were present on the fracture surfaces.
  - There’s no evidence of a separated conductor strand other than the mid-span region where conductor clashing occurred that exposed the strands to high temperatures due to arcing.
7. The fatigue strength of the ACSR conductor far exceeds the applied forces even during windy conditions.
  - The strength of the steel core is sufficient to support the ACSR conductor for a 304 ft. span
  - The applied cyclic stress on the aluminum strand (even for 5x the static tension on the conductor) is well below the fatigue strength for 1350-H19 aluminum.
  - The fatigue strength for the steel core is approximately 100,000 psi and far exceeds the applied cyclic stress.
  - The No. 4 7/1 ACSR has a rated breaking strength of 2,360 lb. (LIB001). The applied tension in the conductor for a 300 ft. span is 46 lbs. (LIB11879). The steel core carries the majority of the tensile forces due to the higher elastic modulus (steel =  $30 \times 10^6$  psi, aluminum  $10 \times 10^6$  psi) and construction of the ACSR conductor. The aluminum strands carry relatively little of the tension forces.
  - The highest stresses are at the end of the conductor where it is attached to the insulator, not mid-span.
  - The splices on the north conductor indicate a prior replacement in the mid-span area.
8. There is not any evidence of a “separation arc” in the multiple broken wires in the north and center conductors.
  - There is one area of separation on the north phase that exhibited damaged due to arcing when the north and center phases clashed.
  - A “separation arc” does not occur with a broken strand when there is a parallel conductive path through the remaining strands.
  - ACSR conductor (with low voltage and low current) does not exhibit a “separation arc” when there is a mechanical separation (such as a tree falling on the conductor).

9. "Bird caging" is a term used when the outer strands are displaced outward from the inner strand(s) by a relatively uniform amount. For ACSR, the outer strands are aluminum and the core strand is steel. Bird caging in ACSR can be caused by a sudden release of tension in the conductor or by the heat from a ground fire. The east end (Item #1) of the north conductor exhibited mechanical damage. The west end (Item #2) exhibited discoloration due to the ground fire and minor bird caging. The area of separation did not exhibit bird caging.

## **ATTACHMENT 14**

**Liberty's response to Data Request  
TURN-Liberty-002, Question 4. Opinions of Dr. Kumar on  
the Mountain View Fire at 1.**

## **OPINIONS- Mountain View Fire**

- The field-side conductor between Pole #1 (40288) and Pole # 2 (266731) failed at a distance of 133 feet (+ the cut section length from Pole #1 to ground) on the east side. The failure occurred at prior progressively fatigue cracked aluminum strands of the 7/1 ACSR (aluminum conductor steel reinforced) conductor and then final separation in the steel core with some tensile “necking” followed by a separation arc.
- After failure and separation, the energized failed end toward Pole #2 on the west side fell and arced with ground creating a fire, with arcing damage at and near the failed end and brown discoloration over a long length of the downed conductor.
- After failure, the failed end of the conductor toward Pole #1 on the east side shows no arcing of the failed end with ground or any mechanical damage.
- There were 25 fractured aluminum strands within 8½ feet of the failed end of the conductor toward Pole #1. The failed ends of aluminum strands revealed either a flat or an angled fracture, followed by either oxidation or arcing and melting of the fracture surface by the parting arc, typical of fatigue failures in ACSR conductors. Several failed ends of the aluminum strands show dark discoloration due to arcing, indicating that the fatigue failures occurred while the conductor was fully energized prior to the final failure.
- Although there is evidence of line slapping on the field-side and center conductors, there is no line slapping in the failure area of the field-side conductor.
- The failed and arced ends of the aluminum strands on both field-side and center conductors failed due to fatigue as evidenced by flat fractures and torsional fatigue with angled flat fractures, followed by either oxidation or separation arcing and melting. There is no evidence of mechanical damage, corrosion failure, or “pencil necking” type tensile fracture at or near all the failed ends of the aluminum strands.
- The field-side conductor also revealed line slapping damage with surface arcing from approximately 9 feet to 21 feet from the west end (near Pole #2), consistent with arcing with the service line after failure. There was one splice on the service drop conductor, indicating prior repair.
- Both the field-side and center conductors between Pole #1 and #2 had multiple fractured conductor strands, numerous arcing spots due to line slapping, and repair splice sleeves, indicating old and aged conductors that should have been replaced similar to the road-side conductor.
- Any equipment (e.g., spacers/dampeners) that reduces vibration in the conductors will reduce the conductor stresses for fatigue fractures and eliminate line slapping.

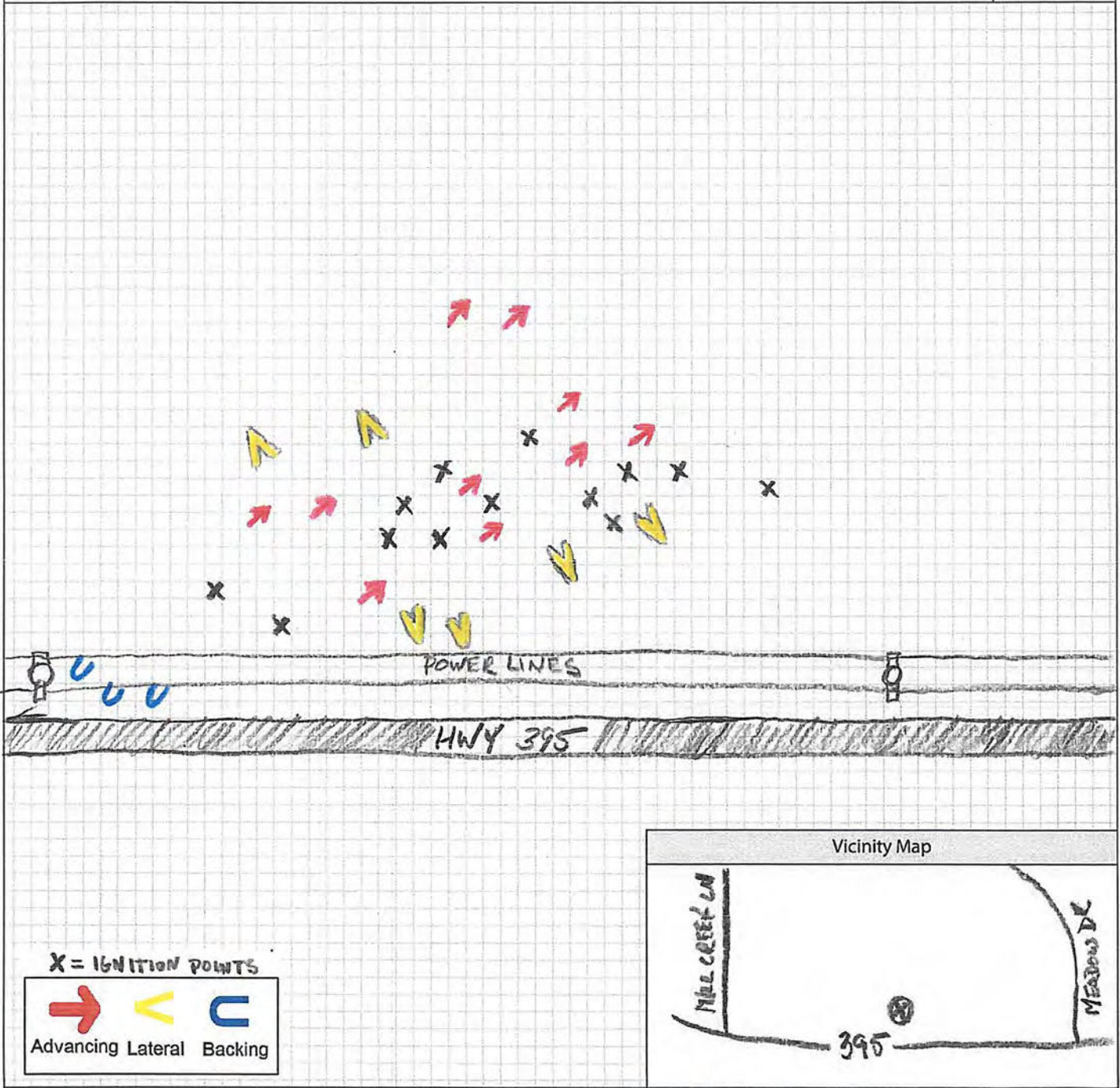
# **ATTACHMENT 15**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-023, Question 1.  
Exhibit 15 JP Testimony at 2**

15

State of California <b>CAL FIRE</b> WILD (REV. 10-2018)	<b>Fire Investigation Sketch</b> <b>CONFIDENTIAL</b> Wildland Origin & Cause Report	Incident Number	20CAOVD030860
		Incident Date	Nov 17, 2020

Sketch	
Notes:	<div>N</div> <div>↑</div> <div>Not to Scale</div>
Incident Name: Mountain View Incident Location: Walker, CA (38 30.7814, -119 28.0424)	



Reporting Officer:	M. KIRKHART	Signature:	<i>[Signature]</i>	Date:	Dec 18, 2020
--------------------	-------------	------------	--------------------	-------	--------------



# **ATTACHMENT 16**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-023, Question 1.  
City of Mono vs Liberty Utilities, Deposition of Captain  
Matthew Kirkhart on March 17, 2023, Riverside CA at 54**

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION  
3  
4 COUNTY OF MONO, a political )  
subdivision off the State of )  
5 California; ANTELOPE VALLEY )  
FIRE PROTECTION DISTRICT, )  
6 special district; TOIYABE )  
INDIAN HEALTH PROJECT, INC., )  
7 a California Corporation; )  
and BRIDGEPORT INDIAN COLONY, )  
8 )  
Plaintiffs, )  
9 )  
vs. ) CASE NO. 2:21-cv-00834  
10 ) -TLN-KJN  
LIBERTY UTILITIES (CALPECO )  
11 ELECTRIC), LLC; ALGONQUIN )  
POWER & UTILITIES CORP.; and )  
12 DOES 1 THROUGH 50, INCLUSIVE, )  
13 )  
Defendants. )  
\_\_\_\_\_ )  
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17 DEPOSITION OF MATTHEW KIRKHART  
18 RIVERSIDE, CALIFORNIA  
19 FRIDAY, MARCH 17, 2023  
20 10:10 A.M.  
21  
22

23 Reported by:  
Elizabeth Greiderer  
24 CSR NO. 10566  
25 Job No. 441034

1                   DEPOSITION OF MATTHEW KIRKHART, taken on  
2   behalf of the Defendants, at 11801 Pierce Street,  
3   Suite 200, Riverside, California, at 10:10 a.m.,  
4   Friday, March 17, 2022, before ELIZABETH GREIDERER,  
5   CSR No. 10566, a Certified Shorthand Reporter in and  
6   for the State of California pursuant to Notice.

7

8                   A P P E A R A N C E S

9   For the Defendants:  Liberty Utilities CalPeco LLC  
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27                                   and Cal Fire

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**COUNTY OF MONO, ET AL. vs LIBERTY UTILITIES (CALPECO ELECTRIC), LLC., ET AL.**  
**Matthew Kirkhart on 03/17/2023**

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9 The videographer: Andrew Holmes

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**COUNTY OF MONO, ET AL. vs LIBERTY UTILITIES (CALPECO ELECTRIC), LLC., ET AL.**  
**Matthew Kirkhart on 03/17/2023**

1	I N D E X		
2	DEPONENT	EXAMINATION	PAGE
3	MATTHEW KIRKHART	BY MR. MIJANOVIC	10, 103
4	MATTHEW KIRKHART	BY MR. JULIUS	98
5			
6	EXHIBITS	DESCRIPTION	PAGE
7	Exhibit 30	Defendant Liberty Utilities	
8		(CalPeco Electric) LLC's Amended	
9		Notice of Taking Deposition of	
		Matthew Kirkhart, Via Subpoena	42
10	Exhibit 31	Plaintiffs' Cross Notice of	
11		Taking Deposition of	
		Matthew Kirkhart	42
12	Exhibit 32	Xerox photographs	45
13	Exhibit 33	Supplementary Investigation	
14		Report	50
15	Exhibit 34	Fire Investigation Sketch	52
16	Exhibit 35	Xerox photographs	67
17	Exhibit 36	Xerox photograph	73
18	Exhibit 37	Xerox photograph	100
19	Exhibit 38	Xerox photograph	105
20			
21			
22			
23			
24			
25			

1 RIVERSIDE, CALIFORNIA, FRIDAY, MARCH 17, 2023

2 10:10 A.M.

3 THE VIDEOGRAPHER: Good morning. We are now on  
4 the record. The time is 10:10 a.m. This is the  
5 beginning of Media Number One in the deposition of  
6 Matthew Kirkhart in the matter of County of Mono, et  
7 al., versus Liberty Utilities (CalPeco Electric) LLC,  
8 et al. The Case Number for today's proceedings is  
9 2:21-CV-00834-TLN-KJN. Today's proceedings are both  
10 taking place remotely and in person at Regus in  
11 Riverside, California.

12 My name is Andrew Holmes. The -- I'm the  
13 videographer. And the court reporter today is  
14 Elizabeth Greiderer. We represent Huseby.

15 Will all counsel present in person please  
16 identify themselves and state whom they represent for  
17 the record beginning with taking counsel.

18 MR. MIJANOVIC: Krsto Mijanovic for  
19 Defendant Liberty Utilities CalPeco LLC and also with  
20 my office on Zoom is Steven Scordalakis.

21 MR. JULIUS: Jason Julius for plaintiffs.

22 MR. HIRSCH: Ross Hirsch for third party  
23 subpoena witness Matthew Kirkhart and Cal Fire.

24 THE VIDEOGRAPHER: Will all counsel via Zoom  
25 please introduce themselves and state whom they



1 represent for the record, please continue.

2 MR. SIMON: Craig Simon of Berger Kahn on  
3 behalf of subrogation plaintiffs in the state court  
4 action.

5 And if it's okay with everyone, I'll just go  
6 around Jess.

7 MS. KIRSHNER: Good morning. Jessica  
8 Kirshner Law Offices of Shawn Caine for various  
9 plaintiffs in the state court action. And with me  
10 today is Brook Engel from our office.

11 MR. SIMON: Jon.

12 MR. CADIEUX: This is Jon Cadieux on behalf  
13 of plaintiffs in the state court action from  
14 Singleton Schreiber.

15 MR. SIMON: Dana.

16 MS. MEYERS: Good morning. Dana Meyers of  
17 Cozen O'Connor representing various subrogation  
18 plaintiffs in the state JCCP action.

19 MR. SIMON: Zach.

20 MR. MARKS: Zach Marks from Denenberg  
21 Tuffley for various subrogation plaintiffs in the  
22 state court action.

23 MR. SIMON: Lilla.

24 MS. SHKOLNIKOV: Good morning. Lilla  
25 Shkolnikov, Grotefeld, Hoffmann on behalf of various

1 subrogation plaintiffs in the state case JCCP action.

2 MR. SIMON: Bill.

3 MR. LOSCOTOFF: Bill Loscutoff for various  
4 subrogating plaintiffs in the state court action.

5 MR. SIMON: Joanna.

6 MS. FOX: Good morning. Joanna Fox from Fox  
7 on behalf of various individual plaintiffs in the  
8 state court JCCP.

9 MR. SIMON: David.

10 MR. BRISCO: Good morning. David Brisco,  
11 Cozen O'Connor for various subrogation plaintiffs in  
12 the state court case JCCP.

13 MR. SIMON: Paul.

14 MR. LANDIS: Paul Landis from Bauman Loewe  
15 Witt & Maxwell for various plaintiffs in the state  
16 court case JCCP.

17 MR. SIMON: Ana.

18 MS. GONZALEZ: Good morning. Ana Gonzalez  
19 with Schroeder Loscutoff Stevens for various  
20 subrogating plaintiffs in the state court action.

21 MR. SIMON: Margaret.

22 MS. SELL: Good morning. Margaret Sell for  
23 Grotefeld Hoffmann for various subrogating insurance  
24 companies in the state court action.

25 MR. SIMON: Joe.

1 MR. LIEBMAN: Good morning. Joseph Liebman  
2 for individual plaintiffs in the state court action.

3 MR. SIMON: Someone designated as RH.

4 MR. HIRSCH: Yeah. That's me, Craig.

5 MR. SIMON: Thank you.

6 THE VIDEOGRAPHER: Will the reporter please  
7 swear in the witness.

8 DEPOSITION OFFICER: Okay. Sir, raise your  
9 right hand and I'll swear you in, thank you.

10 You do solemnly swear the testimony you are  
11 about to give in this deposition proceeding will be  
12 the truth, the whole truth and nothing but the truth  
13 so help you God?

14 THE WITNESS: Yes, ma'am.

15 DEPOSITION OFFICER: Thank you.

16 THE VIDEOGRAPHER: You may proceed, Counsel.

17

18 EXAMINATION

19 BY MR. MIJANOVIC:

20 Q Sir, please state your name for the record.

21 A Matthew Kirkhart.

22 Q Please spell that for us.

23 A M-a-t-t-h-e-w, K-i-r-k-h-a-r-t.

24 Q Have you ever had your deposition taken?

25 A No.

1 Q Congratulations.

2 A Thank you.

3 Q I'll go over the rules.

4 I will ask you questions, you provide  
5 answers to the extent that you understand my  
6 questions. The court reporter, sitting to your  
7 right, will take everything down into a transcript  
8 which you will have an opportunity to review in the  
9 future to ensure accuracy to your testimony.

10 You understand that?

11 A I do.

12 Q You are providing testimony under penalty of  
13 perjury.

14 You understand that?

15 A Yes.

16 Q It's the same as if you were to testify in a  
17 court of law.

18 Understood?

19 A Yeah.

20 Q Here's one of the most important rules: We  
21 can only speak one at a time. The court reporter has  
22 to take down everything that is said. So what I will  
23 do is I will try to slow down my tempo a bit and then  
24 pause, give you a chance to answer the question. And  
25 then once you finish answering the question then I

1 will give it a little bit of a pause and then ask  
2 another question.

3 Understood?

4 A I understand.

5 Q If by chance we talk over one another I'll  
6 just remind you of that rule. I'm not being rude or  
7 anything, it's just for the court reporter's sake.

8 A Got it.

9 Q Thank you.

10 You'll have a chance to review the  
11 transcript in the future to make necessary changes.  
12 What I'm about to tell you I tell my own client.

13 You can make changes, but if it's a material  
14 change attorneys can comment on it and it can prove  
15 embarrassing to you. I want to give you an example  
16 of a material change.

17 All right?

18 A Yes.

19 Q Say you witness a car accident. And your  
20 deposition is taken. And at deposition you say,  
21 well, the light was red for the white vehicle. Later  
22 on when you review the transcript and you cross out  
23 red and then you write in green. Now, if one of the  
24 material issues in the case was that the color of  
25 that phase, the color of the light, attorneys may say

1 but which one of the two times were you telling the  
2 truth. It's a little bit dramatic, but the point is  
3 it could prove embarrassing to you if you make  
4 material changes on just giving you that admonition.

5 And what I tell my own clients is just give  
6 your best testimony at deposition, there's no need to  
7 change anything later on.

8 Understood?

9 A Understood.

10 Q Now, you can make changes to names, maybe  
11 there's a spelling issue, that's perfectly fine, and  
12 acceptable and won't be a problem whatsoever.

13 Understood?

14 A Understood.

15 Q I may ask you questions that require you to  
16 give an estimate. For example, how long did it take  
17 you to come down to this office from your home,  
18 assuming you came from home. You experienced that  
19 trip, you walked it, you probably hit a little bit of  
20 traffic, stopped by for some coffee; but because you  
21 experienced the traveling from Point A to Point B  
22 unless you timed it you can give a ballpark estimate.

23 Understood?

24 A Understood.

25 Q So when I ask you can you give me your best

1 estimate I'm in essence asking you to give me your  
2 best ballpark estimate.

3 Understood?

4 A Understood.

5 Q Now, if I -- if you were to ask me how long  
6 did it take you to make that trip down to this  
7 office, well, I wasn't there. So that would be a  
8 guess, right, because it's not based on anything.  
9 And that ends up being the difference between a guess  
10 and an estimate -- is an estimate is based on some  
11 foundational experience utilizing one of your senses  
12 and then you are drawing on that experience and  
13 drawing an estimate.

14 Understood?

15 A Understood.

16 MR. SIMON: Krsto, could you put on the  
17 record our agreement with regard to objections when  
18 appropriate.

19 MR. MIJANOVIC: When appropriate, yes, I  
20 will.

21 BY MR. MIJANOVIC:

22 Q I do not want you to answer any questions  
23 that you do not understand, agreed?

24 A Agreed.

25 Q If you do not understand one of my questions

1 will you tell me?

2 A Yes.

3 Q From time to time an attorney may object to  
4 a question. That objection is just to preserve an  
5 objection for the record, because we have no judge  
6 here, no one to rule on an objection. So that's  
7 preserved for the record and then later attorneys  
8 take that up with the court.

9 You still have to answer the question even  
10 if there's an objection. The only exception to that  
11 is if your own attorney tells you, "Do not answer  
12 that question." Then I suggest you listen to your  
13 attorney.

14 All right?

15 A Yes.

16 Q Okay. For purposes of this deposition what  
17 the attorneys have agreed to do is if one of the  
18 attorneys objects, for example, vague and ambiguous,  
19 we've agreed that that objection will apply to all  
20 parties in this case so they don't have to say join  
21 or recite the same objection. Now, earlier you heard  
22 how many attorneys are in this deposition. The last  
23 thing we want to do is listen to all of those  
24 objections.

25 So what we've agreed is one objection to



1 applies all.

2 Understood?

3 A I understand.

4 MR. MIJANOVIC: Craig, do you want to add  
5 anything to that?

6 MR. HIRSCH: The only thing I would add is  
7 you said for this deposition. And I think the  
8 parties have stipulated that since this is the first  
9 where we've all joined that this stipulation of all  
10 parties will pertain to all depositions without  
11 having to put the same stipulation on the record.

12 And I'm going to pause a moment for any  
13 attorney who objects to this procedure to state it  
14 now.

15 MR. MIJANOVIC: So, Craig, what we're going  
16 to do is address this issue in the current draft of  
17 CMO Number 1 that we're working with. All right?

18 MR. SIMON: Excellent. Thank you.

19 And that was Craig Simon. Appreciate it.

20 MR. JIHANOVIC: Thank you.

21 BY MR. MIJANOVIC:

22 Q Have you reviewed any documents,  
23 photographs, any information to prepare for today's  
24 deposition?

25 A No.

1 Q A little bit of background.

2 Sir, what is your educational background?

3 A Some college.

4 Q What year did you graduate high school?

5 A 1995.

6 Q Which high school?

7 A Yucaipa High School.

8 Q And after graduating from high school did  
9 you have any post high school education -- classes,  
10 college, trade?

11 A I did. Directly out of high school I went  
12 to college.

13 Q And which college was that?

14 A University Nevada Las Vegas.

15 Q And how long did you spend there?

16 A Two years.

17 Q That was well after they won their  
18 championship?

19 A It was, yes.

20 Q Did you get your AA from UNLV?

21 A No.

22 Q After that two years did you have any other  
23 type of education, certification courses, trade  
24 schools, anything of the sorts?

