COM/MBK/ABT/cmf 11/5/2026

FILED
11/05/26
08:56 AM
C2607013

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James and Deborah Sajdak, Complainants, vs. Liberty Utilities (CalPeco Electric) LLC d/b/a CalPeco Electric (U933E), Defendant.	Case 26-07-013

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This scoping memo and ruling (Scoping Memo) sets forth the issues, the need for evidentiary hearing, the schedule, the category, and the other matters necessary to scope this proceeding pursuant to Public Utilities (Pub. Util.) Code Section 1701.1 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

1. Procedural Background

This Complaint concerns vegetation-management work performed by Liberty Utilities (CalPeco Electric) LLC d/b/a CalPeco Electric (Liberty), or its contractor, near electrical facilities on or about March 27, 2025. Three Sierra white fir trees are at issue. According to the Complaint, each tree was approximately 100 feet tall; one had a diameter of approximately 18 inches, and the other two had diameters of approximately 20 inches.

Prior to the March 2025 work, James and Deborah Sajdak (Complainants) submitted an informal complaint to the Commission's Consumer Affairs Branch (CAB). CAB issued a response dated July 5, 2024, stating that Liberty would continue to monitor the tree or trees and other vegetation in relation to an electrical conductor and would inform Complainants of its findings.

On March 27, 2025, Liberty or its contractor performed vegetation-management work on the three trees. Complainants allege that the work occurred without prior notice to them and consisted of removing the approximately 18-inch-diameter tree and "limbing" the two approximately 20-inch-diameter trees. They further allege that the work exceeded the permission they had provided and was more extensive than reasonably necessary to protect Liberty's electrical infrastructure. Liberty disputes liability.

A preliminary issue concerns the location and ownership of the trees. Liberty indicates that one of the three trees was located on Complainants' property, while the other two may have been located on an adjacent property owned by a neighboring landowner.

Following the March 2025 work, Complainants communicated with Liberty and later submitted a formal demand for damages. The parties engaged in settlement discussions but did not resolve the dispute. Complainants' theory includes that CAB's earlier response contemplated continued monitoring and notice of Liberty's findings before further work, whereas the challenged work was performed without such notice.

On July 6, 2026, Complainants then filed this formal complaint against Liberty. Liberty filed its answer on September 10, 2026. The proceeding presents factual and legal questions concerning the location and ownership of the three trees, Complainants' standing as to any trees on neighboring property, the scope

and necessity of the vegetation work, and the notice provided before the work. Below is a full list of issues to be considered or otherwise determined in this proceeding.

On August 13, 2026, the Administrative Law Judge (ALJ) assigned to this proceeding issued a ruling setting a virtual prehearing conference (PHC) and directing the parties to meet and confer and to file a joint prehearing conference statement. On September 15, 2026, both parties filed a joint PHC statement.

A PHC was held on September 23, 2026, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

Following the PHC, the assigned ALJ issued a ruling requesting additional information; Complainants and Liberty filed their separate responses to the ruling on October 12, 2026.

2. Issues

After considering the Complaint and the supporting documents filed therewith, the Answer, the parties' joint PHC statement, the parties' responses to the ruling requesting additional information, and the discussion at the PHC, it is determined that the issues and initial schedule for the proceeding are as set forth in this Scoping Memo.

The issues to be considered or otherwise determined are as follows:

1. Do the Complainants have standing to challenge or seek relief arising from vegetation management work performed on a neighboring property?

2. Do the subject trees constitute a hazard within the meaning of applicable regulations?

    a. What statutes, regulations, Commission orders, General Order provisions, tariffs, and industry standards govern the classification of vegetation as a hazard?

b. Were the subject fir trees within the hazard zone of Liberty's energized conductors immediately before the March 27, 2025 vegetation work?

c. Did the subject trees require corrective vegetation management based on their proximity to energized facilities, future growth characteristics, and associated wildfire and reliability risks?

3. Was Liberty's vegetation work necessary and reasonable?

a. Does Liberty's inspection data, LiDAR measurements, maintenance records, and other vegetation-management documentation support the scope of the vegetation work performed on March 27, 2025?

b. Was Liberty's work consistent with any vegetation-management practices and industry standards that may have applied to the work performed on the subject trees?

c. Was Liberty's vegetation work excessive? Could the work reasonably have been accomplished through less extensive pruning or other mitigation measures? If so, does the availability of alternative mitigation measures render the chosen vegetation-management approach unreasonable?

d. Does Liberty have discretion to obtain clearances greater than the statutory minimum to promote public safety, reliability, and wildfire-risk reduction?

4. Did Liberty's actions violate Pub. Util. Code Section 702 by failing to comply with Commission rules and orders?

a. Did Liberty's vegetation work comply with the applicable statutes, regulations, Commission orders, General Orders, and tariffs?

b. If Liberty failed to comply with any applicable requirement, did that failure constitute a violation of Pub. Util. Code Section 702? If so, what remedy or penalty should apply, if any?

The Complainants bear the ultimate burden of proof and persuasion by a preponderance of the evidence.

3. Need for Evidentiary Hearing

All issues listed above are contested material issues of fact. The schedule set forth in this Scoping Memo includes a deadline for filing a motion for evidentiary hearing. It should be noted, however, that parties may pursue settlement discussions at any time.

Prepared written testimony shall not be permitted in this adjudicatory proceeding. If the parties are unable to reach a settlement on some or all issues, the