25 A Yes, I transferred to Cal State San

1 Bernardino.

2 Q And tell me about your time there.

3 A I spent a semester there.

4 Q After Cal State San Bernardino any other  
5 schooling?

6 A Formal schooling no -- I mean college  
7 classes here and there or classes that would count  
8 with college credit but not fully enrolled in a  
9 full-time student.

10 Q When did you first take fire science  
11 classes?

12 A 2002.

13 Q And where did you do that?

14 A I was hired with the United States Forest  
15 Service in 2002, began my basic training.

16 Q So you took your fire science classes after  
17 you were hired with the U.S. Forest Service?

18 A Correct.

19 Q And what was your entry level position with  
20 the U.S. Forest Service?

21 A I believe the actual term is a forestry  
22 technician, but it would be an entry level  
23 firefighter.

24 Q And as far as your fire science courses are  
25 concerned did those courses concern fire

1 investigation?

2 A Yes.

3 Q And when did you first take fire  
4 investigation courses?

5 A 2003 would have been my first fire  
6 investigation class. It was a prevention and I  
7 don't -- all of the fire classes have numbers  
8 assigned to them. And I believe this one was P101 --  
9 but I don't remember the exact title -- but it was  
10 basically first arriving, like scene preservation  
11 type stuff.

12 Q And was that class taken through the Forest  
13 Service?

14 A Yes.

15 Q Did you ever take the equivalent of 1A and  
16 1B Fire Investigation?

17 A I did.

18 Q When did you do that?

19 A So I took that series starting in 2016 and  
20 completed the series in 2018.

21 Q When you say you completed the series is it  
22 all the classes that you believe you needed to take  
23 in order to become a fire investigator?

24 A Correct. It was fire investigation 1A, 1B  
25 2A, 2B. And I received my Fire Investigator 1 and 2

1 Cert in -- I don't have an exact date, I'd be  
2 guessing -- but about 2018, 2019.

3 Q Describe for me your understanding as to  
4 that certification for Fire Investigation?

5 A At that time -- there's a new series now --  
6 but that was the high -- a Fire Investigator 2 was  
7 the highest State Fire Marshal Investigation Cert you  
8 could hold.

9 Q That's the one you obtained?

10 A Yes, sir.

11 Q In approximately 2019?

12 A I believe, yeah.

13 Q And as far as investigating fires as a  
14 Certified Fire Investigator when did you start doing  
15 that?

16 A At -- well, I was in my current position of  
17 a fire captain -- well, that's not my current  
18 position now -- but I was a Fire Captain Specialist  
19 in our Fire Prevention Bureau when I received that  
20 certification. So the day I got the certificate was  
21 the day I started investigating fires under that --  
22 that certification.

23 Q And how many fires have you investigated as  
24 a lead fire investigator?

25 A Estimating -- are you -- can I ask a

1 clarifying question?

2 Q Sure.

3 A So in my position with Cal Fire as a company  
4 officer even on the fire suppression side we were  
5 responsible for preliminary fire investigations. So  
6 I would have started investigating fires in 2009 when  
7 I became an engineer, but as -- so I guess the  
8 clarifying question would be are you -- are you  
9 speaking in my time as the -- in the Fire Prevention  
10 Bureau or are you talking as my time as a Company  
11 Officer with Cal Fire.

12 Q Well, let's just start off with after you  
13 became a full fledged Certified Fire Investigator  
14 from that time forward.

15 A Okay. How many lead investigations I've  
16 done?

17 Q Yes, sir.

18 A So with that Certified Fire Investigator  
19 cert we're -- that's dwelling more into the  
20 structural side of fire fighting; whereas NWCG FI 210  
21 qualified as an NIVF, Investigator of Wildlife Fire,  
22 would be obtained -- I took that class in 2017. So  
23 then my -- I think I -- and that task book was  
24 assigned -- there's a task book that goes along with  
25 that where you have to perform different functions.

1 And that was signed off in 2018.

2 Q All right.

3 So let me unpack that a bit. Okay?

4 A Yeah.

5 Q So when you went through your Wildland Fire  
6 Origin of Cause --

7 A Uh-huh.

8 Q -- training --

9 A Uh-huh.

10 Q -- that was in 2016?

11 A '17.

12 Q 2017?

13 A Yes, sir.

14 Q And did you take that FI 210 course?

15 A I did.

16 Q And that was with a National Wildfire  
17 Coordinating Group?

18 A Yes. That was the curriculum that was put  
19 on by Cal Fire.

20 Q All right.

21 And that specific course that you took was  
22 only focused on wildland fires, correct?

23 A Correct.

24 Q And did you obtain your certification after  
25 completing that course in 2017 for Wildland Fire

1     **Origin Cause Investigation?**

2           A     No. You obtain the position of basically  
3     the term is INVF, like a Wildland Fire Investigator.  
4     And you become a trainee until you complete the task  
5     book that's assigned with that. And so I completed  
6     that task book I'm going to estimate in 2018.

7           Q     So in 2018 you completed all the necessary  
8     steps to become a Wildland Fire Origin Cause  
9     Investigator?

10          A     Qualified, yes.

11          Q     Qualified.

12          A     Yes.

13          Q     All right. Thank you.

14          A     Yeah.

15          Q     How many wildland fires have you  
16     investigated as a lead investigator?

17          A     50 to a hundred.

18          Q     And that was since 2018?

19          A     Being -- yeah, fully qualified.

20          Q     Briefly what is your current position?

21          A     My current position is Battalion Chief of  
22     Fire Prevention in Law Enforcement.

23          Q     Is that the position Mr. Pidgeon held before  
24     you?

25          A     Correct.



1 Q And you were promoted to that position after  
2 he was promoted to his?

3 A Correct.

4 Q You were next in line?

5 A Yeah.

6 Q All right.

7 A Can I -- I need to make a correction.

8 Q Please.

9 A I took FI 210 in 2016.

10 Q Okay.

11 A Yup.

12 Q Thank you.

13 A Yeah.

14 Q Briefly FI 210 can you describe for me about  
15 that course.

16 A Yeah. So that is the national standard for  
17 wildland fire investigation. It delves into  
18 recognizing fire burn pattern indicators, report  
19 writing, all -- everything all the way up to  
20 finalizing your -- taking you through the scientific  
21 method, your hypothesis, all that stuff 'til you come  
22 out to the final conclusion.

23 Q Does the FI 210 course touch on NFPA 921?

24 A No.

25 Q Does it adopt the scientific method as a

1 guideline at all that's referenced in NFPA 921?

2 A The basis for FI 210 is the scientific  
3 method.

4 Q All right.

5 And as far as the course that you took did  
6 you study investigative methods in terms of an origin  
7 of cause analysis or investigation?

8 A Yes.

9 Q Did you study evidence collection?

10 A A little bit. There's not a whole lot in  
11 there, but through my -- we have to take the full  
12 POST's RBC academy and we do more evidence collection  
13 in that classroom.

14 Q And as far as your methodology for  
15 conducting an origin of cause investigation is it any  
16 different in a wildland fire scenario versus a  
17 structure fire?

18 A Can you repeat the question.

19 Q Your methodology -- how you go about doing  
20 an origin of cause investigation -- is your  
21 methodology different for a wildland origin cause  
22 investigation versus a structure fire?

23 A Yes.

24 Q How so?

25 A Well, they're two different fire types.

1           So wildland fires typically will always be  
2     outside and in a more open area. It's typically the  
3     entire fire areas visible to you. Where with a  
4     structure fire I would start on the outside of the  
5     structure where I would do the walk-around of that  
6     structure, and then make my way into the structure  
7     and work from the area of least involvement to most  
8     involvement looking at burn indicators and such until  
9     I can find an actual -- it's almost the same as a  
10    general origin area. And then you can go further  
11    down into a specific origin area until you hopefully  
12    find some sort of ignition source in the point of  
13    origin in a structure.

14           Whereas in a wildland fire you are going to  
15    do -- you're going to establish a general origin  
16    area. You are going to walk that -- we do a one time  
17    counter clockwise, one time clockwise or vice versa,  
18    it doesn't matter. It's usually the easiest way to  
19    walk when you get there. And then you are taking a  
20    note of indicators, fire burn indicators as you are  
21    doing that. As you come back, as you establish that  
22    general origin area then you'll start working in a  
23    scientific type method of -- of an S-Type Pattern  
24    going through indicating finding indicators and  
25    marking those with flags of different colors, which I

1 can go into if you would like me to, but -- so you're  
2 basically it's you're -- you're not working from like  
3 the least involved to most involved.

4 Typically you're -- as a fire builds and  
5 goes further there's actually usually more damage as  
6 it goes out versus the origin area of a wildland fire  
7 is typically less involved. You'll find incomplete  
8 combustion on -- on indicators and stuff like that.  
9 So it's a -- they are different. They are different.

10 Q For your methodology on investigating  
11 wildland fires do you agree that you first want to  
12 identify a general area of origin?

13 A Yes, sir.

14 Q And once you identify that general area of  
15 origin do you agree that you are then to look for  
16 potential sources of ignition in the general area of  
17 origin?

18 A Yes.

19 Q All right.

20 And you want to identify all potential  
21 sources of ignition with any general area of origin;  
22 do you agree with that?

23 A Correct.

24 Q Do you agree that interviewing witnesses  
25 that may have seen events before or during a fire may

1 be important to you as an investigator?

2 A Absolutely.

3 Q Why is that?

4 A Typically witnesses to fires were there near  
5 or at the time of ignition. And they're very helpful  
6 in narrowing down indicators and areas of possible  
7 ignition. Or a lot of times with today people have  
8 that on video, because everyone's quick with their  
9 phone.

10 Q So a witness may help guide you to narrow  
11 the specific origin area, correct?

12 A We would take what they say into account,  
13 yes.

14 Q For purposes of doing an investigation?

15 A Sure.

16 Q All right.

17 Once you identify a potential source of  
18 ignition in a general area of origin, do you then as  
19 a fire investigator investigate each potential source  
20 of ignition to either confirm it as a probable cause  
21 or eliminate it as a probable cause?

22 A Correct, yes.

23 So typically when we're getting down to  
24 actual points of ignition we would narrow that area  
25 down to more of a specific origin area, which we

1 would refer to as the SOA. So once we've narrowed it  
2 down to that area where we follow back all the  
3 indicators that lead us back to that specific origin  
4 area, and it's a smaller more manageable area, we can  
5 start looking at what we would call micro indicators  
6 in there.

7 Yes, as we found points of ignition we would  
8 hypothesize those and validate them to if it was a  
9 possible or probable cause. Yes.

10 Q So when you're conducting a wildland origin  
11 cause investigation you would generally try to narrow  
12 it down to a specific origin area?

13 A Correct.

14 Q And once your investigation narrows down an  
15 area of origin to a specific origin area are you in  
16 essence excluding everything outside of that specific  
17 origin area as a cause?

18 A Yes.

19 Q And so once you identify a specific origin  
20 area is it your job then as a wildland fire  
21 investigator to identify all potential sources of  
22 ignition in that specific origin area?

23 A Yes.

24 Q And your focus then becomes all right what  
25 is in this specific origin area that could have

1      **caused this fire?**

2           A      Correct.

3           Q      And you are looking at all potential sources  
4      of ignition then in that specific origin area,  
5      correct?

6           A      Correct.

7           Q      Are there any tools that you utilize to  
8      assist you in investigating and examining a specific  
9      origin area?

10          A      Multiple.

11          Q      Can you describe some of those.

12          A      Sure.

13                 We can go all the way down to magnifying  
14      glasses. I mean there's times where we can narrow  
15      down a specific origin area down into 2 by 3, 1 by 1  
16      area. And we'll actually set up a grid with stakes  
17      and twine to make them individual boxes that are  
18      smaller. We will actually go through those boxes  
19      with magnifying glasses if need be to try to find --  
20      I mean we can find match heads, burned match heads  
21      and stuff in some of that stuff, but --

22          Q      Ignition devices?

23          A      Ignition devices, yeah. You could -- I mean  
24      that would be --

25          Q      A match book?

1           A       If you are lucky. I mean, yeah.

2           Q       **Sure.**

3                   **So magnifying glasses --**

4           A       Magnifying glasses, we use magnets.

5           Q       **On the magnets can you elaborate on that?**

6           A       Sure.

7                   So typically on every fire we'll utilize --  
8       well, there's a bunch of different magnets. The ones  
9       that we have for us right now are basically a long  
10      bar magnet about one by two. And it's attached to a  
11      stick. We'll just run that -- we would put a plastic  
12      bag over that, like reverse the plastic bag over it.  
13      And we'll run that magnet over the area that we  
14      believe is the origin area looking for any type of  
15      metal, metal shavings, anything like that that could  
16      possibly indicate maybe equipment use or anything  
17      that was in that area that holds a magnetic source.

18                  Then we would use -- purpose of having that  
19      bag reversed is then you just take that bag back off  
20      the magnet and now you've captured as evidence any  
21      kind of metallic fragments, magnetic metallic  
22      fragments.

23          Q       **Understood.**

24                  **Within that specific origin area you would**  
25      **also use flags of different colors?**



1           A       Yes. Yeah. If you want to qualify those as  
2       tools, yeah.

3                   So we use -- we use those flags to mark the  
4       fire direction indicators. Yellow would be a lateral  
5       indicator, which lateral would be the edges of the  
6       fire where the fire is actually spreading laterally.  
7       We would use red markers, red flags which are for  
8       advancing fire. So those red flags would show that  
9       the fire was advancing at that point. We use blue  
10      flags to indicate backing fire where it's a little --  
11      it's burning back against what would be the head of  
12      the fire towards the heel. We use green -- I believe  
13      they are calling them lime green now. Fluorescent  
14      green flags for points of interest if we see  
15      something that just looks weird and we want to come  
16      back to it later we'll drop a green flag there so we  
17      can come back and delve into it more. White flags  
18      are basically the origin area or evidence.

19           Q       So a white flag is placed if you identify a  
20      piece of evidence in a specific origin area?

21           A       Correct.

22           Q       And the white flag would indicate a  
23      potential cause?

24           A       Yes.

25           Q       So the flagging of a specific origin area

1     that's in essence only done in a specific origin  
2     area, correct?

3           A     It would be the general origin area so that  
4     the flagging -- let me back up.

5                     So the general origin area could be large.  
6     It could be up to an acre or some of these larger  
7     fires are bigger than that. And you would follow  
8     those general indicators back. And we would use  
9     flags at that point as well. That is the purpose,  
10    like you drop these flags and you're basically  
11    reverse following the fire back to its point of  
12    origin.

13           Q     Are the use of the flags intended to  
14    identify how you're viewing certain burn patterns?

15           A     Yes.

16           Q     And then you are utilizing the color of  
17    those flags to explain how it is that you got to the  
18    specific origin area?

19           A     Correct.

20                     So the flags help us -- well, they will show  
21    what indicator is found. So in that sense we found  
22    an advancing indicator we would drop a red flag. And  
23    then we follow those back, because as you are working  
24    in that S-Type pattern you'll basically find the  
25    flank of the -- the first flank of the fire you walk

1 across identifying any advancing indicators or any  
2 other kind of indicators until you find the other  
3 flank, which then you would drop another yellow flag.  
4 And then you would start back the other way dropping  
5 more flags for indicators until you got -- reach the  
6 other flank. And so you continue back and forth,  
7 back and forth, back and forth marking those  
8 indicators that you find with the appropriate flag  
9 until it brought you back to that specific origin  
10 area which you would start to find the lateral flags  
11 are typically closer together. You'll start to find  
12 some backing indicators, which is where we would drop  
13 the blue flagging indicating that's the furthest  
14 point back that the fire burned. And then the  
15 advancing indicators would probably be narrower there  
16 as well.

17 Q Understood.

18 All along you are photo documenting the  
19 specific origin area, correct?

20 A Correct.

21 Q Do you also photo document the general  
22 origin area?

23 A Yes.

24 Q And then once you've photo document the  
25 general area of origin and a specific origin area,

1 those photographs are retained and provided to  
2 someone at Cal Fire to hold onto them?

3 A Correct.

4 Q All right.

5 And they've become part of the investigative  
6 file if you will?

7 A Yes.

8 Q What is a heel of a fire?

9 A The heel of the fire would be the furthest  
10 back point. They refer to it as a heel, because  
11 typically a fire is either wind topography or --  
12 driven. So the heel would be like the heel of a  
13 foot. If you imagine the heel of -- or your foot as  
14 a fire pattern the heel is the back and it takes off  
15 in a triangular fashion.

16 Q Understood. All right.

17 And do you take into account the direct- --  
18 wind direction in terms of where it's blowing in  
19 order to help you identify heel of a fire?

20 A Yes.

21 Q And why is that?

22 A Typically fire does not burn well against  
23 the wind, which is where you would find your backing  
24 fire indicators. So it's on a wind driven fire it is  
25 fairly easy to find the heel of the fires, because it

1 starts as a small fire and then the wind just it --  
2 it burns with the wind as it expands out.

3 Q Understood.

4 When it comes to wildland fire investigation  
5 the four possible conclusions you can reach in terms  
6 of the cause would be a natural fire, incendiary  
7 fire, accidental fire or undetermined; you agree?

8 A No.

9 Q What other category is there?

10 A There's really 12 recognized categories.

11 You have debris fires, campfire, lightning,  
12 power lines, railroads. I mean you could narrow them  
13 down to that, but those are the main ones -- playing  
14 with fire, arson.

15 Q A lot of those seem to be falling into the  
16 accidental group.

17 A They do. I mean in that -- but we rule  
18 those out. We broaden the scope of the  
19 investigation. Instead of on wildland cause -- on a  
20 structural type fire you would say that would be your  
21 conclusion, it was accidental, electrical say.

22 Q Uh-huh.

23 A Or it could be incendiary arson. So and  
24 that would suffice for the structural side.

25 On the wildland side we delve a little

1 deeper into it.

2 Q You have a more categories on the wildland  
3 fire?

4 A Correct.

5 Q Camp fires for example?

6 A Correct.

7 Q Someone could accidentally leave a campfire  
8 out there, and not put it out and that causes a fire?

9 A All the time.

10 Q So that would be -- if you were to utilize  
11 the four categories in a structural fire that would  
12 be an accidental fire, but since you are doing a  
13 wildland fire investigation it would be an accidental  
14 campfire fire?

15 A We wouldn't even classify it as an  
16 accidental. It would just be the cause was an  
17 abandoned campfire.

18 Q Understood.

19 DEPOSITION OFFICER: Can I have one second.

20 MR. MIJANOVIC: Yes.

21 MR. HIRSCH: Do you need water?

22 THE WITNESS: No, I'm good.

23 BY MR. MIJANOVIC:

24 Q I was going to say if you need a break this  
25 is not a marathon so --

1 A Yeah, absolutely.

2 Q We'll take a break here soon any minute.

3 A Sure.

4 Q How many fires have you investigated that  
5 were -- where there was an electrical fire or  
6 electrical cause that was suspected?

7 A I'd be hard to put a number to it, but 20 to  
8 40.

9 Q And does that include wildland fires as well  
10 as structural fires or vehicle fires?

11 A Oh, no. That's specifically wildland.

12 Q So you've investigated 20 to 40 wildland  
13 fires where an electrical cause was suspected?

14 A Yes, at least part of the investigation not  
15 necessarily lead but --

16 Q Sure.

17 When you investigate wildland fires is it  
18 correct that you're either in a support role for a  
19 lead investigator or you're a lead investigator  
20 driving the investigation?

21 A Yeah.

22 Q All right.

23 While on that topic, how is that determined  
24 in terms of who will take the lead on a particular  
25 fire?

1           A       We don't have a spoken rule. It's typically  
2     it depends on caseload on other guys. Like if I'm  
3     four or five reports deep already and my partner  
4     doesn't have any then usually they'll take it. It  
5     can be whoever shows up first.

6           Q       Is it based on a discussion that you and  
7     your team have?

8           A       Yeah. Yeah. I mean that'll be decided  
9     right at the beginning of, well, who's going to take  
10    it. Whoever's brave enough to raise their hand.

11          Q       Sure.

12          A       Yeah.

13          Q       And now that you are the battalion chief can  
14    you explain to me if it's the same process -- is that  
15    how it's decided in your current team?

16          A       Yes. I mean we work a set -- we have set  
17    days. And then so those guys are partnered up we'll  
18    say for those set days. So typically that's who they  
19    are working with all the time, so they usually have  
20    it worked out.

21                 Like when I was a captain me and my partner  
22    just had it worked out. We knew what each other's  
23    caseload was or who had taken the last fire. And it  
24    just kind of works out just between yourselves.

25          Q       Once you and your team of investigators



1 huddle together and say, well, why don't you take it,  
2 Mr. Kirkhart.

3 A Uh-huh.

4 Q What does it mean to be a lead fire  
5 investigator on any fire?

6 A So lead basically you're going to write the  
7 final report. And so you can delegate. Depending on  
8 how many people you have on these larger type fires  
9 that go a million acres, we'll call in -- I mean  
10 we'll have up to ten investigators that come. You  
11 might have guys that are out doing interviews and  
12 they'll compile the interview piece. You'll have --  
13 you'll assign someone to do the origin and cause.

14 And so it depends on the size of the fire on  
15 what you would delegate out.

16 Q So the lead investigator writes the final  
17 report?

18 A Correct.

19 Q So does that mean that a lead investigator  
20 would have to speak to the other investigators that  
21 had more specific duties?

22 A Yes. They would take the input. So if I  
23 were the lead investigator, but I was not necessarily  
24 doing the origin and cause. Like those guys would  
25 write me basically a supplemental report stating what

1 they did. They would basically do their own Origin  
2 and Cause Report and I would take that as -- and that  
3 would be supplemental to my report. And I would  
4 write that in my -- the body of my report of what  
5 their findings were.

6 Just like I would take the other guys that  
7 were doing witness interviews and I would take what  
8 they said that was pertinent into the body of the  
9 report and place that in there as well.

10 Q Does the lead investigator on a wildland  
11 fire make the determination as to the origin of cause  
12 based on all of the information and evidence that's  
13 collected?

14 A No.

15 So the lead investigator if he had delegated  
16 the origin and cause out to another team or another  
17 person then that person would be who is responsible  
18 for that origin and cause.

19 Q So it depends on whether the lead  
20 investigator reserved that right for himself to  
21 determine origin and cause versus delegating it out?

22 A Correct.

23 Q And again it's based on the size of the  
24 fire, it's a very dynamic situation. So this is all  
25 worked as divvied up, but ultimately the lead

1 investigator has to communicate with everyone before  
2 making a decision because he has to write the report?

3 A Correct.

4 Q Did you -- well, strike that.

5 Let me just take -- handle just a couple  
6 housekeeping matters.

7 I'll attach as Exhibit 30 to this transcript  
8 Defendants' Notice of Taking Deposition of  
9 Mr. Kirkhart. The notice includes the subpoena that  
10 Mr. --

11 MR. SIMON: Counsel, this is Craig Simon.  
12 When we can go off the record can we talk about how  
13 to number exhibits in general, it's a thought.

14 MR. MIJANOVIC: Well, so this Deposition  
15 Notice is attached as Exhibit 30.

16 I'll attach as Exhibit 31 Plaintiffs' Cross  
17 Notice of Taking of Deposition of Mr. Kirkhart.

18 Why don't we take a break. We'll go off the  
19 record.

20 THE VIDEOGRAPHER: We are going off the  
21 record. It is 10:55 a.m.

22 (Exhibit 30 and 31 were marked for  
23 identification and are attached hereto.)

24 THE VIDEOGRAPHER: We are back on the  
25 record. It is 11:29 a.m.

1 BY MR. MIJANOVIC:

2 Q Sir, we're back on -- we're back from a  
3 break.

4 Is there any part of your testimony you'd  
5 like to change this morning?

6 A No.

7 MR. SIMON: This is Craig Simon.

8 While we're back from the break I'd like the  
9 record to indicate that the lawyers were gone for  
10 just about 30 minutes without any indication during  
11 that time that the break would go so long and without  
12 an apology coming back.

13 And we'll just keep going.

14 MR. HIRSCH: I'll just clarify Mr. Simon's  
15 stated that by lawyers I don't think he meant all  
16 lawyers. There was only one that we were waiting  
17 for. And the deponent and counsel were here other  
18 than the taking attorney. So I just want to clarify  
19 it has nothing to do with Cal Fire or the witness  
20 causing that delay.

21 MR. SIMON: Yes, that was my point that  
22 everyone was waiting for Krsto.

23 BY MR. MIJANOVIC:

24 Q Sir, are you ready to go back with your  
25 testimony?

1 A Yes.

2 Q All right.

3 Were you assigned to investigate the fire  
4 that occurred on November 17th, 2020?

5 A Yes.

6 Q And what assignment did you receive?

7 A From dispatch or just when I arrived at  
8 scene?

9 Q What was your role for this particular fire?

10 A Photographs and sketch.

11 Q Anything else?

12 A Not that I recall.

13 Q Did you interview any witnesses?

14 A No.

15 Q Did you determine the general area of the  
16 fire?

17 A Through communication with Chief Pigeon,  
18 yeah, we came up with the general origin area.

19 Q So was it between you and Mr. Pidgeon  
20 collectively that you determined the general origin  
21 area?

22 A Correct.

23 Q And did you -- strike that.

24 Who determined the specific origin area?

25 A Again it was a collective agreement.

1 Q Between you and Mr. Pidgeon?

2 A Correct.

3 Q When you determined the general origin area,  
4 what did you do in order to help you at least make  
5 that determination?

6 A That is when we go -- we'll walk the, well,  
7 what can be the perimeter of the fire area that -- at  
8 that point. And we basically walk it out to -- 'til  
9 we decided that there's a big enough yet small enough  
10 area to begin using indicators to take us back to  
11 what would be an SOA, specific origin area.

12 Q So you walk the entire general origin area  
13 and as you were doing so you were looking for fire  
14 indicators that ultimately led you to the specific  
15 origin area?

16 A Correct.

17 Q When you -- well, strike that.

18 What I'll do is I'll mark as next in order  
19 which is Exhibit 32. It is --

20 MR. JULIUS: I've got it. It's okay.

21 MR. MIJANOVIC: You've got it?

22 MR. HIRSCH: I'll take one.

23 MR. MIJANOVIC: Okay.

24 (Exhibit 32 was marked for identification  
25 and is attached hereto.)

1 MR. MIJANOVIC: Exhibit 32 is a total of --

2 MR. HIRSCH: You just copied the bleed  
3 through on the backside.

4 MR. MIJANOVIC: Oh, I see.

5 MR. JULIUS: Yeah. It's the front and back  
6 of two pages.

7 MR. MIJANOVIC: All right.

8 So we're just going to mark as Exhibit 32  
9 two pages, all right, rather than what the court  
10 reporting service did is they copied the backside.

11 MR. JULIUS: Right. Even though I think one  
12 of them was copied, because it actually had the  
13 exhibit number on it.

14 MR. MIJANOVIC: Okay. Fair enough.

15 MR. JULIUS: It may just be easier to keep  
16 it as one.

17 MR. MIJANOVIC: Well, why don't we do that.  
18 We'll keep it all as one.

19 MR. HIRSCH: Are you going to give the  
20 witness -- oh, you've got a color.

21 MR. MIJANOVIC: They are all colored.  
22 Here's an extra one if you like.

23 BY MR. MIJANOVIC:

24 Q All right.

25 Now, Exhibit 32 was marked as Exhibit 6 to

1 the deposition of Mr. Pidgeon.

2 And do you see where on the first page of  
3 Exhibit 32, do you see the area, general area of  
4 origin, GOA, that was identified by Mr. Pidgeon?

5 A Yes.

6 Q Do you agree that that was the general  
7 origin area that you also concluded as part of your  
8 walk the scene?

9 A Yes.

10 Q If you look at the third page of Exhibit 32  
11 this is a close-up shot of the general area of origin  
12 but in particular focused on a rectangular area  
13 identified as SOA.

14 Do you see that?

15 A I do.

16 Q Now, Mr. Pidgeon identified this as a  
17 specific origin area.

18 Do you agree with that?

19 A Yeah.

20 Q Now, with respect to the specific origin  
21 area what is it that you did in order to assist you  
22 in identifying the specific origin area?

23 A So this is basically where as I described  
24 earlier when we're identifying burn indicators from  
25 the -- for this piece of the general origin area this



1 is where all the flagging leads us back to. And then  
2 this is where we started to discover the arc marks on  
3 the rock -- rocks and gravel there.

4 Q And you took photographs of that specific  
5 origin area, correct?

6 A Correct.

7 Q And you are the one that placed the  
8 different colored flags in the specific origin area  
9 as well as outside or was that Mr. Pidgeon?

10 A I'd be guessing. I can't say for sure if I  
11 placed flags or not, but --

12 Q All right.

13 A -- we typically discuss as we find burn  
14 indicators we discuss amongst each other and come up  
15 -- agreement. And then that's what flag we'll place,  
16 but whether I placed them or he placed them I  
17 couldn't tell you.

18 Q When's the last time you reviewed  
19 Mr. Pigeons Origin of Cause Report?

20 A For this fire?

21 Q Yes, sir.

22 A I don't know that I ever did honestly.

23 Q Are you able to tell me what specifically  
24 caused to you believe the specific origin area as  
25 identified in Exhibit 32 was where the fire

1     **originated?**

2           A       I -- from what I remember this is where we  
3     found the large area of arc marks on the rocks  
4     followed by where the flanking pattern indicators  
5     were and I'd imagine some backing.

6           Q       I'll read to you a section of Mr. Pigeons  
7     report paragraph --

8           A       Okay.

9           Q       -- that mentions this particular specific  
10    origin area.

11                   Visual observations of the overhead power  
12    lines we observed a damaged spot on the conductor  
13    cable. The damaged spot appeared to be melted and  
14    charring was visible from the ground. The damage  
15    appeared to be located on the lateral side of the  
16    conductor cable on the north side of the conductor  
17    cable. Kirkhart photographed colored flags within  
18    the GOA and other items of interest utilizing a  
19    magnetic -- I'm sorry -- utilizing a magnet in a  
20    zigzag pattern. Kirkhart gritted the SOA. No items  
21    were collected by the magnet. No molten metal items  
22    were observed in the SOA or GOA.

23                   Does the fact that I just read that does  
24    that refresh your memory?

25           A       Yes.

1 I -- I -- if I remember seeing the arc marks  
2 and the charring on the overhead line; as far as the  
3 magnet maybe, I can't be sure.

4 Q All right.

5 Did you rely on any witness statements  
6 whatsoever to help you identify the specific origin  
7 area?

8 A No.

9 Q So you were just looking at indicators of  
10 fire on the ground itself?

11 A Yeah. Just burn pattern indicators.

12 Q And based on that you were able to identify  
13 the SOA just on those indicators alone?

14 A Correct.

15 Q I'll mark as next in order which is  
16 Exhibit 33.

17 (Exhibit 33 was marked for identification  
18 and is attached hereto.)

19 BY MR. MIJANOVIC:

20 Q I'm handing you Exhibit 33.

21 Exhibit 33 is Bates Stamped Cal Fire 121.  
22 It is a Supplementary Investigation Report.

23 Do you see that in front of you?

24 A Yup.

25 Q It's a one-page document and it appears your

1 signature is on there; is that correct?

2 A Correct.

3 Q Do you recall providing the information as  
4 contained in this investigation report?

5 A Yes.

6 Q Now, here you indicate that on Wednesday,  
7 November 17th you responded as a Wildland Fire  
8 Investigator to the Mountain View Incident in Walker,  
9 California.

10 As part of the origin and cause  
11 investigation, I took scene photographs utilizing my  
12 department issued camera.

13 Do you see that?

14 A I do.

15 Q Are those the photographs you then turned in  
16 to Cal Fire once you were done with your  
17 investigation?

18 A Correct.

19 Q You go onto state I transferred the  
20 photographs to my department issued laptop computer  
21 and organized them in descriptive photograph display.

22 Do you agree with that, that's what you did?

23 A Yes.

24 Q I also completed a Fire Investigation Sketch  
25 of the Origin Area.

1 Do you see that?

2 A Yes.

3 Q So in addition to taking the photographs,  
4 identifying the Specific Origin Area, you also  
5 prepared a sketch?

6 A Correct.

7 Q Okay. Before you responded to this fire did  
8 you have any indicator from anyone of what the  
9 suspected cause was?

10 A No.

11 Q I'll mark as next in order Exhibit 34.  
12 Exhibit 34 is what is also marked as Exhibit 15 to  
13 Mr. Pidgeon's transcript. It's a two-page document.  
14 The first document just being a blank page with the  
15 exhibit tab on it.

16 If you look at the second page, second page  
17 is a document entitled Fire Investigation Sketch.

18 (Exhibit 34 was marked for identification  
19 and is attached hereto.)

20 BY MR. MIJANOVIC:

21 Q Do you see that?

22 A I do.

23 Q Did you prepare this document?

24 A I did.

25 Q Have you used this type of document before

1     when sketching out a scene?

2           A     Yes.

3           Q     And what do these grids or boxes, what do  
4     those represent?

5           A     I don't -- in this sketch nothing. I  
6     believe they're just aids in drawing straight lines  
7     and such if you needed to.

8           Q     Each one of these squares on the second page  
9     of Exhibit 34 is it a unit of measure that you  
10    assumed?

11          A     I did not, no.

12                And I mean it's depicted in the top corner  
13    there that the sketch is not to scale.

14          Q     Understood.

15                The reason I'm asking that question is you  
16    have two poles in your sketch correct?

17          A     Correct.

18          Q     I was curious as to whether each square  
19    represented that you did a measurement such that we  
20    can use those squares to measure the distance between  
21    the two poles that you placed?

22          A     No.

23          Q     All right.

24                And so with respect to the ignition points,  
25    and arrows and looks like other indicators here that

1     you included on this sketch, what were you trying to  
2     describe there?

3           A     So this is -- this would be an overall  
4     sketch -- and obviously not to scale of -- so each  
5     one of the red arrows, the yellow, we'll call them Vs  
6     and blue Us are examples of where those colored flags  
7     were in that we'll call it fire area, whether it's  
8     the general or specific origin, I can't tell you from  
9     the sketch. But those are representative of where  
10    the flags were placed. And then the Xs are ignition  
11    points which we were calling the arc marks that we  
12    were finding on the ground.

13          Q     And did you associate those arc marks with  
14    the downed line?

15          A     We believe that's what caused those arc  
16    marks, yes.

17          Q     Now, in this sketch, which is Exhibit 34,  
18    are these indicators that you identified with red  
19    arrows, yellow Vs and blue Us, along with the access  
20    for the ignition points, are those located in a  
21    specific origin area or is that in the general origin  
22    area?

23          A     I couldn't be sure that the -- this general  
24    origin area and the specific origin area are not  
25    typically locked in like delineated areas. I would

1 say they are more of a rough area. Like we would  
2 refer to the origin area we'd be out in front say,  
3 yeah, let's call this our general area of origin.

4 Where we get back to the specific area of  
5 origin I would call where these arc marks are would  
6 be within the specific origin area, yes.

7 Q Thank you.

8 So the ignition points that you identified  
9 with Xs on Exhibit 34, all of those Xs are within the  
10 specific origin area?

11 A I would believe so, yes.

12 Q Okay. And you also searched the entire  
13 general origin area, correct?

14 A Correct.

15 Q Were you able to identify any ignition  
16 points such as you did here where you marked them  
17 with an X?

18 Did you identify any ignition points in the  
19 general origin area as identified by Mr. Pidgeon in  
20 Exhibit 32?

21 A Not besides these Xs no.

22 Q So the only ignition points that you  
23 identified were the Xs that you marked on Exhibit 34  
24 and all of those Xs were located in a specific origin  
25 area?



1 A Correct.

2 Q Okay. Do you recall how long you were on  
3 scene?

4 A Most of the day. I drove up that morning of  
5 the 18th. So 10ish until late afternoon, early  
6 evening, I'll say five, before it started getting  
7 dark. So about seven hours.

8 Q Mr. Pidgeon testified that he determined the  
9 origin and cause of the fire by noon, November 18,  
10 2020.

11 Does that sound accurate to you?

12 A Yeah.

13 Q Did you make any determinations as to  
14 whether there was any line slap between the power  
15 lines?

16 MR. JULIUS: Objection. Vague. May call  
17 for expert opinion.

18 THE WITNESS: I -- I can't tell based on the  
19 charring and the arc mark on the wire that was still  
20 up versus the one that was down. Yes, it appeared to  
21 be -- that leads me to believe it was some sort of  
22 line slap.

23 BY MR. MIJANOVIC:

24 Q Because one of the suspended phases had some  
25 damage to it?

1           A       Correct.

2                   MR. HIRSCH:  Objection.  May call for expert  
3   opinion.

4   BY MR. MIJANOVIC:

5           Q       Is that speculation on your part or is that  
6   something you observed?

7           A       Well, I observed the char mark.  I'm sorry.

8           Q       Did you reach any conclusion that the lines,  
9   overhead lines, while suspended slapped?

10                  MR. JULIUS:  Objection.  May call for expert  
11   opinion.

12                  THE WITNESS:  I mean I wasn't there to see  
13   them slap.  So I can't say that that's for sure what  
14   happened.

15   BY MR. MIJANOVIC:

16           Q       Do you have an opinion on that issue?

17           A       My opinion would be that yes the line  
18   slapped.

19           Q       And that's based on one of the suspended  
20   lines having some damage to it?

21           A       Correct.  And there's -- there's also what  
22   we would call bird caging on the line that was down,  
23   which shows that -- which is indicative of that cable  
24   or line having some sort of stretch beyond it's  
25   normal pull which would allow it to come in contact

1 -- allow enough pull and sway to come in contact with  
2 that other line.

3 Q You mentioned bird caging, is that when the  
4 wire itself untangles a bit?

5 A Correct.

6 When the outer -- I mean because it's a  
7 braided cable more or less, I don't know how else to  
8 -- and the outside braids start to loosen, yes.

9 Q And in your experience can that bird caging  
10 occur if the line is struck by something?

11 A It could, anything that would stretch the  
12 line.

13 Q As part of your origin of cause  
14 investigation in this fire did you reach any  
15 conclusion that you communicated to Mr. Pidgeon that  
16 you believed line slap may have been the reason why  
17 the line came down?

18 A I don't specifically recall saying that, but  
19 I believe that was our overall thought and  
20 determination.

21 Q You and Mr. Pidgeon believe that while the  
22 lines were suspended they slapped together and as a  
23 result of that slapping that's what caused the line  
24 to come down?

25 MR. JULIUS: Objection. Vague. May call

1 for expert opinion. Incomplete hypothetical.

2 BY MR. MIJANOVIC:

3 Q Is that right?

4 A It could have been the cause.

5 Regardless of how that other line came down  
6 we believe that there was some sort of line slap and  
7 then whatever finally brought that other line down I  
8 don't know.

9 Q And the question as to line slap did you  
10 ever reach an opinion as to whether the line slap  
11 occurred before that downed line actually separated  
12 and came to the ground?

13 MR. JULIUS: Same objection.

14 THE WITNESS: Yeah, I would have no idea.

15 BY MR. MIJANOVIC:

16 Q Okay. So you have no opinion on that issue,  
17 correct?

18 A No.

19 Q Is that correct?

20 A That is correct.

21 Q Okay.

22 MR. JULIUS: Sorry. Can you read that back  
23 for me the last like three exchange.

24 (The record was read back.)

25 BY MR. MIJANOVIC:

1 Q Mr. Pidgeon testified that it was still an  
2 open question as to whether there was line slap.

3 Do you agree or disagree with that?

4 A I would agree that -- yeah, I would agree.

5 Q You don't have an opinion to a reasonable  
6 degree of fire science certainty as an origin of  
7 cause investigator as to whether there was line slap;  
8 is that correct?

9 A It was a probable hypothesis yes.

10 Q It was a hypothesis that you not hold an  
11 opinion that there was line slap that caused a line  
12 to separate and come to -- come down to the ground?

13 MR. JULIUS: Objection. Misstates  
14 testimony.

15 MR. HIRSCH: Vague too.

16 MR. MIJANOVIC: Let me ask it in a clearer  
17 fashion.

18 BY MR. MIJANOVIC:

19 Q Do you hold an opinion that lines slapping  
20 together while the lines were suspended caused one of  
21 the lines to separate and come down to the ground?

22 Do you hold that opinion to a reasonable  
23 degree of fire science certainty?

24 A I do not hold that opinion in a -- explain  
25 why?

1 Q Yes, sir.

2 A I have seen lines that have slapped that  
3 have not -- one of the other line does not come down.  
4 So to say what caused that other line to actually  
5 fall to the ground I -- I do not hold an opinion to  
6 that.

7 Q But you do hold an opinion to a reasonable  
8 degree of fire science certainty that while the lines  
9 were suspended there was line slap at some point?

10 A Yes.

11 MR. JULIUS: Objection. Misstates

12 testimony. May call for an expert opinion.

13 BY MR. MIJANOVIC:

14 Q Did you formulate any opinions as part of  
15 your investigation that Liberty Utilities violated  
16 any laws or statutes as a result of this fire that  
17 occurred?

18 MR. SIMON: Objection. Craig Simon. Calls  
19 for compound -- it's compound.

20 Go ahead.

21 THE WITNESS: Well, I do not find guilt in  
22 anything, that's not my -- that is not our position.

23 BY MR. MIJANOVIC:

24 Q Do you have any opinion that Liberty  
25 Utilities was in violation of any laws as it relates

1 to the subject fire?

2 MR. HIRSCH: Lacks foundation. Calls for  
3 speculation. Calls for a legal conclusion.

4 But you can answer with a layperson's  
5 understanding.

6 THE WITNESS: Yeah. So basically what I  
7 believe you are probably asking about the charges  
8 that are listed in the report.

9 MR. MIJANOVIC: Yes, sir.

10 THE WITNESS: So those are recommended  
11 charges based on what would -- what we found if -- if  
12 we believed that those power lines were the cause of  
13 the fire, those would be the charges that liberty  
14 would be at fault for or could be found at fault for.  
15 But we don't ultimately make that final decision,  
16 that's up to the D.A., the judge and a jury.

17 BY MR. MIJANOVIC:

18 Q So you and Mr. Pidgeon were making a  
19 recommendation that those violations identified in  
20 the fire report are potential violations that Liberty  
21 could be found to have I guess violated if its  
22 utility line had caused a fire?

23 MR. HIRSCH: Again, misstates testimony.

24 MR. SIMON: Objection. Craig Simon.

25 Vague and ambiguous.

1 THE WITNESS: I'll just say that I did not  
2 come up with the charges that Chief Pigeon put in the  
3 report. I didn't have a part in that. I don't even  
4 know what he listed as possible charges.

5 BY MR. MIJANOVIC:

6 Q You had no involvement with respect to the  
7 charges that Mr. Pidgeon identified in his report?

8 A No.

9 Q Correct?

10 A Correct.

11 Q You have no opinion as to whether Liberty  
12 did in fact violate any of the alleged charges  
13 identified in the report; is that correct?

14 A I don't know that I can answer that since I  
15 don't know what the charges are.

16 Q You would have to speculate?

17 A Yes.

18 Q Okay. As part of your investigation did you  
19 find any evidence that the downed power line was a  
20 result of any neglect by Liberty as it relates to its  
21 circuit?

22 MR. JULIUS: May call for a legal  
23 conclusion.

24 THE WITNESS: I don't know. I don't know.

25 BY MR. MIJANOVIC:



1           Q     As part of your investigation did you find  
2     any evidence that the Liberty circuit, we're talking  
3     about the power lines, were improperly constructed or  
4     maintained?

5           A     Based off my observations it did not appear  
6     to be, but I -- I'm not privy to the maintenance  
7     records of Liberty.

8           Q     Did you identify the heel of the fire?

9           A     Yes.

10          Q     And where was the heel of the fire located?

11          A     Well, it ended up being the heel would be in  
12     the sketch of where the blue U-shaped patterns were.

13          Q     Let's look at Exhibit 34.

14                 You have blue U-shaped indicators near the  
15     west pole; is that correct?

16          A     Correct.

17          Q     So if you don't mind, explain to me how it  
18     is based on your investigation --

19          A     Uh-huh.

20          Q     -- that the fire would have originated the  
21     specific origin area and then backed up to those  
22     U-shaped indicators indicated on Exhibit 34.

23          A     Sure.

24                 So fire will still burn backwards, it's just  
25     not as intense or fast, which is how you're able to

1 actually determine what a backing indicator is.  
2 There's not full consumption of the fuel. It's  
3 typically in -- I remember this being a lot of grass,  
4 but I do not remember the specific makeup of what  
5 these indicators were. However, typically grass stem  
6 fall falls back into the burn as it slow burns in.

7 Does that make sense?

8 Q So you reached the conclusion that the fire  
9 originated in the specific origin area and then  
10 burned backwards to the area where you identified in  
11 Exhibit 34 with the three Us?

12 A Correct.

13 Q And how far from the west pole was the heel  
14 of the fire?

15 MR. JULIUS: May call for speculation.

16 MR. MIJANOVIC: If you know.

17 THE WITNESS: I don't know. I -- I -- I.

18 It would be speculation. I'd have to -- I  
19 can probably give an estimate if I looked at the SOA  
20 drawing.

21 MR. MIJANOVIC: The SOA drawing --

22 Do you have the marked exhibit?

23 MR. HIRSCH: No, it's probably five.

24 THE WITNESS: I think the marked exhibit is  
25 right there.

1 MR. MIJANOVIC: Here's Exhibit 32.

2 THE WITNESS: Trade you.

3 MR. MIJANOVIC: Thanks. You are looking at  
4 Exhibit 32.

5 THE WITNESS: Correct.

6 BY MR. MIJANOVIC:

7 Q You are looking at the third page which  
8 identifies the SOA, correct?

9 A Correct.

10 So again this sketch is not to scale. In  
11 fact I mean I -- it's really not. The area -- the  
12 areas condensed and the markers are bigger for visual  
13 pleasure we'll call it, so you can actually see what  
14 they are.

15 So I -- those Us could be, I don't know, 20,  
16 30 feet from what's marked as SOA in this exhibit. I  
17 know they look a lot closer in the sketch, but like I  
18 said the sketch is not to scale.

19 Q Would any of the photographs that you took  
20 assist you in determining where --

21 A Possibly.

22 Q -- where the heel of the fire was?

23 A Possibly.

24 Q Well, I'll have you look at -- what I'll do  
25 is I'll mark next in order Exhibit 35. And

1 Exhibit 35 are 12 pages of photographs Bates Stamped  
2 Cal Fire 58 through Cal Fire 69.

3 MR. JULIUS: Sorry, Krsto, you said 35?

4 MR. MIJANOVIC: 35, yes.

5 MR. JULIUS: Sorry.

6 (Exhibit 35 was marked for identification  
7 and is attached hereto.)

8 THE WITNESS: So it appears that the blue  
9 flags they were placed appear to be about ten feet to  
10 the east of the power pole, that power pole, or this  
11 picture for ease would be to the right of the power  
12 pole.

13 BY MR. MIJANOVIC:

14 Q Now, if you take a look at Exhibit 32 and  
15 then we'll look at that specific origin area  
16 rectangle there on the third page of Exhibit 32.

17 A Uh-huh.

18 Q Are you able to identify with a marker the  
19 approximate area where you identify the heel of the  
20 fire to be?

21 A Sure.

22 Q Here you go.

23 A That's pretty terrible, but somewhere in  
24 that area.

25 Q All right.

1                   Do you mind just drawing a line out down to  
2   the bottom here and then just put H or just write in  
3   heel of the fire, how's that?

4           A     Okay.

5           Q     Thank you.

6                   So you have the heel of the fire right up  
7   against the west power pole; is that correct?

8           A     With the fat marker, yeah.

9           Q     All right. Understood. Okay.

10                   Now, did you investigate or examine the area  
11   where the heel of the fire was for any ignition  
12   sources?

13          A     Yes.

14          Q     Did you utilize any tools in that area?

15          A     No. I would say no, because as we -- the  
16   heel of the fire isn't necessarily the specific  
17   origin of area -- origin area.

18                   The heel -- the heel, the flanks, the  
19   shoulders, the front, the head of the fire all change  
20   as the fire changes. So the heel is basically just  
21   the furthest -- if we were going to put a fire that's  
22   running north and south we would just say that the  
23   heel of the fire is the furthest point south. So the  
24   fire continues to grow; starts obviously as a circle  
25   and then given with fuels, weather and topography the

1 fire will go which way it wants to go.

2 Q Do you know which direction the wind was  
3 blowing at the time of the fire?

4 A That would be a -- like a from -- like a  
5 southeast wind. So it was burning -- well, northeast  
6 of southeast wind so like northeast.

7 Q So going back to the specific origin area,  
8 the wind was blowing northeast and then you had the  
9 fire backing up to where you've identified the heel  
10 of the fire?

11 A Can you repeat that. I'm sorry.

12 Q Sure.

13 Based on your investigation you determined  
14 that the fire originated in the specific origin  
15 area --

16 A Uh-huh.

17 Q -- that the wind was blowing in the  
18 direction of northeast, but that the fire then backed  
19 up and burned to the heel of the fire?

20 A Correct. Yeah, the fire just continued to  
21 burn slowly to the southeast.

22 Q To the location you identified in  
23 Exhibit 32?

24 A Yes.

25 Q All right. Thank you.

1 A Roughly.

2 Q And the photographs that we marked as  
3 Exhibit 35 are these the photographs that you took?

4 A Yes.

5 Q Were you able to determine whether the  
6 downed power line made contact with any part of the  
7 ground where the heel of the fire was located?

8 A No.

9 Q Did you find any evidence that the power  
10 line made contact anywhere on the ground where the  
11 heel of the fire was located?

12 A No.

13 Q Did you find any molten material whatsoever  
14 that's associated with the circuit anywhere in the  
15 general origin area?

16 And I'm referring to the ground level.

17 A To the -- what we were calling the general  
18 origin area, no, we didn't find any molten metal. I  
19 think there was some beading on some of the wires,  
20 but other than that nothing molten on the ground.

21 Q And how do you explain the incomplete  
22 combustion in the specific origin area?

23 How do you explain that while at the same  
24 time it being the area where the fire originated?

25 A Fire originates where it's called incipient

1 phase. It's just starting to build -- like as if you  
2 were building a campfire it's in that low phase, and  
3 as the wind pushes it out, and it gains speed and  
4 intensity and then it starts to -- as it runs it  
5 starts to have more complete combustion.

6 **Q Did you come across any witness statements**  
7 **to help pinpoint the specific origin area?**

8 MR. JULIUS: Objection. Vague.

9 THE WITNESS: I did not. I didn't conduct  
10 any interviews.

11 BY MR. MIJANOVIC:

12 **Q Did you consider any witness statements**  
13 **after you finished your scene exam for purposes of**  
14 **determining the specific origin area?**

15 A No.

16 MR. SIMON: Objection. Assumes facts not in  
17 evidence.

18 This is Craig Simon.

19 THE WITNESS: I did not speak to any  
20 witnesses. There weren't any witnesses that came  
21 forward while we were there conducting investigation.

22 BY MR. MIJANOVIC:

23 **Q Do you recall Mr. Pidgeon speaking to any**  
24 **witnesses while you and he conducted the**  
25 **investigation on the day of the fire?**



1           A       I do not.

2           Q       If a witness identified a specific origin  
3       area that was just north of that west pole would that  
4       be significant to you?

5           MR. SIMON:  Objection.

6           This is Craig.

7           Incomplete hypothetical.

8           MR. LOSCOTOFF:  Bill Loscotoff.

9           Assumes facts.

10          THE WITNESS:  What was the question?  I'm  
11       sorry.

12          If a witness was to describe a point of  
13       origin --

14       BY MR. MIJANOVIC:

15          Q       I'll just have the court reporter read it  
16       back.

17          MR. HIRSCH:  He said specific origin area.

18          THE WITNESS:  Specific.

19          (The record was read as follows:

20          "QUESTION:  If a witness identified a  
21       specific origin area that was just  
22       north of that west pole would that be  
23       significant to you?")

24          THE WITNESS:  I wouldn't say significant,  
25       but it would definitely be something that we would --

1 to look at. But if the indicators don't line up and  
2 match with that statement then it's hard to say that  
3 that would be true.

4 BY MR. MIJANOVIC:

5 Q You would certainly want to discuss with the  
6 witness what they observed, correct?

7 A Correct.

8 MR. SIMON: Objection. Incomplete  
9 hypothetical.

10 DEPOSITION OFFICER: That was?

11 MR. SIMON: Craig Simon.

12 MR. MIJANOVIC: I'll mark next in order as  
13 Exhibit 36. Exhibit 36 is -- I'll mark it as  
14 Exhibit 36 in the bottom center of the document on  
15 the right bottom corner of the document it indicates  
16 as Exhibit 17. It's Exhibit 17 to Ms. Victor's  
17 deposition, she's an eyewitness. And I'll show you  
18 Exhibit 36, take a look at that.

19 (Exhibit 36 was marked for identification  
20 and is attached hereto.)

21 BY MR. MIJANOVIC:

22 Q Have you had a chance to look at it?

23 A Yes.

24 Q All right.

25 If you look at the right side of Exhibit 36.

1 MR. HIRSCH: Face -- which way?

2 THE WITNESS: All right.

3 BY MR. MIJANOVIC:

4 Q Right side of Exhibit 36 --

5 A Uh-huh.

6 Q -- Ms. Victor writes standing w/Mark.

7 Do you see that?

8 A I do.

9 Q And then she identifies a location where  
10 she's standing outside the structure, which is her  
11 business, do you see that?

12 A Where the line drags?

13 Q Yes.

14 A Yes.

15 Q Just informing you of what the witness  
16 testified about.

17 A Okay.

18 Q And while standing at that location she  
19 looked across the street and observed sparks and  
20 eventually flames in the area that she so marked on  
21 Exhibit 36, which is in front of you, but Exhibit 17  
22 to her transcript.

23 Do you see that?

24 A Yes.

25 Q That's where she initially saw the fire

1 according to her sworn testimony.

2 Would that be significant to you if she had  
3 come forward to you and informed you of that?

4 MR. JULIUS: Objection. Incomplete.

5 MR. SIMON: Objection.

6 This is Craig.

7 Vague and ambiguous. Incomplete  
8 hypothetical.

9 THE WITNESS: It would definitely be  
10 something we would look into, yes.

11 BY MR. MIJANOVIC:

12 Q All right.

13 Would you agree that if she described seeing  
14 sparks and flames in the specific area that she  
15 marked in Exhibit 36 that that would be a suspected  
16 origin that you would need to investigate?

17 MR. SIMON: Objection.

18 Craig.

19 Incomplete hypothetical. Vague and  
20 ambiguous.

21 THE WITNESS: We would.

22 And that was included in our general origin  
23 area, so we did look over there. In fact, if that's  
24 where the blue flagging -- or the blue flags were  
25 then that's what led that back to that backing fire

1 so I -- yeah.

2 MR. MIJANOVIC: Right.

3 THE WITNESS: There were no other indicators  
4 that put that area that she has referenced on this  
5 map as the specific origin area.

6 BY MR. MIJANOVIC:

7 Q But my question to you is if Ms. Victor had  
8 given a statement to you and Mr. Pidgeon indicating  
9 -- let me strike that.

10 If Ms. Victor explained to you and  
11 Mr. Pidgeon the specific area where she saw flames  
12 being near the west pole, would you investigate that  
13 as a possible origin area?

14 MR. SIMON: Objection.

15 Craig Simon.

16 Vague and ambiguous. Vague and ambiguous as  
17 to time. Incomplete hypothetical.

18 THE WITNESS: Well, I will say that we did  
19 investigate that area without her testimony, because  
20 it was included within our general origin area. And  
21 we actually have flags over there that -- that to me  
22 the science just doesn't lie when the backing  
23 indicators are there. That's not -- that's not --  
24 maybe she misspoke, I don't know.

25 BY MR. MIJANOVIC:

1           Q     Okay. What you are indicating is that you  
2     concluded that the back -- strike that.

3                     You concluded that the heel of the fire was  
4     located in the area where Ms. Victor, according to  
5     Exhibit 36, is indicating where she first saw the  
6     fire, correct?

7                     MR. JULIUS: Assumes facts. Lacks  
8     foundation. May call for speculation.

9                     THE WITNESS: Close to, yes. It's close to.  
10    BY MR. MIJANOVIC:

11           Q     All right.

12                     So whether -- whether Ms. Victor is correct  
13     that that's where the fire first occurred or whether  
14     that's the heel of the fire in terms of the fire  
15     backing up to that location, is it your testimony  
16     that you're just going to rely on the physical  
17     evidence to determine if it's a specific origin area  
18     versus the heel of the fire?

19                     MR. HIRSCH: Vague and ambiguous.

20                     MR. SIMON: Objection.

21                     Simon.

22                     Vague and ambiguous.

23                     MR. HIRSCH: And it misstates testimony as  
24     well.

25                     MR. LOSCOTOFF: Bill Loscutoff.

1           It's argumentative.

2           THE WITNESS: I would say that I would -- I  
3    -- we -- we trust the science of fire pattern  
4    indicators over a witness statement of where they  
5    think they saw the fire.

6    BY MR. MIJANOVIC:

7           Q     Thank you.

8           So even if Ms. Victor had come forward and  
9    said I saw the fire near this west pole, your  
10   testimony is is that you trust the science, and your  
11   examination the scene and would none the less place  
12   the specific origin area exactly where Mr. Pidgeon  
13   placed it?

14          A     Correct.

15          Q     And are you able to tell me what exactly  
16   about this area that Ms. Victor identified as first  
17   seeing flames near that west pole, what exactly about  
18   the science tells you that the fire could not have  
19   originated at that location?

20          A     That the -- we determined that the fire  
21   backed into that area. It did not originate and  
22   advance out of that area.

23          Q     And what specific evidence are you referring  
24   to that you are relying on to say that the fire  
25   backed into that area where Ms. Victor identified as

1 the area where she first saw the fire?

2 A The fire pattern indicators.

3 I don't know which specific ones, because

4 I'm -- I mean it was three years ago.

5 Q I'm sorry.

6 A It was three years ago. I could look at the  
7 pictures.

8 Q Do you have any photographs of fire  
9 indicators in the very area that Ms. Victor  
10 identified in Exhibit 36?

11 A Basing the sketch and where you had me draw  
12 the heel of the fire and then versus where we have  
13 pictures of the blue flags I would say yes we have  
14 pictures of it.

15 Q Again, two photographs that are at the  
16 Page 12 of Exhibit 35, correct?

17 A Yes.

18 Q All right.

19 And so the two photographs are on Page 12 of  
20 Exhibit 35, there's a flag in each one of those  
21 photographs?

22 A Correct.

23 Q And those blue flags tell you that that is  
24 the heel of the fire?

25 A Those flags tell me the fire backed into



1     that area.

2           Q     All right.

3                     Did you take any other photographs of the  
4     heel of the fire other than the two that you've  
5     identified as part of Exhibit 35?

6           A     Photo PMK 001 captures the heel in the --

7           Q     So the first photograph on the first page  
8     top photograph of Exhibit 35, you can see in that  
9     photograph the heel of the fire?

10          A     Correct.

11          Q     And that heel of the fire goes back to near  
12     that west pole?

13          A     Correct. This being the west pole fire, the  
14     blue flags are in there.

15          Q     All right.

16                     Is there any value that you would place on  
17     Ms. Victor's sworn testimony that she observed the  
18     flames and fire initially near that west pole?

19                     MR. JULIUS: Objection. Argumentative.

20                     MR. HIRSCH: Vague.

21                     THE WITNESS: Yes.

22     BY MR. MIJANOVIC:

23          Q     What value do you place on that?

24          A     I would hold value that the fact that she  
25     saw sparking coincides with our findings of the arc

1 marks on the grounds. I would just question where  
2 she thought she saw them versus where it was actually  
3 happening.

4 BY MR. MIJANOVIC:

5 Q Ms. Victor also testified that the power  
6 lines were still suspended when she saw the fire near  
7 that west pole.

8 Would that have any significance to you?

9 A There was a wire that was still suspended.  
10 I can't say that she saw two wires, one wire, three  
11 wires.

12 Q Ms. Victor testified that she didn't see any  
13 downed wires when she observed the fire near the west  
14 pole.

15 Does that have any significance to you?

16 A No.

17 Q Why not?

18 A I don't know Ms. Victor. I didn't talk to  
19 her. I don't know what her credibility as a witness  
20 is. I don't know what her eyesight is from down the  
21 road and across it. There's a lot of factors.

22 Q Ms. Victor testified that she literally  
23 walked across the street and stood right in front of  
24 the fire near that west pole and observed fire at  
25 that location and did not observe any downed lines.

1                   Is that of any significance to you?

2                   MR. HIRSCH: Hypothetical.

3                   THE WITNESS: I mean it would be. However,  
4 I -- her statement's not lining up with what the  
5 science showed.

6 BY MR. MIJANOVIC:

7           Q       Would her eyewitness observations be  
8 significant to you as part of your investigation in  
9 identifying the specific origin area?

10          A       It would be a factor. It wouldn't -- it  
11 wouldn't override anything else.

12          Q       Do you know if Mr. Pidgeon ever spoke to  
13 Ms. Victor on the day that he investigated this fire  
14 with you?

15          A       I have no idea.

16          Q       Is your investigation of this fire complete?

17          A       Yes, the investigation is complete.

18          Q       Have you been asked to interview any  
19 witnesses by Mr. Pidgeon?

20          A       No.

21          Q       When is the last time you did any work on  
22 the subject fire in terms of an origin and cause  
23 investigation?

24          A       December 18th of 2020.

25          Q       Now, Ms. Victor testified that she observed

1 the sparks and the flames at approximately  
2 11:30 a.m., but the utility records show that the  
3 line didn't go down until 11:53 a.m.

4 Does that evidence have any significance to  
5 you in terms of determining the origin and cause of  
6 the fire?

7 MR. HIRSCH: Vague and ambiguous.

8 MR. JULIUS: Lacks foundation.

9 THE WITNESS: No. No. I don't even know --  
10 so I mean if she saw sparks there -- I don't even  
11 know if there's a transformer on that pole. I don't  
12 know. It would be a factor that we would look into,  
13 but I don't know if -- how does Liberty know that the  
14 line went down right at that time?

15 MR. HIRSCH: I'll just add objection calls  
16 for speculation.

17 THE WITNESS: Yeah.

18 MR. HIRSCH: Lacks foundation.

19 BY MR. MIJANOVIC:

20 Q Are you familiar with what a recloser is?

21 A Yes.

22 Q What is a recloser?

23 A So the recloser is -- well, they try to  
24 shoot a large burst of electricity back down the line  
25 to -- if there is something hung on the wire knock it

1 off to keep the electricity flowing.

2 Q Have you reviewed any of the recloser data  
3 on this particular circuit?

4 A No.

5 Q Would that recloser data be significant to  
6 you to determine when there was any electrical  
7 activity associated with those power lines such as  
8 touching ground?

9 MR. HIRSCH: Lacks foundation. Calls for  
10 speculation. Incomplete hypothetical.

11 THE WITNESS: I don't know that I would be  
12 able to interpret the data so I don't -- I would  
13 definitely ask for help. And if it would help in our  
14 investigation then yes.

15 BY MR. MIJANOVIC:

16 Q I understand you may not know how to  
17 interpret the data.

18 My question to you is if you were aware that  
19 there was recloser data that reflected the time,  
20 exact time, that that power line touched ground and  
21 that time was approximately 11:53 a.m., would that be  
22 important to you as part of your investigation?

23 MR. HIRSCH: Same objection.

24 MR. SIMON: Objection.

25 Simon.

1 Vague and ambiguous as to time, the timing  
2 of any of this. Incomplete hypothetical. Not  
3 sufficient facts.

4 THE WITNESS: It would be a factor in the  
5 overall investigation.

6 BY MR. MIJANOVIC:

7 Q It would be a data point?

8 A Correct.

9 Q So if you have a witness, such as  
10 Ms. Victor, indicating that she saw fire, you know,  
11 20 to 25 to 30 minutes before the line goes down,  
12 would you also consider her eyewitness observations  
13 as part of your investigation?

14 A Yes.

15 Q So if you have an eyewitness identifying the  
16 start of a fire open flames on the ground near the  
17 west pole 20 to 25 minutes before the line goes down,  
18 would that be significant to you as in terms of your  
19 opinion as to whether the line caused the fire?

20 MR. JULIUS: Incomplete hypothetical.  
21 Vague. Vague as to time. Lacks foundation. May  
22 call for speculation.

23 THE WITNESS: It would -- like we said  
24 earlier, it would be a data point. I mean there's a  
25 bunch of different time factors that we would take

1 into effect -- one is the first 911 call, things like  
2 that.

3 BY MR. MIJANOVIC:

4 Q In this instance you and Mr. Pidgeon reached  
5 a conclusion that a downed line caused the fire,  
6 correct?

7 A Correct.

8 Q Ms. Victor -- I will represent to you  
9 testified that at approximately 11:30 she saw open  
10 flames near the west pole and the recloser data from  
11 the utility company indicates that line didn't touch  
12 ground until 11:53 a.m. So you have a 20 to  
13 25-minute time period there where the line is not on  
14 the ground, but the witness sees fire.

15 My question to you is is that set of facts  
16 and data points that I just relayed to you is that  
17 significant to you as an origin of cause  
18 investigator?

19 MR. JULIUS: Lacks foundation. Calls for  
20 speculation. Misstates testimony.

21 MR. HIRSCH: And the substance of that  
22 question's been asked several times now. It's  
23 getting to be burdensome and harassing.

24 THE WITNESS: So I would say it would still  
25 be a factor, but when the science doesn't back it --

1 and like I said, it's a data point, are her time  
2 frames correct? I mean it's speculation on one  
3 person's eyewitness testimony versus several other  
4 indicators.

5 BY MR. MIJANOVIC:

6 Q Now, Ms. Victor on Exhibit 36 identified her  
7 area where she saw flames and drew a line to that  
8 area.

9 Do you see that?

10 A I do.

11 Q Now, if Ms. Victor identifies the origin  
12 area as being north of the west pole, do you agree  
13 that Ms. Victor's origin area is different than the  
14 specific origin area that you and Mr. Pidgeon  
15 identified?

16 A Well, yeah, it's obviously -- if she's  
17 saying that the fire started there and we're saying  
18 it started there then it's not the same spot.

19 Q So you are talking about two different  
20 origin areas if you were to listen to Ms. Victor  
21 versus you and Mr. Pidgeon, correct?

22 MR. HIRSCH: Vague.

23 MR. JULIUS: Assumes facts. Lacks  
24 foundation.

25 THE WITNESS: Well, she's talking about a



1 different origin area.

2 BY MR. MIJANOVIC:

3 Q All right.

4 But my question is is the specific origin  
5 area that you and Mr. Pidgeon identified is  
6 different, it's a different location than what  
7 Ms. Victor identified?

8 MR. HIRSCH: Asked and answered number of  
9 times again.

10 MR. JULIUS: Lacks foundation.

11 MR. MIJANOVIC: Right.

12 THE WITNESS: They are different.

13 BY MR. MIJANOVIC:

14 Q Okay. And both origin areas -- the one that  
15 Ms. Victor identified and the one you and Mr. Pidgeon  
16 identified -- both of those origin areas are within  
17 the general origin area, you agree with that?

18 A Yes.

19 Q Were you able to identify any potential  
20 sources of ignition in Ms. Victor's origin area?

21 MR. HIRSCH: Asked and answered.

22 THE WITNESS: No.

23 BY MR. MIJANOVIC:

24 Q Were you -- are you able to exclude the  
25 origin area that Ms. Victor identified as the

1       **specific origin area of the fire?**

2           A       It was excluded.

3           Q       **Based on the burn indicators?**

4           A       Yes.

5           Q       **And solely on that ground; is that right?**

6           A       And lack of any points of ignition.

7           Q       **So the burn indicators and the existence of**  
8       **a downed power line, those two factors cause you to**  
9       **believe that the specific origin area was exactly**  
10       **where you and Mr. Pidgeon placed it, correct?**

11               MR. HIRSCH:  Misstates testimony.

12               THE WITNESS:  Can you --

13               MR. MIJANOVIC:  Please read the question  
14       back.

15               (The record was read back as follows:

16               "So the burn indicators and the existence  
17               of a downed power line, those two factors  
18               cause you to believe that the specific  
19               origin area was exactly where you and  
20               Mr. Pidgeon placed it, correct?")

21               THE WITNESS:  As well as the arc marks that  
22       were on the rocks in that area.

23       BY MR. MIJANOVIC:

24           Q       **Caused by the downed line to your belief?**

25           A       Correct.

1           Q     Okay. So that is one hypotheses, right, the  
2     specific origin area with the burn indicators and the  
3     downed line with the arc marks that is a hypotheses  
4     that you developed and ultimately adopted as a  
5     specific origin area, correct?

6           A     That was the only hypotheses that was able  
7     to be proven through the scientific method as the  
8     cause of the fire.

9           Q     Now, when Ms. Victor testified that her  
10    origin area being just north of that west pole as she  
11    identified in Exhibit 36, the fact that Ms. Victor  
12    identified that as the specific origin area, do you  
13    agree that you would at least have to investigate her  
14    origin area to exclude it as an origin area?

15               MR. SIMON: Objection.

16               Simon.

17               Vague and ambiguous as to time.

18               You means if he learns it today?

19               MR. HIRSCH: Object. Asked and answered.

20               THE WITNESS: We did investigate that area.  
21    That was part of the general origin area, we went  
22    through there. We placed flags in there. None of  
23    the burned indicators indicated that that would have  
24    been the origin area of the fire.

25    BY MR. MIJANOVIC:

1 Q So even if you had not spoken to Ms. Victor,  
2 which you did not --

3 A Did not.

4 Q -- you had no idea that anyone was  
5 identifying an origin area near that west pole; is  
6 that correct?

7 A Correct.

8 Q You're saying that doesn't matter, the burn  
9 indicators allowed you to eliminate that west pole  
10 area which Ms. Victor identified as her origin area,  
11 you were able to eliminate it just based on the  
12 burned indicators?

13 MR. HIRSCH: Misstates testimony.

14 THE WITNESS: The burned indicators and the  
15 lack of any sources of ignition.

16 BY MR. MIJANOVIC:

17 Q So there was no downed power line in that  
18 area, correct?

19 A No.

20 Q There was a down line in that area?

21 A No, there was not.

22 Well, I mean the power line was down and it  
23 drooped from the span of the poles, but the end of  
24 the line was not there, no.

25 Q With respect to Ms. Victor's origin area as

1 part of your investigation was the downed power line  
2 contacting any part of Ms. Victor's origin area?

3 A No.

4 MR. JULIUS: Calls for speculation.

5 BY MR. MIJANOVIC:

6 Q Did you conduct an inspection or examination  
7 of any of the low voltage lines that connected to  
8 that west pole?

9 A Low voltages in like utility lines?

10 Q Low voltage as in internet lines.

11 A I don't even know if they were there. I  
12 don't recall any.

13 Q Are low voltage lines such as internet lines  
14 is that a potential cause of a fire?

15 A No.

16 MR. HIRSCH: Incomplete hypothetical.

17 BY MR. MIJANOVIC:

18 Q You are of the belief that low voltage lines  
19 such as internet lines, those are not a potential  
20 source of ignition; is that correct?

21 MR. HIRSCH: Incomplete hypothetical.

22 THE WITNESS: If they were solely to fall on  
23 the ground they would not arc, no.

24 BY MR. MIJANOVIC:

25 Q Did you consider the internet low voltage

1 lines that hung below the power lines on the poles as  
2 a potential source of ignition for this fire?

3 MR. HIRSCH: Lacks foundation. Calls for  
4 speculation.

5 He said he didn't even know if there were  
6 any.

7 MR. SIMON: Yeah. I'm going to object to  
8 the question.

9 This is Simon.

10 Vague and ambiguous.

11 Where are you getting low voltage internet?  
12 What does that mean? Are you talking about the com  
13 lines.

14 MR. MIJANOVIC: Sir --

15 MR. HIRSCH: Same objection.

16 THE WITNESS: I mean that is what you are  
17 talking about, right, the communication lines --

18 MR. MIJANOVIC: Yes, sir.

19 THE WITNESS: -- below?

20 Like I said, I don't know if there were any  
21 there, but if there were those solely alone will not  
22 cause a fire.

23 MR. SIMON: And where do you get low voltage  
24 when it -- talk about com lines? I'm confused.

25 BY MR. MIJANOVIC:

1 Q What are com lines?

2 Do you know what that phrase means?

3 A Yeah. It's typically the low voltage lines  
4 that are below the transmission or distribution lines  
5 on the power poles. There need to be at least ten  
6 feet below.

7 Q Those com lines or low voltage lines that's  
8 your internet service, telephone lines --

9 A Telephone, internet, cable, stuff like that.  
10 They are bundled together. They're often mistaken  
11 for power lines, but they're not.

12 Q All right. Thank you.

13 Is it correct that you and Mr. Pidgeon did  
14 not inspect the com lines between the two poles in  
15 the general area of origin as part of your  
16 investigation?

17 A I don't know.

18 Like I said earlier, I don't even remember  
19 there being any specifically so I can't say yes or  
20 no.

21 Q If com lines -- and when I say com lines I'm  
22 trying to use a phrase that everyone on this -- in  
23 this deposition understands.

24 If com lines was a potential source of  
25 ignition and those com lines are located in a general

1 area of origin, do you agree that the methodology on  
2 which you were trained to investigate fires would  
3 require you to inspect the com lines in the general  
4 area of origin?

5 MR. HIRSCH: Incomplete, improper  
6 hypothetical.

7 THE WITNESS: We -- if -- hypothetically if  
8 there were com lines down in the general origin area  
9 they would be looked at to see if there was any arc  
10 beading, damage to those lines or whatever that would  
11 indicate that there was enough voltage in them, which  
12 there's typically not, to actually arc and cause a  
13 fire and then if those lined up with where there  
14 would be burned pattern indicators to that then yes  
15 they would be included. But again I don't even know  
16 if there were com lines there.

17 BY MR. MIJANOVIC:

18 Q Did you interview any witnesses who --  
19 strike that.

20 Do you recall speaking to the owner of the  
21 restaurant?

22 A No.

23 Q Do you recall if Mr. Pidgeon informed you of  
24 any conversations he had with the owner of the  
25 restaurant?



1           A       I don't recall.

2           Q       Did anyone at anytime inform you that the  
3 owner of the restaurant observed the downed power  
4 line bouncing back up and striking one of the other  
5 lines?

6           A       No, I don't. Never heard that.

7           Q       So as it relates to that specific origin  
8 area is it correct that you did not find any evidence  
9 of molten metal on the ground; is that correct?

10          A       Correct.

11          Q       Anywhere in the general area of origin; is  
12 that correct?

13          A       Correct.

14          Q       And you used a device to detect metal, but  
15 you still were not able to find anything, correct?

16          A       We used a magnet which will pick up iron  
17 products but not any aluminum or anything that's  
18 non-ferrous.

19          Q       Did you form any opinion that Liberty did  
20 not properly maintain any part of its circuit?

21          A       No, I -- no.

22                   MR. HIRSCH: Asked and answered.

23                   THE WITNESS: Yeah.

24 BY MR. MIJANOVIC:

25          Q       Do you agree that if there are two potential

1 sources of ignition in a general area of origin,  
2 neither of which you can eliminate, that the  
3 conclusion should be that the cause of the fire is  
4 undetermined?

5 MR. HIRSCH: Assumes facts. Incomplete  
6 improper hypothetical.

7 THE WITNESS: That -- I mean yes. If you  
8 have two probable source of ignition then it would be  
9 undetermined.

10 MR. SIMON: This is Craig.

11 What are we doing about a lunch break?

12 MR. MIJANOVIC: Why don't we take a short  
13 break. I probably have a few more minutes. And then  
14 I'll hand over the questions and then it's up to you  
15 guys on how much time you want whether we take a  
16 lunch or not.

17 MR. HIRSCH: If it's a few minutes can we  
18 keep going? Do you guys have a lot?

19 MR. JULIUS: I'm not going to have a lot.  
20 Does anybody else --

21 MR. HIRSCH: Short like a restroom break is  
22 fine.

23 MR. JULIUS: Let's go off the record.

24 THE VIDEOGRAPHER: We are going off the  
25 record. It is 12:45 p.m.

1 (Break taken.)

2 VIDEOGRAPHER: We are back on the record.

3 It is 12:52 p.m.

4

5 EXAMINATION

6 BY MR. JULIUS:

7 Q Mr. Kirkhart, my name is Jason Julius. I  
8 represent the plaintiffs in the federal action.  
9 Thanks for your time today. I just have a few  
10 follow-up questions.

11 You -- there was some testimony earlier  
12 about whether you had an opinion as to whether or not  
13 the lines were slapping while still suspended.

14 Do you recall that testimony?

15 A Yes.

16 Q Is it possible -- and sorry you also  
17 testified that you observed some marking on the line  
18 that remained suspended?

19 A Correct.

20 Q And that was indicative to you of some line  
21 slap?

22 A Correct.

23 Q Is it possible that that marking that you  
24 saw could have occurred after the other line broke  
25 due to slapping?

1           What I'm asking is is it possible for  
2   slapping to occur both while the lines are both  
3   suspended and while one line is not -- no longer  
4   suspended; do you know one way or the other?

5           A     Well, it would depend.

6           There's only the two lines, which I don't  
7   really recall, but if there's only two lines if one  
8   fell then there wouldn't be anything for it to --  
9   something may impact it, but I don't -- I'm trying to  
10   think electrically would it be able to cross phases  
11   and arc. I don't -- I don't know for sure, but --

12          Q     How about is it possible for that line that  
13   is no longer suspended that is broken to bounce  
14   around and bounce up and hit the line that is  
15   suspended? Is that possible?

16           MR. MIJANOVIC: Objection. Incomplete  
17   hypothetical.

18           THE WITNESS: I mean technically it's  
19   possible.

20   BY MR. JULIUS:

21          Q     You just don't know one way or the other in  
22   this situation what happened?

23          A     Correct.

24          Q     Toward the end of your testimony just now  
25   there was some question as to where there are two

1 potential sources of ignition and you can't rule out  
2 both that the fire -- the -- the cause of origin is  
3 then undetermined; is that accurate?

4 A No.

5 Q Okay.

6 A If there are two probable sources -- so in  
7 fire -- while the fire investigation there's possible  
8 and probable causes. So anything 50 percent or  
9 greater as a cause that is -- that would be probable.  
10 Anything less than 50 percent would be possible.

11 So you can have stuff that is possible and  
12 not probable, but if you have two or more probables  
13 then yes you would have to go undetermined.

14 Q For this particular fire was there more than  
15 one probable source of ignition that you observed?

16 A No.

17 Q Okay. I'm going to mark as Exhibit 37.

18 (Exhibit 37 was marked for identification  
19 and is attached hereto.)

20 BY MR. JULIUS:

21 Q And this is an exhibit from the deposition  
22 of Jeffrey Hinds marked 001-0005A.

23 Can you take a look at that photograph for  
24 me.

25 A Okay.

1 Q Does that photograph depict the area that  
2 you understood to be -- to include portions of the  
3 general origin area and the specific origin area that  
4 was determined by you and Mr. Pidgeon?

5 A Yes. I -- yes, I think the general origin  
6 is being used --

7 Q Is bigger?

8 A It's way bigger -- I mean anything that was  
9 within that original drawing of the GOA would be  
10 included in the general origin area but this looks --

11 Q This --

12 A -- more specific origin area, yeah.

13 Q Sorry.

14 Yeah. I was going to say the specific  
15 origin area that you and Mr. Pidgeon determined is  
16 within this photograph?

17 A Yes.

18 Q There's also a red circle drawn in this  
19 photograph by Mr. Hinds during his deposition.

20 Is that red circle consistent with your  
21 determination of a specific origin area?

22 A Yes.

23 Q Did you observe any fire indicators that  
24 would lead you to believe that the fire started in  
25 the area that Ms. Victor testified that she initially

1 saw the flames?

2 A No.

3 Q And you specifically investigated that area  
4 that she stated that -- where she first saw the  
5 flames?

6 A Yes, because it fell within the general  
7 origin area that -- that part of it is like we -- the  
8 S-Type pattern is what we use and so everything leads  
9 back.

10 Q Would you expect if the fire had started in  
11 that area that she indicated that there would have  
12 been fire indicators like the ones that you flagged?

13 A Yes.

14 MR. MIJANOVIC: Calls for speculation.

15 BY MR. JULIUS:

16 Q But again you didn't observe any fire  
17 indicators that you flagged as being a potential  
18 source of this fire?

19 A No.

20 MR. JULIUS: That's all I have.

21 MR. MIJANOVIC: Anyone else?

22 MR. SIMON: This is Simon.

23 I have nothing.

24 Does anyone else have anything?

25 Can we go off the record a second?

1 MR. HIRSCH: Since Krsto is moving around --

2 MR. JULIUS: I think Krsto is going to jump  
3 back in.

4

5 FURTHER EXAMINATION

6 BY MR. MIJANOVIC:

7 Q Sir, just a few questions.

8 You indicated that you did not see -- strike  
9 that.

10 You testified that you didn't see any fire  
11 indicators in Ms. Victor's origin area, correct?

12 A No.

13 Q Fire indicators that that was the -- that --  
14 the origin of the fire?

15 A Correct.

16 Q What were the fire indicators in the  
17 specific origin area that you believe support your  
18 conclusion that that is the -- where the fire  
19 started?

20 A Based on where you would find lateral  
21 indicators on each side with the advancing indicators  
22 and the backing, basically leads it all back to the  
23 point of origin, going way back, I don't recall  
24 anymore, but the -- is basically how you determine  
25 it. And then when you start looking around within



1     that specific origin area you can start to look at  
2     micro indicators on rocks and pebbles of where off  
3     of, well, basically those arc marks you would start  
4     to see some charring and staining on the rocks,  
5     slightly incomplete combustion on some of the  
6     materials had not developed into a full fire yet,  
7     still at its incipient phase.

8           Q     All right.

9                     Sir, give me one second here.

10          A     Sure.

11          Q     So looking at Exhibit 32, the third page  
12     which is a specific origin area, you see that  
13     rectangle there?

14          A     Uh-huh.

15          Q     You do, right?

16          A     Yeah.

17          Q     So that's your specific origin area?

18          A     More or less.

19          Q     And the rectangle comes up near the gravel  
20     area there.

21                     Do you see that?

22          A     On the side of these stones?

23          Q     Right.

24          A     Yes.

25          Q     Okay. Did you observe any photographs taken

1 by a witness Ms. Lafrance that actually shows that  
2 that area wasn't burned at the time she got there to  
3 take a photograph?

4 A No.

5 MR. JULIUS: Objection. Lacks foundation.

6 MR. MIJANOVIC: I'll mark as exhibit in  
7 order.

8 MR. JULIUS: I think it should be 38.

9 MR. MIJANOVIC: I'll mark as Exhibit 38,  
10 these are photographs that are Bates Stamped Cal Fire  
11 123 through Cal Fire 125. These are actually part of  
12 Mr. Pidgeon's report. And it's that top photograph  
13 that I'm point and focused on.

14 (Exhibit 38 was marked for identification  
15 and is attached hereto.)

16 BY MR. MIJANOVIC:

17 Q See that top photograph where that brush  
18 area that is adjacent to -- that is adjacent to the  
19 gravel that you can see on the left side of the  
20 photograph, and I'm referring to the top photograph  
21 of Exhibit 38.

22 Do you see how that brush area is not  
23 burned?

24 A Over on this side?

25 Q Yes, sir, on the left side of the

1 photograph.

2 A Yeah.

3 Q Isn't your specific origin area right where  
4 that brush is located?

5 A Um, I mean it's close to it. I can't tell  
6 for sure.

7 Q You'd agree with the top photograph of  
8 Exhibit 38 that brush area's not on fire; is that  
9 right?

10 A Correct.

11 Q Now, would this photograph taken by  
12 Ms. Lafrance immediately when she came to the scene,  
13 with that unburned grass there that is, as you  
14 indicated, right next to your specific origin area,  
15 the fact that that grass is not burned or involved in  
16 a fire, would that suggest that your specific origin  
17 area may not be accurate?

18 MR. JULIUS: Calls for speculation. Lacks  
19 foundation. Incomplete hypothetical.

20 THE WITNESS: Well, I mean where I guess  
21 Chief Pidgeon estimated the SOA to be after the fact  
22 on this paper might not line up exactly, but I don't  
23 know that it's what was the other -- I don't -- yes,  
24 so where he drew it on this exhibit versus this  
25 picture it looks as though it's not lined up.

1 BY MR. MIJANOVIC:

2 Q It looks like the specific origin area that  
3 Mr. Pidgeon identified in Exhibit 32 is inconsistent  
4 with what you can observe in terms of the unburned  
5 brush in Exhibit 38 and I'm referring to the top  
6 photograph.

7 MR. SIMON: Objection.

8 Simon.

9 Misstates evidence.

10 THE WITNESS: Was there a question?

11 BY MR. MIJANOVIC:

12 Q Let me rephrase it, sir.

13 A Okay.

14 Q Thank you.

15 Looking at the top photograph of Exhibit 38  
16 where that unburned yellowish grass is located -- do  
17 you see that?

18 A Uh-huh.

19 Q Is that a yes?

20 A Yes. Sorry.

21 Q And given that the specific origin area that  
22 Mr. Pidgeon identified in Exhibit 32, wouldn't you  
23 expect the brush that Ms. Lafrance photographed as  
24 depicted in Exhibit 38, wouldn't you expect that  
25 grass to be on fire?

1 MR. JULIUS: Objection. Lack foundation.  
2 Calls for speculation. Misstates evidence.

3 MR. HIRSCH: Incomplete hypothetical.

4 THE WITNESS: With all that being said, not  
5 -- not exactly.

6 As in the sketch you can see that actually  
7 that that line would be flanking fire, which I can't  
8 tell by the depth. I can't even see where the actual  
9 rocks are in the picture, kind of sort of. If I can  
10 reference the fire sketch.

11 MR. MIJANOVIC: Sure. Let me get that for  
12 you. Exhibit 34 is now in front of you.

13 THE WITNESS: So Exhibit 34 where the yellow  
14 flanking markers are would be along that, that fire  
15 edge. So I don't know what time Ms. Lafrance arrived  
16 and took a picture as to when those lateral fuels  
17 burned.

18 And so lateral fuels burn slower than  
19 advancing fuels.

20 I mean do you see what I'm saying on the --

21 MR. MIJANOVIC: Yeah.

22 THE WITNESS: So that would be that edge  
23 would be that edge.

24 But I do understand what you are saying that  
25 in her picture those fuels have not burned yet. And

1 at some point they did.

2 BY MR. MIJANOVIC:

3 Q In Ms. Lafrance's photograph, which is the  
4 top photo in Exhibit 38, you can see that there are  
5 fuels that have not burned that are located in  
6 Mr. Pidgeon's specific origin area.

7 MR. JULIUS: Lacks foundation. Calls for  
8 speculation.

9 MR. MIJANOVIC: Correct?

10 MR. JULIUS: Misstates the testimony.  
11 Misstates evidence.

12 THE WITNESS: Correct. Yeah, I can't say --  
13 I did not place the SOA on that paper so I can't  
14 speak to where it would be exactly.

15 BY MR. MIJANOVIC:

16 Q Mr. Pidgeon placed the SOA, correct?

17 A Correct.

18 Q Okay. All right.

19 No other questions. Thank you, sir.

20 MR. SIMON: Could we discuss -- this is  
21 Simon -- either on or off the record the signature  
22 portion and how we all deal with the transcript and  
23 trial issues with two different venues?

24 MR. MIJANOVIC: We're going to handle this  
25 signature under the Code. And then we can discuss as

1 part of the CMO how to handle all transcripts.

2 DEPOSITION OFFICER: Does anybody on Zoom  
3 need a copy?

4 I'm taking everybody's silence as a no.

5 THE VIDEOGRAPHER: And with that that will  
6 conclude today's proceeding. The total amount of  
7 time on the record is two hours and sixteen minutes.  
8 We're going off the record at 1:08 p.m.

9 MR. JULIUS: I need a copy.

10 (The deposition proceedings concluded at 1:08 p.m.)

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1 I, the undersigned, say I have read the  
2 foregoing deposition and declare under penalty of  
3 perjury that the foregoing is true and correct.

4 Executed the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2023, at \_\_\_\_\_  
6 \_\_\_\_\_.

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MATTHEW KIRKHART



1 )  
STATE OF CALIFORNIA )  
2 )

3

4 I, ELIZABETH GREIDERER, 10566, a Certified  
5 Shorthand Reporter within and for the State of  
6 California, do hereby declare:

7 That pursuant to 2093 (b) CCP, I administered the  
8 oath to the deponent;

9 That the foregoing deposition was taken before me  
10 at the time and place set forth and was taken down by  
11 me in shorthand and thereafter transcribed under my  
12 direction and supervision;

13 That the foregoing deposition is a full, true and  
14 correct transcript of my shorthand notes so taken.

15 I further declare that I am neither counsel for,  
16 nor related to, any of the parties to said action,  
17 nor in any way interested in the outcome thereof.

18 I declare under Penalty of Perjury this 30th day  
19 of March, 2023, that the foregoing is true and  
20 correct.

21

22   
23 \_\_\_\_\_

24 ELIZABETH GREIDERER, CSR 10566

25

1 CHANGES AND SIGNATURE

2 WITNESS NAME: Matthew Kirkhart, 03/17/2023

3 PAGE LINE CHANGE REASON

4 \_\_\_\_\_

5 \_\_\_\_\_

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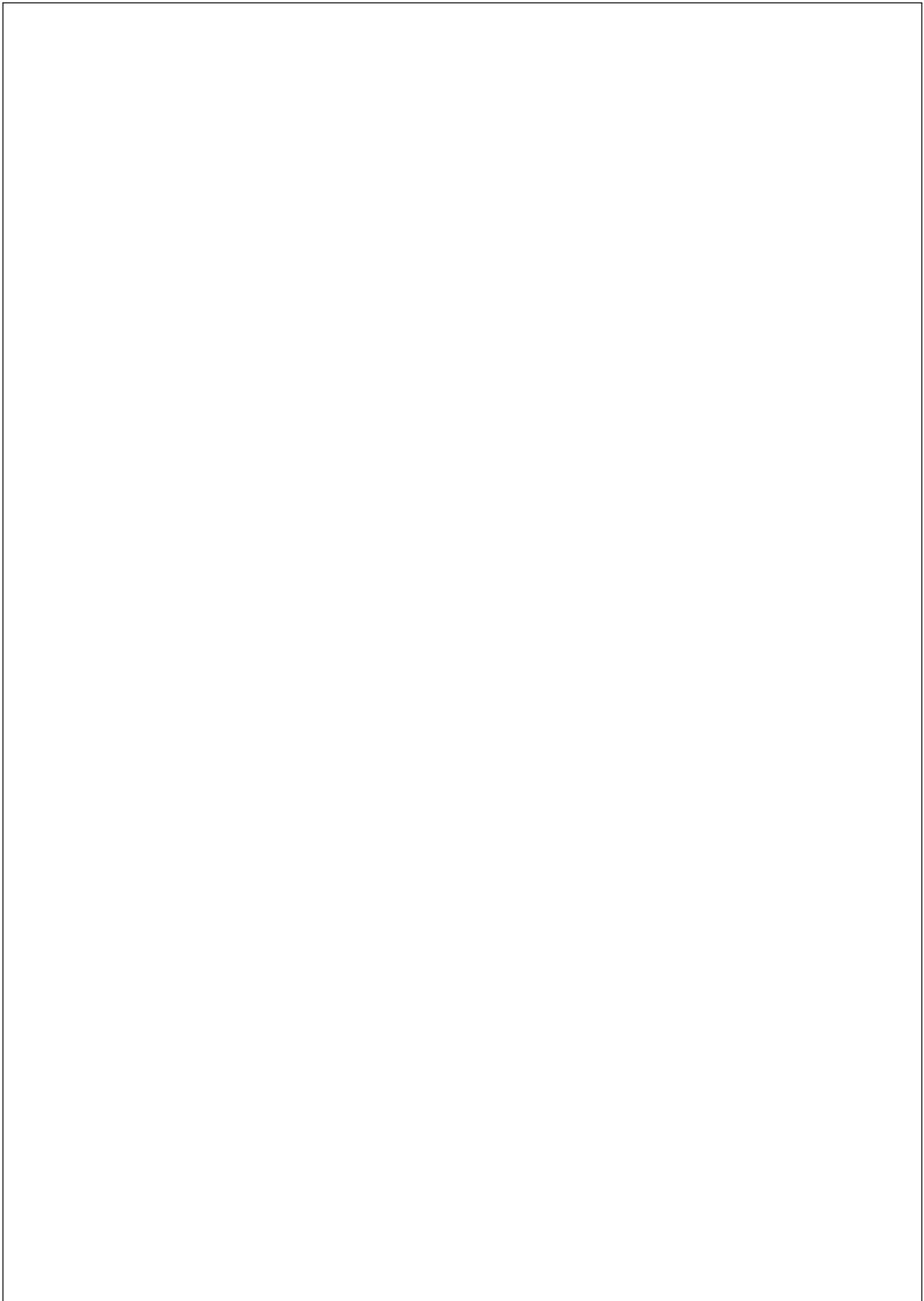
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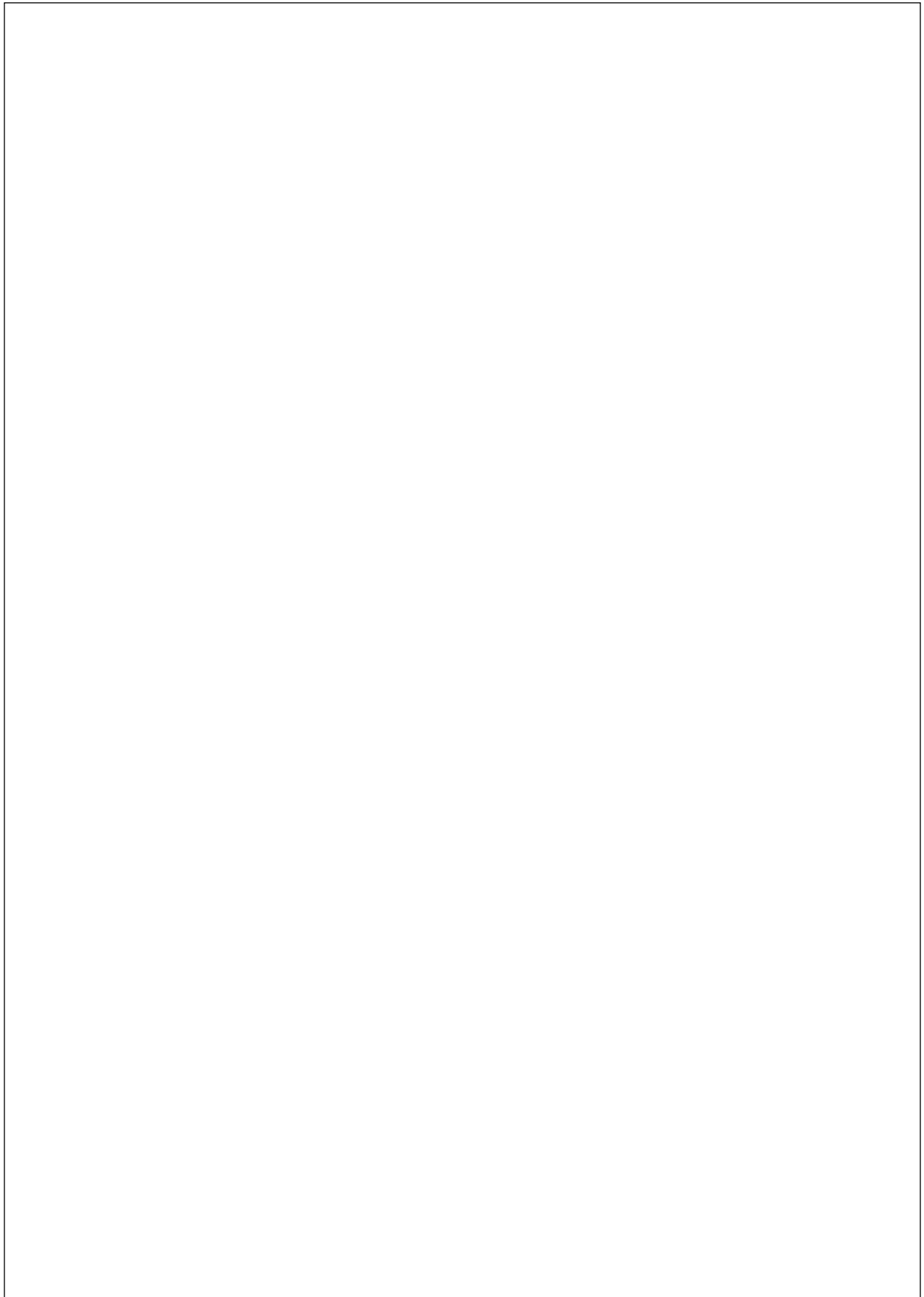
20 I, Matthew Kirkhart, have read the foregoing  
21 transcript and hereby affix my signature that same is  
22 true and correct, except as noted above.

23

24 \_\_\_\_\_

25 Matthew Kirkhart













































































## **ATTACHMENT 17**

**National Wildfire Coordinating Group FI-110 Unit 4:  
Identifying the General Origin Area,  
<https://training.nwcg.gov/dl/fi110/fi-110-ig04>.**



## FI-110 Unit 4: Identifying the General Origin Area

### Unit Objectives:

- Understand the basic principles of fire behavior.
- Display a basic understanding of fire pattern indicators.
- Understand how to identify the signs of a general origin area in a wildland fire.

### Unit at a Glance:

Topics	Method	Duration
Basic Principles of Fire Behavior	Presentation	15 Minutes
Fire Pattern Indicators	Presentation	15 Minutes
How to Identify the Signs of a General Origin Area	Presentation/ Group Activity	10 Minutes
Identifying Signs of a General Origin Area, Examples (2)	Group Activity	10 Minutes
Knowledge Check/review	Group Activity	5 Minutes
<b>Total Unit Duration</b>		<b>55 Minutes</b>

### Materials:

- Computer, large monitor, or screen and projector.
- Notebook for participants.
- Ability to display images and video on large screen.
- White board or easel access for discussion or further explanations.

# Unit 4: Identifying the General Origin Area

## Slide 1



# Unit 4: Identifying the General Origin Area

## Slide 2

### Objectives

- Understand the basic principles of fire behavior.
- Display a basic understanding of fire pattern indicators.
- Understand how to identify the signs of a general origin area in a wildland fire.



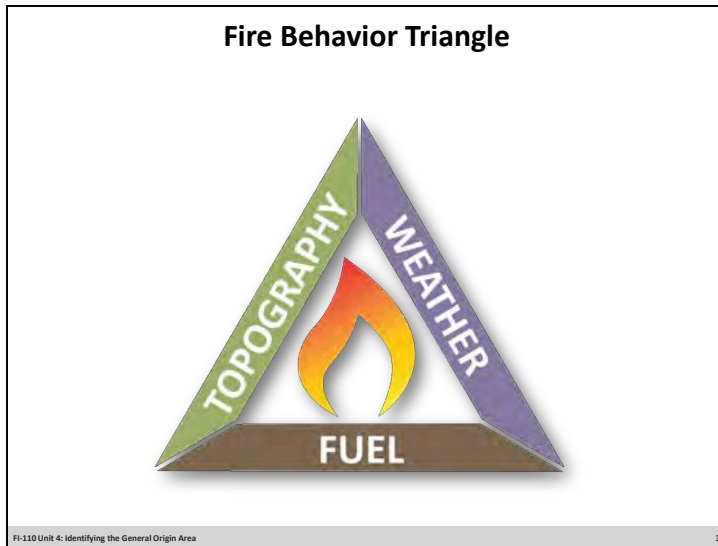
FI-110 Unit 4: Identifying the General Origin Area

2

- ☐ Review unit objectives.



### Slide 3



- Fuels, weather, and topography are the three factors that will cause the fire to form the advancing, backing, and lateral areas.

## Unit 4: Identifying the General Origin Area

### Slide 4

#### Fire Behavior

- To identify the signs of a general origin area, apply basic fire behavior knowledge.
- Fire burning on flat ground, with similar fuels and calm winds will burn outwards in a circular shape.
- Shape of fire may be affected by changes in fuel, weather, or topography.
- These changes may affect the rate of spread.



FI-110 Unit 4: Identifying the General Origin Area

4


- Fire photos taken at one-minute intervals for the first 5 minutes on a fire in early April, Ontario, Canada.

## Unit 4: Identifying the General Origin Area

### Slide 5

**Fuels**

Different fuel types, quantities, and moisture content will influence the intensity and rate of spread of a wildland fire.



FI-110 Unit 4: Identifying the General Origin Area 5

- Fuel factors that influence the intensity and rate of spread of a wildland fire:
  - Size: fine fuels, needles, grasses, coarse fuels, logs, stumps, trees, limbs.
  - Arrangement: ground fuels, surface fuels, ladder fuels, crown fuels.
  - Volume: amount of fuel available to burn.
  - Type: hardwood, softwood, mixed, wood, slash, grass.
  - Condition: dead, dying from insect and disease, wind events, ice damage.
  - Chemical content: resins.
  - Fuel moisture: amount of moisture within the fuels, the higher the moisture, the more difficult to ignite.
- If there were no moisture in the fuels, the fuel moisture would be 0%.
- Left photo: Grasslands, Guam: temp 87°F (31°C), RH 53%, winds 6mph (10km/hr).
- Right photo: Boreal, Northern Canada: temp 82°F (29°C), RH 37%, winds 7mph (12 km/hr).
- Historically, more firefighters have been killed fighting fires in light flashy fuels than any other type.

### Slide 6

#### Fire Spread Factors

The two major factors that influence fire spread are:

1. Weather (wind)
2. Topography (slope)

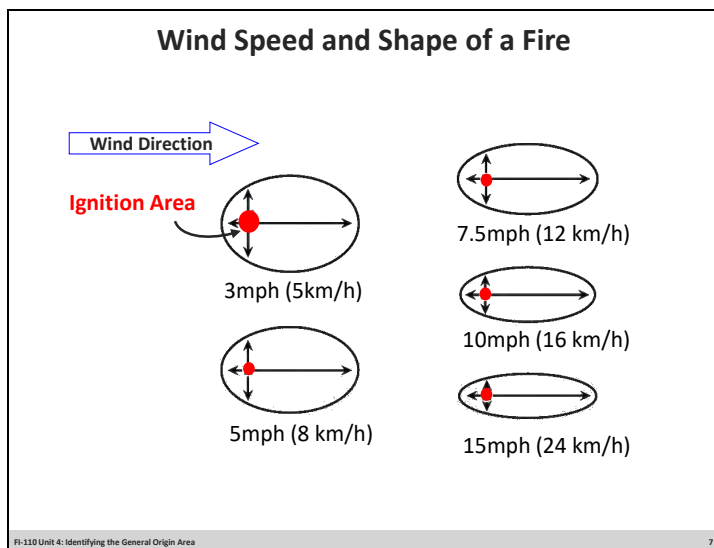


FI-110 Unit 4: Identifying the General Origin Area

6

## Unit 4: Identifying the General Origin Area

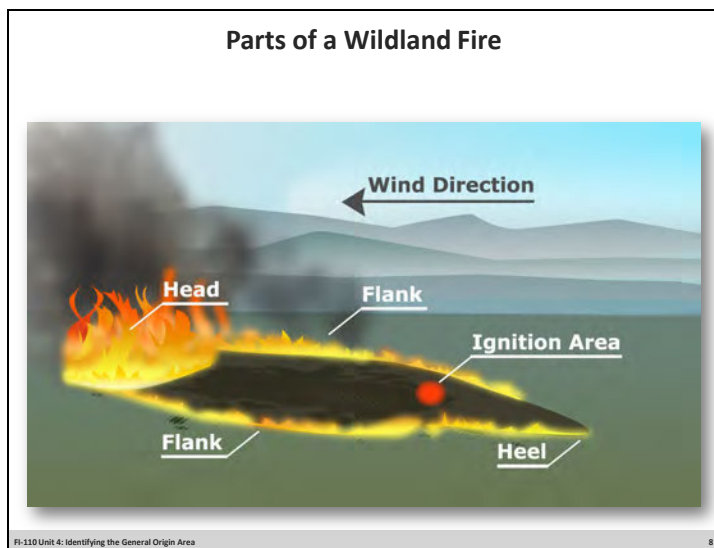
### Slide 7



- Wind is the primary influence on fire spread.

## Unit 4: Identifying the General Origin Area

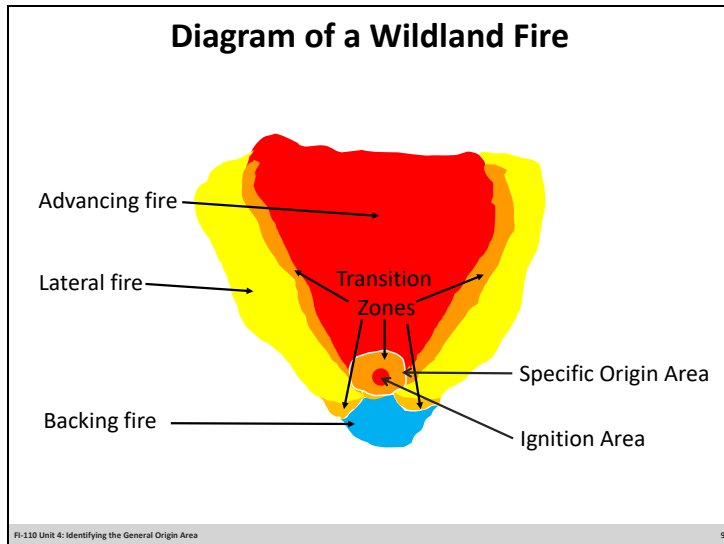
### Slide 8



- As a first responder, you may be more familiar with the terms head, flank, and heel to describe the parts of a fire. Investigators will use the terms advancing, lateral, and backing, respectively, to describe parts of the fire and its movement. These will be described in more detail later in the unit.

## Unit 4: Identifying the General Origin Area

### Slide 9



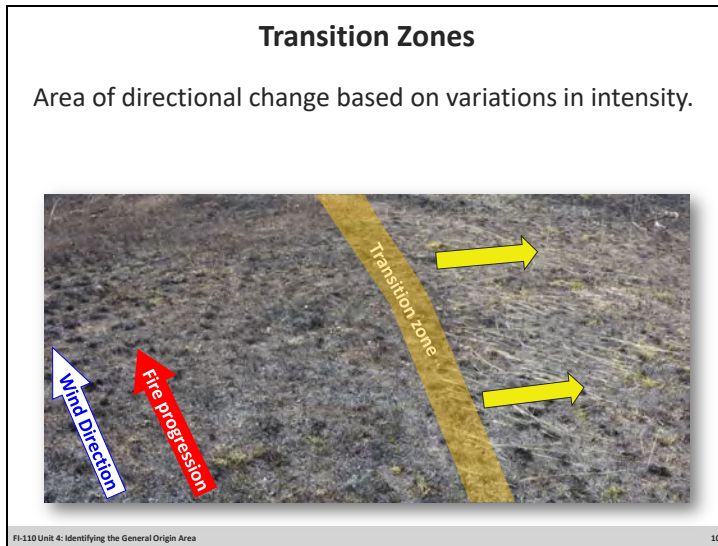
#### Note to Instructor

This slide will display the transitions between the various parts of the diagram of a wildland fire. The instructor may advance the terms as required.

- Advancing fire
  - More damage
  - Cleaner burn
  - Rapid spread
  - Indicators in line with the direction of spread
- Lateral fire
  - Some residual fuels
  - Indicators at 45° to 90° angle
  - In line with advancing indicators if wind influenced
- Backing fire
  - More residual fuels
  - Indicators in line with the direction of spread
- Transition zones
  - See the following slide for further details.

## Unit 4: Identifying the General Origin Area

### Slide 10



- Definition: Area of change between advancing, lateral, and backing vectors.

#### Note to Instructor

Point out the transition zone between the advancing and lateral fire.

- Advancing fire is moving bottom to top, lateral fire is moving left to right.
- Examples:
  - Advancing to lateral
  - Advancing to backing
  - Backing to lateral
- The yellow shaded line is the transition zone between advancing and lateral fire pattern indicators. Note the grass stems positioned at a 45° angle in the lateral area.



### Slide 11

#### 11 Fire Pattern Indicators

Can reveal the direction of fire progression at a precise location.

- |                   |                     |
|-------------------|---------------------|
| 1. Protection     | 7. Sooting          |
| 2. Grass stem     | 8. Staining         |
| 3. Foliage freeze | 9. Ash deposits     |
| 4. Angle of char  | 10. Cupping         |
| 5. Spalling       | 11. V or U patterns |
| 6. Curling*       |                     |

FI-110 Unit 4: Identifying the General Origin Area

11

- \*Curling will not be discussed during this course due to its limitations for a first responder.
- Fire pattern indicator: A physical object that displays changes (fire effects) from exposure to heat, flame, and combustion by-products that can reveal the direction of fire progression at a precise location with an accurate analysis. A fire pattern indicator is a single component of the overall fire pattern.
- There are 11 fire pattern indicators. With the correct use of these fire pattern indicators, a first responder will be able to identify and protect the general origin area.

## Unit 4: Identifying the General Origin Area

### Slide 12

#### Protection – Advancing Fire

- The side of a physical object facing away from the oncoming fire is shielded from the full heat and/or byproducts of the fire.



FI-110 Unit 4: Identifying the General Origin Area

12

- Definition: A combustible or non-combustible object that displays differential damage or deposits on opposing sides due to the passage of the fire and indicates the direction of fire progression at that location.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.

## Unit 4: Identifying the General Origin Area

### Slide 13



- Compare and contrast damage on the left side of the tire versus on the right side.

## Unit 4: Identifying the General Origin Area

### Slide 14

#### Grass Stems – Backing Fire

- Typical of a low-intensity backing fire.
- Majority of stems/heads will point in the direction the fire came from.



FI-110 Unit 4: Identifying the General Origin Area

14

- Definition: The un-consumed grass stems and heads of cured grass left lying on the ground after the passage of a fire that under certain circumstances point in the direction that the fire came from.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.

Definition Extension: Typically found in areas of low-intensity burning including but not limited to the backing and lateral areas of fire progression. These indicators are typically missing from areas of high-intensity burning where they are normally consumed.

## Unit 4: Identifying the General Origin Area

### Slide 15

#### Foliage Freeze – Advancing Fire

- Foliage is frozen in the direction the wind blew when the fire passed.



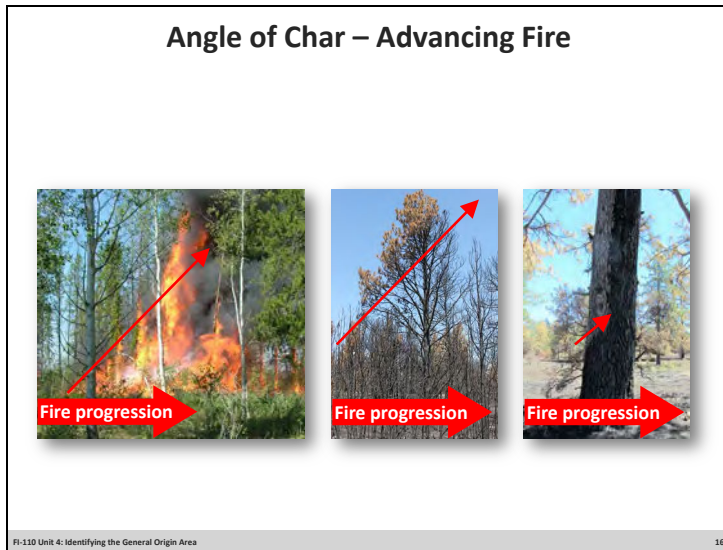
FI-110 Unit 4: Identifying the General Origin Area

15

- Definition: Small branches, needles, and leaves swept into a position by the wind and fixed by desiccation indicating the wind direction at the time of fire passage.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
- Definition Extension: Desiccation is the act of drying or becoming dry.
- An indication of wind direction at the time of the fire.

## Unit 4: Identifying the General Origin Area

### Slide 16



- Definition: Angled or horizontal char or scorch pattern created on standing fuels as fire burns up to, past, and beyond, indicating the direction of fire progression at that point.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
- Fire enters low, exits high.

## Unit 4: Identifying the General Origin Area

### Slide 17

#### Angle of Char – Advancing Fire on Sloped Terrain

- Angle of char on this tree trunk is steeper than the slope, indicating the fire advanced from left to right up the slope with the wind.
- Vertical char line on the right side of the tree trunk is due to wind vortex flame wrap.



FI-110 Unit 4: Identifying the General Origin Area

17

- The photo shows a second tree behind the first.
- Vertical char line on the right side of the tree trunk is due to wind vortex flame wrap, and while it is a reliable wind direction indicator (wind from left to right), it is not a part of the angle of char fire pattern indicator.
- The stronger the wind, the higher the flame wrap.

### Slide 18

#### Angle of Char – Backing Fire

- Fire backing into the wind, the overall char pattern is parallel to the ground.



FI-110 Unit 4: Identifying the General Origin Area

18

- Flame wrap extends up the downwind side of the tree trunk and should not be confused with the angle of char fire pattern indicator but is evidence of wind direction.



## Unit 4: Identifying the General Origin Area

### Slide 19

#### Spalling – Advancing Fire

- On rocks in advancing fire area.
- Concentrated on the exposed side.
- Absent/less evident on the protected side.



FI-110 Unit 4: Identifying the General Origin Area

19

- Definition: Rock or boulders that display more chipping or pitting on the exposed surface than the protected surface due to the passage of the fire indicating the direction of fire progression at that location.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
- Exposed side is the side facing the oncoming fire, not necessarily the direction of the ignition area.

## Unit 4: Identifying the General Origin Area

### Slide 20

#### Sooting – Advancing Fire

- Soot deposits on the exposed surface of the object.



FI-110 Unit 4: Identifying the General Origin Area

20

- Definition: Objects displaying more soot deposits on the exposed surface of the object than on the protected surface of the object indicating the direction of fire progression at that location.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.

## Unit 4: Identifying the General Origin Area

### Slide 21

#### Staining – Advancing Fire

- Vaporized volatile oils/resins from the flame and smoke column condensed onto cooler objects.
- Objects display more stain deposits on the exposed surface.



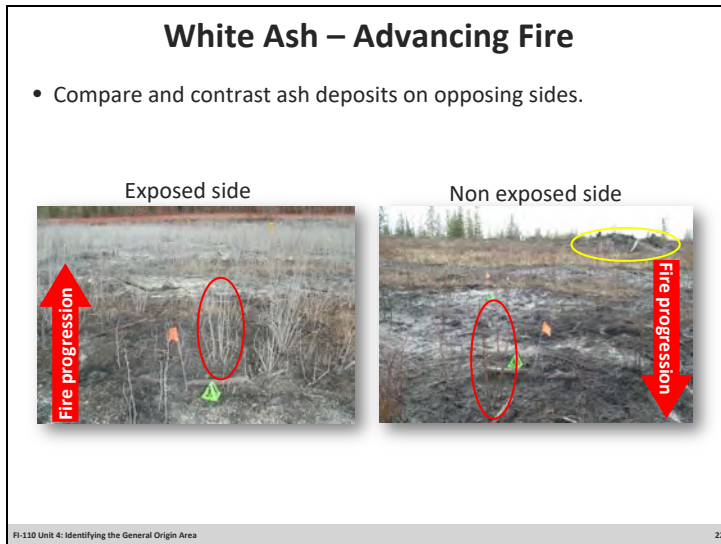
FI-110 Unit 4: Identifying the General Origin Area

21

- Definition: Objects displaying more stain deposits on the exposed surface of the object than on the protected surface of the object indicating the direction of fire progression at that location.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.

## Unit 4: Identifying the General Origin Area

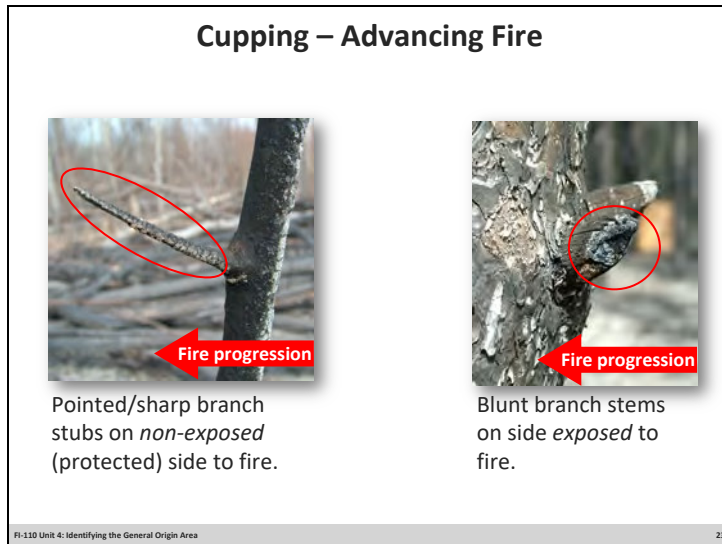
### Slide 22



- Photo is an example of white ash deposits dispersed downwind in fine particles. The exposed side is covered in deposited white ash. The non-exposed side is bare of white ash.
- Definition: There are two subsets of the white ash fire pattern indicator:
  1. Deposits: Objects displaying more white ash deposits on the exposed surface of the object as opposed to the protected surface of the object indicating the direction of fire progression at that location.
  2. Exposure: Objects displaying more attached white ash on the exposed surface of the object as opposed to the protected surface of the object indicating the direction of fire progression at that location.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
- The white ash in the left photo can be seen on the standing brush stems. When looking back in the direction the fire came from the white ash is no longer visible as in the right photo.
- Area circled in yellow is the remains of a smoldering brush pile from where the fire originated.

## Unit 4: Identifying the General Origin Area

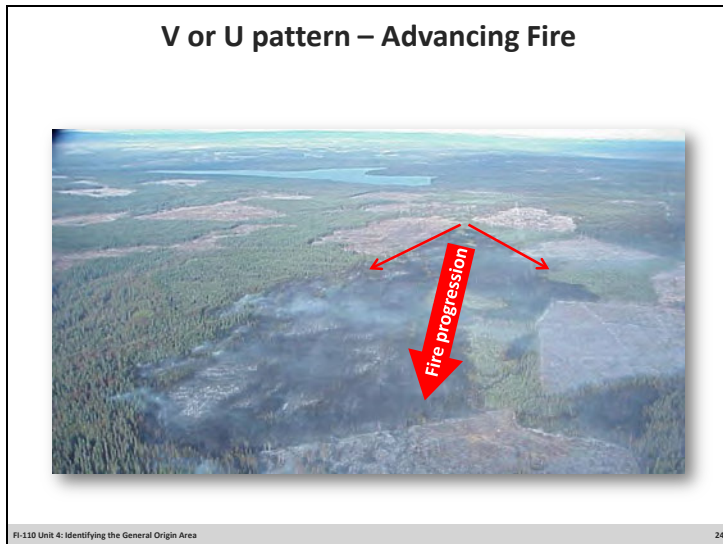
### Slide 23



- Definition: A concave or cup-shaped char pattern found on the side of fuels exposed to the oncoming fire including:
  - Small stumps (generally 10 inches [25cm] diameter and less are more reliable).
  - Grass stem ends.
  - Terminal ends of brush and tree limbs (generally less than 1/2 inch diameter [1cm]), that indicate the direction of fire progression at that point.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.

## Unit 4: Identifying the General Origin Area

### Slide 24



- Definition: Fire pattern resembles a V or U shape and indicates the direction of fire progression in that area.
- One of the 11 NWCG categories of fire pattern indicators. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
  - V shapes are predominately influenced by higher winds and/or steeper slopes.
  - U shapes are predominately influenced by lower winds speed and/or gentler slopes.
  - Usually associated with larger objects or areas which are easily visible from a distance.
  - Usually found in areas of higher fire intensity.

## Unit 4: Identifying the General Origin Area

### Slide 25

#### Identifying the General Origin Area

Correctly identifying and protecting the general origin area is critical to the investigation.



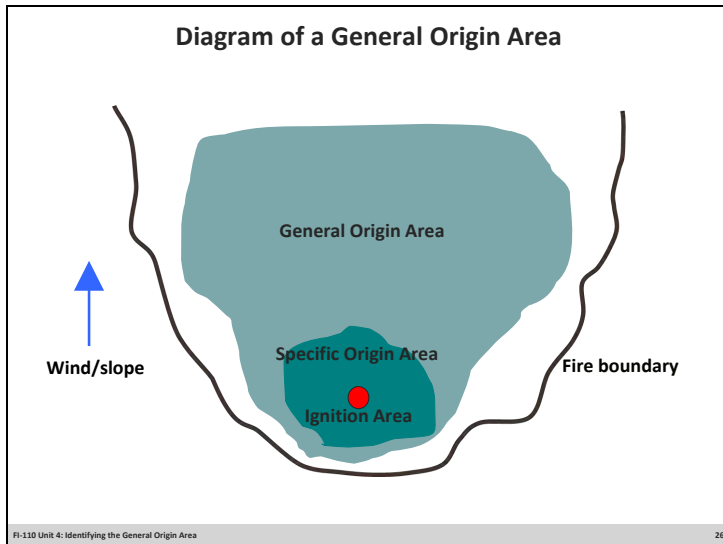
FI-110 Unit 4: Identifying the General Origin Area

25

- The general origin area is flagged off in this photo.

## Unit 4: Identifying the General Origin Area

### Slide 26

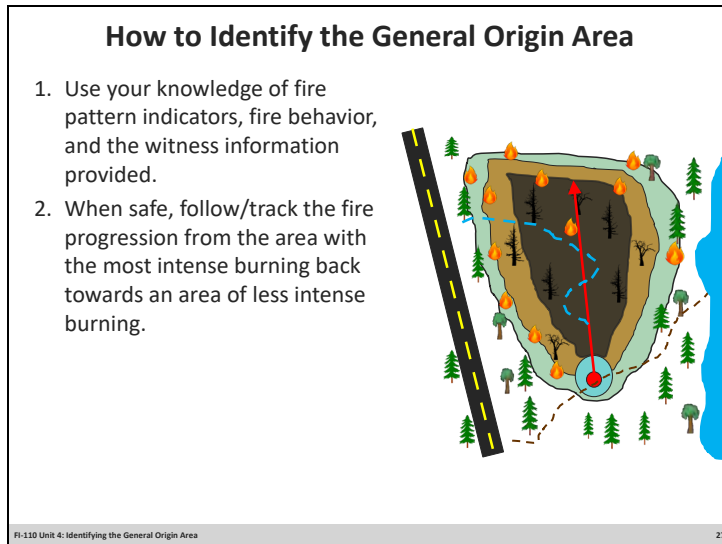


- ❑ Explain the definition of these areas. However, the focus must remain on protecting the general origin area. Reference: *Guide to Wildland Fire Origin and Cause Determination*, PMS 412, <https://www.nwcg.gov/publications/412>.
- General Origin Area (GOA)
  - Definition: The larger area where the fire first established itself and is identified by an analysis of the fire behavior context, fire pattern indicators, and witness statements.
  - Definition Extension: The general origin area includes within its boundary the specific origin area and ignition area and is typically less than ½ acre (0.25 hectare) in size.
- Specific Origin Area (SOA)
  - Definition: The smaller area within the general origin area where the fire's direction of spread was first influenced by fuel, weather, and/or topography.
  - Definition Extension: The SOA will contain the Ignition Area. Generally, this area is characterized by subtle and microscale fire pattern indicators as a result of less intense burning associated with the initial stages of the fire.
- Ignition Area (IA)
  - Definition: The smallest area that a wildland fire investigator can define based on the physical evidence of the fire pattern indicators, within the specific origin area, in which a competent ignition source came into contact with the first fuel ignited and combustion was sustained.



## Unit 4: Identifying the General Origin Area

### Slide 27



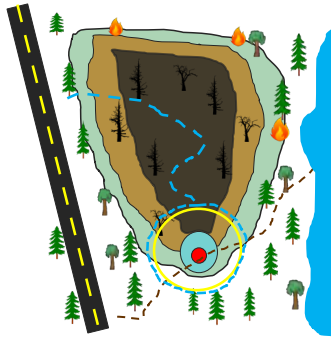
- In the example shown, these colors represent the following:
  - Dark brown: high-intensity burn.
  - Light brown: moderate intensity burn.
  - Light green: low-intensity burn.
  - Red circle: ignition area.
  - Turquoise: specific origin area.
  - Blue dashed line: the path the first responder walked looking for the general origin area.
  - Brown dashed line: a path to the lake.
  - Yellow line: area flagged off by first responders to protect the general origin area.
- The example shows a wildland fire parallel to a highway. A fire has occurred along the pathway to the lake. As a first responder, once the fire is safe, follow the fire's progression from an area with the most intense burning back towards an area of lesser intense burning, identify and protect the general origin area. If unsure, stay further back, or consult with a more experienced person on site.
- A V or U pattern may be observed as you get closer to the general origin area; however, each fire will have its own set of circumstances.
- It is important to know your role. Protect the general origin area.

## Unit 4: Identifying the General Origin Area

### Slide 28

#### How to Identify the General Origin Area

3. This area is usually towards the heel of the fire and is often identified as the area discovered burning by the first person(s) on scene.
4. Place flagging to protect the general origin area.
5. Flag and protect any signs of evidence you identified.



FI-110 Unit 4: Identifying the General Origin Area

28


- The general origin area is typically less than ½ acre (0.25 hectare) in size. This is the area you want to protect.

## Unit 4: Identifying the General Origin Area

### Slide 29

**General Origin Area**

- This is the area you need to protect.
- Typically less than ½ acre (0.25 hectare) in size.
- Includes within its boundary the specific origin area and ignition area.



FI-110 Unit 4: Identifying the General Origin Area 29

- Use the initial attack photo to assist you if needed. A larger area protected is better than a smaller area. Let the investigator determine if the area you protected can be reduced in size. You can always enlarge the protected area, but don't make it smaller.
- Example:
  - Photoset: Initial attack and investigator photo of a debris pile holdover fire.
  - Ignition area (red dot), specific origin area (orange), and general origin area (yellow), the area you want to protect.

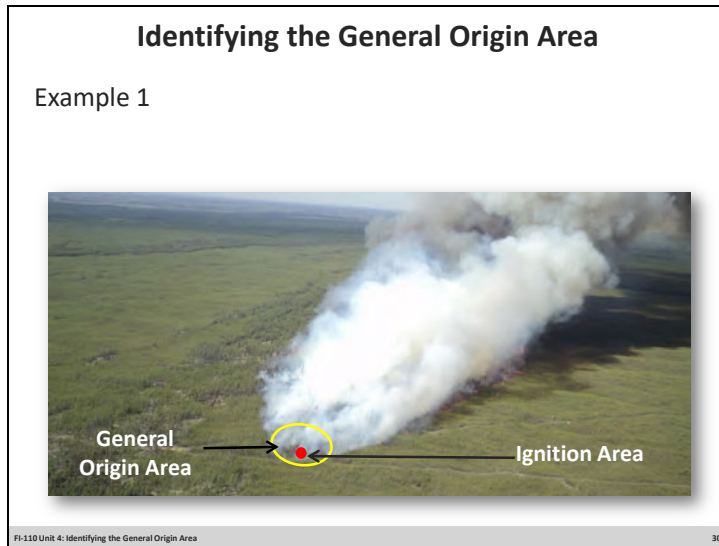
#### Note to Instructor

The general origin area was not flagged off and a dozer (top right) went across and near the ignition area, while a hose lay did come very close. What problems could arise to your scene from heavy equipment or personal? A reason to ensure it is flagged off and secured!

- In this example, there had been three separate debris piles. Two out of the three had been burnt several months before this wildland fire occurring. The middle pile smoldered and spread into the adjacent forest.

## Unit 4: Identifying the General Origin Area

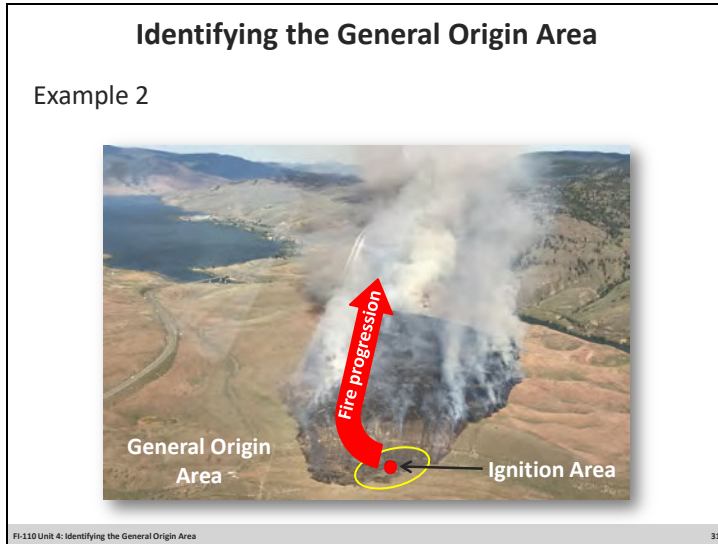
### Slide 30



- ☐ Ask the students to identify the general origin area.
- Work from the area of more intense burning to the area of less intense burning, following the fire's progression back towards the ignition area.
- Photo of a V pattern. (V or U pattern example to use with the students.)
- The fire in this photo resulted in burning over 1.7 million acres ( 700,000ha) and was human caused.

## Unit 4: Identifying the General Origin Area

### Slide 31




- ☐ Ask the students to identify the general origin area.
- In this photo, a wind shift occurred as it moved up a hill and over a ridge.
- The general origin area is the area you as a first responder want to protect and keep secure. The cause of this fire was undetermined.

## Unit 4: Identifying the General Origin Area

### Slide 32

#### Objectives

- Understand the basic principles of fire behavior.
- Display a basic understanding of fire pattern indicators.
- Understand how to identify the signs of a general origin area in a wildland fire.



FI-110 Unit 4: Identifying the General Origin Area32

☐ Review unit objectives.

- By interpreting the fire pattern indicators, you should be able to correctly identify and protect the general origin area of most fires you encounter.
- The Pine Gulch Fire in Colorado. Photo by Eric Coulter, BLM.

## **ATTACHMENT 18**

**CAL FIRE Report's Attachment 22,  
Property Receipt (CAL FIRE LE-92 form)  
for power line cables collected**

**Confidential**

## **ATTACHMENT 19**

**Witness statements referenced in Attachment 1,  
Ex. Liberty-02, and written statement on  
December 29, 2020**



8



# WITNESS STATEMENT

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
LE 78 (REV. 7/2011)

INCIDENT NUMBER

20CAOVD030860

CASE NAME

MOUNTAIN VIEW

DAY	MONTH	DATE	YEAR	COUNTY	REGION	UNIT	CASE NUMBER
TUE	DEC	29	2020	MONO	CSR	BDU	N/A

STATEMENT OF:	Victoria Frances Victor		
DOB:	[REDACTED]	ID TYPE/NUMBER:	
ADDRESS:	[REDACTED]		
CITY:	Coleville	PHONE:	[REDACTED]
LOCATION:			

I, Victoria Victor, freely and voluntarily give this statement to  
[REDACTED], who is known to me as an Investigator with the California

Department of Forestry and Fire Protection. At 9:30 AM Nov 17 2020, I  
drove to my store Walker Flea Market to prep my outside  
items for a wind storm that was to start and had started.  
I moved one of our Uhaul trucks to block metal art  
for protection. After securing yard art I went in my  
building to do a walk thru check. I felt wind inside  
my building. Went towards breeze. I had damage to  
south rear corner of my building. I called a local  
man Mark Shetler to help me screw boards up  
for protection of building. About 11:30 Am something  
made me turn towards looking at road and I  
saw sparks raining down and in seconds flames  
puffed out in just seconds. I yelled fire, I  
ran as I was calling owner of Andrus Motel.  
He didn't pick up I started banging on his door  
because fire and wind was blowing towards Motel

Witness Signature

Date

Time

INVESTIGATOR PRINTED NAME	SIGNATURE	BADGE NUMBER	DATE

CA-02-0600

CAL FIRE 0000219





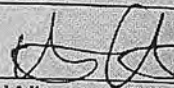
# WITNESS STATEMENT

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
LE 78a (REV. 7/2011)

INCIDENT NUMBER	
20CAOVD030860	
CASE NAME	
MOUNTAIN VIEW	
UNIT	CASE NUMBER
BDU	N/A

DAY	MONTH	DATE	YEAR	COUNTY	REGION
TUE	DEC	29	2020	MONO	CSR

I tryed calling as many people as I could including my husband - Terry Walton I told Terry to grab backhoe to help with fire. The sparks came from second poll south of Andruss Mnte the one with Transformer on it. I didn't see if it came from wire or transformer just saw sparks coming down and light grass on fire

  
Witness Signature

1-2-21  
Date

3pm  
Time

\_\_\_ OF \_\_\_

## **ATTACHMENT 20**

**NWS Reno's Social Media Post on X,  
November 16, 2020 at 12:20 PM,**

**<https://x.com/NWSReno/status/1328432902556639232>**.



←

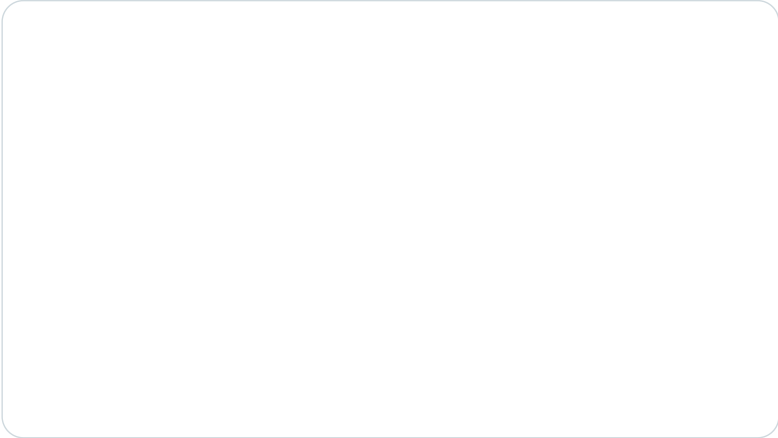
Post

NWS Reno 

@NWSReno



High Winds are expected Tuesday and Tuesday night for the Sierra and U.S. 395 corridor. Gusts to 70 mph with over 80 mph possible in wind prone areas. [#nvwx](#) [#cawx](#) [#HighWindWarning](#)



12:20 PM · Nov 16, 2020

8

19

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CA-02-0603

## **ATTACHMENT 21**

**Liberty's response to Data Request  
CalAdvocates-LIB-A2506017-023, Question 5**



Liberty Utilities (CalPeco Electric) LLC  
933 Eloise Avenue  
South Lake Tahoe, CA 96150  
Tel: 800-782-2506  
Fax: 530-544-4811

October 23, 2025

**Liberty Utilities (CalPeco Electric) LLC**

**A.25-06-017  
WEMA**

**The Public Advocates Office**

Data Request No.: CalAdvocates-LIB-A2506017-023  
Requesting Party: Public Advocates Office  
Originator: Talal Harahsheh, Talal.Harahsheh@cpuc.ca.gov  
Aaron Louie, Aaron.Louie@cpuc.ca.gov  
Patrick Huber, Patrick.Huber@cpuc.ca.gov  
cc: Matthew Karle, Matthew.Karle@cpuc.ca.gov  
Date Received: October 9, 2025  
Due Date: October 23, 2025

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**REQUEST NO. 1:**

With regards to Liberty's discussion of the California Department of Forestry and Fire Protection's (CalFire's) investigation and conclusion on the Mountain View Fire as presented in Liberty's Application, Exhibit Liberty-02: Ignition at pages 3 to 4, has CalFire responded or provided any rebuttal on Liberty's concerns? If yes, please provide all instances of CalFire's response to Liberty's claims that the CalFire investigators experienced expectation bias; did not determine the correct specific origin area of the Mountain View Fire; failed to thoroughly or timely interview all witnesses; or rule out other plausible causes to the Mountain View Fire.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Subject to and without waiving its objections, Liberty responds as follows: Cal Fire investigators were deposed in the civil litigation related to the Mountain View Fire before Mr. Fee presented his technical peer review of the fire agency report and investigation, and Liberty is not aware that Cal Fire has responded directly to Mr. Fee's conclusions as set forth in *Liberty-02: Ignition*. The Cal Fire investigators testified as to the scope of their investigation and conclusions related to the specific

origin area. See *Attachment to CalAdvocates-LIB-A2506017-023, Q1.zip* for deposition transcripts and exhibits for the Cal Fire investigators.

**REQUEST NO. 2:**

Please provide copies of all court filings submitted by Liberty and plaintiffs in the Judicial Council Coordinated Proceeding (JCCP 5228) at the Los Angeles County Superior Court and the U.S. District Court (Eastern District of California - Federal Court: Case No. 2:21-cv-00834).

**RESPONSE:**

Liberty objects to this Question as overbroad. Court filings submitted by Liberty and plaintiffs in the Judicial Council Coordinated Proceeding (JCCP 5228) at the Los Angeles County Superior Court are publicly available in each of the individual cases that are part of the coordinated proceeding, and the majority of Liberty's filings are available in the lead case, *Daniel A. Tackitt et al. v. Liberty Utilities (CalPeco Electric) LLC, et al.*, No. CV200098. Filings for all of these cases are available on the [Los Angeles County Superior Court](#) website. There is also a publicly available docket for the parties' court filings in the U.S. District Court for the [Eastern District of California](#) for *County of Mono et al. v. Liberty Utilities CalPeco Electric, LLC et al.*, No. 2:21-CV-00834 (E.D. Cal. May 9, 2021). Please let Liberty know if Cal Advocates has difficulty accessing the court filings through these publicly available dockets.

**REQUEST NO. 3:**

Please provide copies of all witness statements available regarding the Mountain View Fire ignition.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed, including with respect to the phrase "all witness statements available." Liberty does not understand this Question to be seeking deposition transcripts from the civil litigation related to the Mountain View Fire. Liberty further objects to this Question to the extent that it seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Subject to and without waiving its objections, Liberty responds as follows: Liberty refers Cal Advocates to the witness statement attached to the investigation report prepared by Cal Fire, which was provided in response to Question 1 of CalAdvocates-LIB-A2506017-010. Liberty is continuing to look for any additional responsive, non-privileged witness statements.

**REQUEST NO. 4:**

Please list the names and positions of all witnesses for Liberty and indicate whether they have prepared testimony.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty understands this Question to be referring to Liberty's designated witnesses in this proceeding. Please see the table below:



Name	Position	Prepared Testimony
Dr. Gary J. Fowler	Metallurgy Expert	<i>Liberty-02: Ignition</i>
Thomas Fee	Fire Origin and Cause Expert	<i>Liberty-02: Ignition</i>
Darrell Schulte	Fire Behavior Expert	<i>Liberty-04: External Factors</i>
Dr. A. Leroy Westerling	Professor, Management of Complex Systems	<i>Liberty-04: External Factors</i>
Peter Stoltman	Senior Manager of Wildfire Prevention	<i>Liberty-03: Prudence of Operations</i>
Andrew Lykens	Senior Manager of Engineering	<i>Liberty-02: Ignition; Liberty-03: Prudence of Operations</i>
Stephen Moore	Senior Manager of Operations	<i>Liberty-03: Prudence of Operations</i>
Eric Schwarzrock	President	<i>Liberty-01: Policy; Liberty-02: Ignition</i>
Sharon Yang	Senior Director, Legal Services	<i>Liberty-05: Litigation and Claims Resolution</i>
Manasa Rao	Director, Rates and Regulatory Affairs	<i>Liberty-06: Legal and Financing Costs; Liberty-07: Cost Recovery</i>

**REQUEST NO. 5:**

Please provide a descriptive timeline of the Mountain View Fire. Beginning with the recloser events, include the first emergency call made, Liberty's actions done remotely, Liberty's arrival at the site, and Liberty's actions at the site. The timeline should cover all activities in response to the fire between 11:53 AM on November 17, 2020 and at least 48 hours.

**RESPONSE:**

Liberty objects to this Question as vague, ambiguous, and overbroad as framed, including with respect to the phrases "descriptive timeline" and "all activities in response to the fire." Subject to and without waiving its objections, Liberty responds as follows: Liberty provides the following high-level timeline related to the Mountain View Fire based on Liberty's records. This timeline is not comprehensive with respect to the entirety of Liberty's response and restoration efforts following the fire, or its Emergency Operations Center (EOC) operations.

November 17, 2020	
Time	Event
11:55:08	1261 R2 Recloser detects a fault between the B-Phase and C-Phase of the Topaz 1261 Circuit. The fault clears without protective action by the R2 Recloser.
11:55:14–11:55:42	1261 R2 Recloser detects a C-Phase to Ground fault, operates, and ultimately trips to lockout. For more detail on the recloser operations, see Liberty's response to Question 1 of CalAdvocates-LIB-A2506017-013.
~11:56	System Operator informs field personnel the 1261 R2 Recloser tripped to lockout. Field personnel observe smoke and possible fire and begin patrolling the Topaz 1261 Circuit.
11:58	First 911 call reporting the Mountain View Fire.

~12:06	Liberty field personnel and contractors are on-scene at the Mountain View Barbeque. Liberty field personnel secure damaged conductors at Pole 40288 and Pole 266731 to allow first responders access to the scene.
12:20	Field personnel report the damaged equipment and fire to dispatchers.
12:28	System Operators disable automatic reclosing on 1261 R1 Recloser.
12:45	Liberty establishes an Emergency Operations Center (“EOC”) and staffs Incident Command (“IC”) structure.
12:50	Liberty field personnel open fuses at Pole 16218 to de-energize portions of the Topaz 1261 Circuit powering the Larson Lane area of Coleville due to the spreading fire.
12:51	Liberty field personnel direct opening of the 1261 R1 Recloser due to the spreading fire. 1261 R1 Recloser opened to emergency de-energize the Topaz 1261 Circuit downstream of the recloser, including the communities of Walker and Coleville.
14:49	Notification is provided to customers by email, text, and voice message that Liberty implemented an emergency power shutoff in Walker and Coleville areas.
15:05	Electric Safety Incident Report submitted to the CPUC.
15:18	Liberty posts on social media that an emergency power shutoff is in place for Walker and Coleville as of 12:50 p.m. due to an active fire.
15:29– 17:09	Liberty places personal phone calls to medical baseline customers regarding the emergency power shutoff.
~15:35	Liberty Troubleshooter arrives at the Mountain View Barbeque to assist in securing the scene.
16:42	Liberty re-posts to social media a Temporary Evacuation Point identified by the Mono County Sheriff
19:43	Liberty posts an incident update to social media informing customers that power will remain out in the Walker and Coleville areas while fire crews work to control the fire. Liberty crews are standing by to make repairs and restore power as soon as it is safe to do so.
21:51	Liberty posts an update to social media that there are no changes that evening. Liberty crews are staging with materials to begin restoration work as soon as allowed to enter the evacuation area.
<b>November 18, 2020</b>	
<b>Time</b>	<b>Event</b>
09:00	1261 R1 Recloser is closed to restore power from the 1261 R1 Recloser on the Topaz 1261 mainline up to the Cunningham Lane area.
10:10	Liberty calls CPUC to provide notification of the fire and set up future briefing.
10:30	Staging area for restoration materials established past Larson Lane.
10:38	Notification is provided to customers that Liberty is awaiting permission from fire and law enforcement agencies to access the fire/power outage zone to assess infrastructure damage and repairs needed to begin restoring power. Customers are informed portions of the Coleville area have been re-energized, but restoration of the Walker community is delayed due to the severity of damage. Once allowed to enter the fire/power outage zone, Liberty crews plan to begin work on the mainline along Highway 395.

13:34	Cal Fire requests Liberty field personnel cut remaining span of primary wire down to support investigation. A Liberty Troubleshooter meets Cal Fire personnel near the Mountain View Barbeque to support the request.
17:24	Update sent to CPUC by email.
<b>November 19, 2020</b>	
<b>Time</b>	<b>Event</b>
20:09	1261 R2 Recloser is closed to restore power to additional customers.

**REQUEST NO. 6:**

Regarding Thomas Fee's role as a technical reviewer, was Thomas Fee assigned to perform a technical review of the CalFire investigation or the cause of the Mountain View Fire?

**RESPONSE:**

Liberty engaged Mr. Fee to perform a technical peer review of the fire agency report and investigation into the origin and cause of the Mountain View Fire.

**REQUEST NO. 7:**

Had Liberty contracted any technical reviewer to determine the cause of the Mountain View Fire prior to Thomas Fee's technical review? If yes, please list the dates of those reviews and copies of each review.

**RESPONSE:**

Liberty objects to this Question as vague, ambiguous, and overbroad as framed. Liberty further objects to this Question on the grounds that it seeks information regarding Liberty's privileged investigation of the Mountain View Fire, including information protected by the attorney-client privilege and/or attorney work product doctrine. Subject to and without waiving its objections, Liberty responds as follows: Liberty designated Thomas Fee as its fire origin and cause expert in the civil litigation related to the Mountain View Fire. Liberty designated additional outside experts in the civil litigation, including Dr. Gary J. Fowler, Mr. Darrell Schulte, Mr. L. Paul Cook, Mr. David Geier, and Dr. B. Don Russell, who supported Liberty's investigation of the Mountain View Fire. Summaries of opinions disclosed by Liberty's designated outside experts were provided in Liberty's response to Question 8 of CalAdvocates-LIB-A2506017-010.

**REQUEST NO. 8:**

Has Liberty or any technical reviewer assigned by Liberty been able to determine an alternate Specific Origin Area for the Mountain View Fire other than the one determined by CalFire? If yes, please provide and show the alternate areas Liberty believes could have been the Specific Origin Area(s).

**RESPONSE:**

Liberty objects to this Question as vague, ambiguous, and overbroad as framed. Liberty understands this Question to be asking about Liberty's designated outside experts engaged to perform a technical peer review or conduct an origin and cause investigation. Subject to and without waiving its objections, Liberty responds as follows: Mr. Fee identified a specific origin

area of the Mountain View Fire during his deposition in the civil litigation related to the Mountain View Fire. Please see *Attachment to CalAdvocates-LIB-A2506017-023, Q8.pdf*, which is an exhibit to Mr. Fee's deposition indicating the specific origin area identified by Mr. Fee.

**REQUEST NO. 9:**

In the CalFire report, CalFire references Ring camera footage taken by Victoria Victor. Please provide a copy of the Ring camera footage.

**RESPONSE:**

Liberty objects to this Question as vague and ambiguous as framed. Liberty refers Cal Advocates to the Ring camera footage attached to Cal Fire's investigation report that it received from Cal Fire. See CAL FIRE 0000126.MP4 and CAL FIRE 0000127.MP4, which were provided by Liberty in response to Question 1 of CalAdvocates-LIB-A2506017-010.

**REQUEST NO. 10:**

In Thomas Fee's "Mountain View Fire Opinions," Thomas Fee references Video 129 taken by GW Meadows. Please provide a copy of Video 129.

**RESPONSE:**

Please see attachment *IMG\_0129.mp4*.

## **ATTACHMENT 22**

### **Antelope Valley Fire Protection District Mountain View Fire Incident Report at 3**



**Antelope Valley Fire  
Protection District**

Station: 3

Location: <b>Mountain View BBQ restaurant 106834 US Highway 395 HWY Walker CA 96107</b>	Incident Type: <b>141 - Forest, woods or wildland fire</b>
Lat/Long: <b>N 38° 30' 46.66" W 119° 27' 57.46"</b>	FDID: <b>26015</b> Incident #: <b>2020-168</b> Exposure ID: <b>52959499</b> Exposure #: <b>0</b> Incident Date: <b>11/17/2020</b>
Zone: <b>WALKER - (Canyon to Larson Ln)</b> Location Type: <b>5 - Adjacent to</b> Population Density: <b>Rural</b>	

Report Completed by:	Nalder, Rich	ID: RN0418	Date: 12/11/2020
Report Reviewed by:	Nalder, Rich	ID: RN0418	Date: 12/11/2020
Report Printed by:	Nalder, Rich	ID: RN0418	Date: 9/15/2022 Time: 16:50

Structure Type:	Property Use: <b>931 - Open land or field</b>		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/>	Cause of Ignition: <b>Cause under investigation</b>	
Aid Given or Received:	<b>Mutual aid received</b>	Primary action taken:	<b>14 - Contain fire (wildland)</b>
<b>Losses</b>	<b>Pre-Incident Values</b>		
Property:	Property:	Civilian Injuries: <b>0</b>	Fire Service Injuries: <b>0</b>
Contents:	Contents:	Civilian Fatalities: <b>1</b>	Fire Service Fatalities: <b>0</b>
Total:	Total:	Total Casualties: <b>1</b>	Total Fire Service Casualties: <b>0</b>
Total # of apparatus on call: <b>8</b>		Total # of personnel on call: <b>15</b>	

<b>Special Studies</b>	
<b>COVID 19 was a factor in this incident.</b>	No, COVID 19 was not a factor.

<b>Neighboring Agencies</b>
<b>Agency Name:</b> Alpine County Fire Department
<b>Agency ID:</b>
<b>Agency Type:</b> Fire
<b>Agency Name:</b> BLM Fire
<b>Agency ID:</b>
<b>Agency Type:</b> Fire
<b>Agency Name:</b> Bridgeport Fire Department
<b>Agency ID:</b>
<b>Agency Type:</b> Fire
<b>Agency Name:</b> CalFire
<b>Agency ID:</b>
<b>Agency Type:</b> Fire
<b>Agency Name:</b> California Highway Patrol (CHP)
<b>Agency ID:</b>
<b>Agency Type:</b> Law
<b>Agency Name:</b> CalTrans
<b>Agency ID:</b>
<b>Agency Type:</b> Other
<b>Agency Name:</b> Eastfork Fire Protection District
<b>Agency ID:</b> 04050
<b>Agency Type:</b> Fire
<b>Agency Name:</b> Mono County EMS Medic-1

CA-02-0612

MOUNTAIN-ANTE-00000952

<b>Agency ID:</b> <b>Agency Type:</b> EMS Mutual Aid
<b>Agency Name:</b> Mono County Sheriffs Dept. <b>Agency ID:</b> <b>Agency Type:</b> Law
<b>Agency Name:</b> Mono County TaskForce <b>Agency ID:</b> <b>Agency Type:</b> Fire
<b>Agency Name:</b> Mountain Warfare Training Center FD <b>Agency ID:</b> M2205 <b>Agency Type:</b> Fire
<b>Agency Name:</b> Smith Valley Fire Department <b>Agency ID:</b> 11100 <b>Agency Type:</b> Fire
<b>Agency Name:</b> USFS Fire <b>Agency ID:</b> <b>Agency Type:</b> Fire

<b>NARRATIVE (1)</b>
<b>Narrative Title:</b> Fire Chief <b>Narrative Author:</b> Nalder, Rich <b>Narrative Date:</b> 12/03/2020 17:03:10 <b>Narrative Apparatus ID:</b> 3700 <b>Narrative:</b> <p>Initial Apparatus to the scene (3730 and 3788) went to the Mountain View BBQ. 3730 began attack on perimeter near the restaurant. 3788 moved to structures downwind and tried to make a stand but were forced out due to unsafe conditions. Asst. Chief Curti arrived on scene and took command. When BLM arrived on scene, Command was assumed by B/C Don Shoemaker. Asst. Chief Curti took the AVFD units and began evacuation ahead of the fire. When I arrived on scene, I went to the East Side Lane area and began evacuations. Not being able to access the south end of East Side Lane, I returned to 395 and proceeded to the command post and entered into Unified Command with BLM. As personnel and Engines arrived they were assigned to DIVS Abbott or Lightfoot for point protection and perimeter control. All AVFD units stayed on evacuations until Larson Lane where they began protecting structures.</p> <p>Command Post was moved to Station 3 at 1166 Larson Lane. A regional Type 3 team was set up that evening and a type 2 team was ordered for the incident. The type 3 team ran the fire until the morning of 11/19 when the type 2 team took over. I stayed in Unified Command for the duration of the incident.</p> <p>All AVFD units were released from the incident the 2nd day at 12:30. Investigation of the fire was done by the California State Fire Marshall's office.</p>



# APPARATUS

<b>Fire Controlled Date / Time:</b>		11/28/2020 12:00:00 PM	
<b>Unit</b>	3701	<b>Unit</b>	3700
<b>Type:</b>	Chief officer car	<b>Type:</b>	Chief officer car
<b>Use:</b>	Other	<b>Use:</b>	Other
<b>Response Mode:</b>	Lights and Sirens	<b>Response Mode:</b>	Lights and Sirens
<b># of People</b>	1	<b># of People</b>	1
<b>Alarm</b>	11 /17/2020 12:03:00	<b>Alarm</b>	11 /17/2020 12:03:00
<b>Dispatched</b>	11 /17/2020 12:03:00	<b>Dispatched</b>	11 /17/2020 12:03:00
<b>Enroute</b>	11 /17/2020 12:07:00	<b>Enroute</b>	11 /17/2020 12:07:00
<b>Arrived</b>	11 /17/2020 12:09:00	<b>Arrived</b>	11 /17/2020 12:25:00
<b>Cancelled</b>	-- / -- / -- -- : -- : --	<b>Cancelled</b>	-- / -- / -- -- : -- : --
<b>Cleared Scene</b>	11 /18/2020 12:30:00	<b>Cleared Scene</b>	11 /28/2020 12:30:00
<b>In Quarters</b>	-- / -- / -- -- : -- : --	<b>In Quarters</b>	-- / -- / -- -- : -- : --
<b>In Service</b>	11 /18/2020 12:35:00	<b>In Service</b>	11 /28/2020 12:35:00
<b>Unit</b>	3788	<b>Unit</b>	3704
<b>Type:</b>	Tanker or tender	<b>Type:</b>	Medical & rescue unit, other
<b>Use:</b>	Suppression	<b>Use:</b>	EMS
<b>Response Mode:</b>	Lights and Sirens	<b>Response Mode:</b>	Lights and Sirens
<b># of People</b>	3	<b># of People</b>	1
<b>Alarm</b>	11 /17/2020 12:03:00	<b>Alarm</b>	11 /17/2020 12:03:00
<b>Dispatched</b>	11 /17/2020 12:03:00	<b>Dispatched</b>	11 /17/2020 12:03:00
<b>Enroute</b>	11 /17/2020 12:15:00	<b>Enroute</b>	11 /17/2020 12:15:00
<b>Arrived</b>	11 /17/2020 12:18:00	<b>Arrived</b>	11 /17/2020 12:18:00
<b>Cancelled</b>	-- / -- / -- -- : -- : --	<b>Cancelled</b>	-- / -- / -- -- : -- : --
<b>Cleared Scene</b>	11 /18/2020 12:30:00	<b>Cleared Scene</b>	11 /18/2020 12:30:00
<b>In Quarters</b>	11 /18/2020 13:30:00	<b>In Quarters</b>	11 /18/2020 13:30:00
<b>In Service</b>	11 /18/2020 12:35:00	<b>In Service</b>	11 /18/2020 12:35:00
<b>Unit</b>	3780	<b>Unit</b>	3750
<b>Type:</b>	Tanker or tender	<b>Type:</b>	Brush truck
<b>Use:</b>	Suppression	<b>Use:</b>	Suppression
<b>Response Mode:</b>	Lights and Sirens	<b>Response Mode:</b>	Lights and Sirens
<b># of People</b>	3	<b># of People</b>	1
<b>Alarm</b>	11 /17/2020 12:03:00	<b>Alarm</b>	11 /17/2020 12:03:00
<b>Dispatched</b>	11 /17/2020 12:03:00	<b>Dispatched</b>	11 /17/2020 12:03:00
<b>Enroute</b>	11 /17/2020 12:45:00	<b>Enroute</b>	11 /17/2020 13:30:00
<b>Arrived</b>	11 /17/2020 12:48:00	<b>Arrived</b>	11 /17/2020 13:33:00
<b>Cancelled</b>	-- / -- / -- -- : -- : --	<b>Cancelled</b>	-- / -- / -- -- : -- : --
<b>Cleared Scene</b>	11 /18/2020 12:30:00	<b>Cleared Scene</b>	11 /18/2020 12:30:00
<b>In Quarters</b>	11 /18/2020 13:30:00	<b>In Quarters</b>	11 /18/2020 12:30:00
<b>In Service</b>	11 /18/2020 12:35:00	<b>In Service</b>	11 /18/2020 12:35:00
<b>Unit</b>	3754	<b>Unit</b>	3730
<b>Type:</b>	Brush truck	<b>Type:</b>	Engine
<b>Use:</b>	Suppression	<b>Use:</b>	Suppression
<b>Response Mode:</b>	Lights and Sirens	<b>Response Mode:</b>	Lights and Sirens
<b># of People</b>	3	<b># of People</b>	2
<b>Alarm</b>	11 /17/2020 12:03:00	<b>Alarm</b>	11 /17/2020 12:03:00
<b>Dispatched</b>	11 /17/2020 12:03:00	<b>Dispatched</b>	11 /17/2020 12:03:00
<b>Enroute</b>	11 /17/2020 13:00:00	<b>Enroute</b>	11 /17/2020 12:06:00
<b>Arrived</b>	11 /17/2020 13:03:00	<b>Arrived</b>	11 /17/2020 12:10:00
<b>Cancelled</b>	-- / -- / -- -- : -- : --	<b>Cancelled</b>	-- / -- / -- -- : -- : --
<b>Cleared Scene</b>	11 /18/2020 12:30:00	<b>Cleared Scene</b>	11 /18/2020 12:30:00
<b>In Quarters</b>	11 /18/2020 13:30:00	<b>In Quarters</b>	11 /18/2020 13:30:00
<b>In Service</b>	11 /18/2020 12:35:00	<b>In Service</b>	11 /18/2020 12:35:00
<b>Number Of People not on apparatus: 0</b>			



<b>FIRE</b>			
<b>Acres Burned</b>	20400	<b>Acres Burn From Wildland Form</b>	False
<b>Area Of Fire Origin</b>	Open area, outside; included are farmland, field	<b>Heat Source</b>	Electrical arcing
<b>Item First Ignited</b>	Light vegetation - not crop, including grass	<b>Fire Is Confined To Object Of Origin</b>	
<b>Type Of Material</b>		<b>Cause Of Ignition</b>	Cause under investigation
<b>Factor Contributing To Ignition</b>	High wind		
<b>Human Factors Contributing</b>	None		
<b>Equipment Involved In Ignition Flag</b>	True	<b>Equipment Involved</b>	Electrical power (utility) line
<b>Equipment Power Source</b>	Electrical line voltage (>= 50 volts)	<b>Equipment Portability</b>	Stationary

<b>ARSON</b>
--------------

<b>CIVILIAN CASUALTIES 1</b>					
<b>Gender</b>	<b>Name</b>	<b>Age</b>	<b>Date Of Birth</b>	<b>Race</b>	<b>Ethnicity Hispanic</b>
Female	Sally Joseph	69	//		
<b>Affiliation</b>		<b>Date Of Injury</b>		<b>Time Of Injury</b>	
		11 /17/2020		12 :30:	
<b>Severity</b>		<b>Cause Of Injury</b>			
Death					
<b>Human Factors</b>					
<b>Contributing Factors 1</b>		<b>Contributing Factors 2</b>		<b>Contributing Factors 3</b>	

<b>CUSTOM FIELDS FORM</b>	
<b>Arrival before EMS?</b>	N/A

<b>PERSONNEL ON CALL</b>			
<b>Name</b>	<b>Personnel Rank</b>	<b>Role(s)</b>	<b>Apparatus</b>
Aeschlimann , Christofer M	FF		3780
Braier, Mike	Firefighter-Trainee		3750
Brown, Brittani	Firefighter-Trainee		3788
Curti, Mike	Assistant Chief		3701
Fitzpatrick, Zachary	Firefighter-Trainee		3704
Glenn, David	Firefighter-Trainee		3754
Holle, Brandon	Firefighter-Trainee		3788
Lapp, AL	Driver/Operator		3780
Mandichak, Mike	Captain		3780
Mccurry, Michael	Driver/Operator		3754
Morris, Don	Firefighter		3730
Morris, Lori	Captain		3730
Morrison, Kenneth John	Firefighter-Trainee		3788
Nalder, Rich	Fire Chief		3700
Rahn, Ian	Firefighter-Trainee		3754

Member Making Report (Fire Chief Rich Nalder): Michael C Nalder

CA-02-0615

MOUNTAIN-ANTE-00000955

Incident Reviewer (Fire Chief Rich Nalder): Rich Nalder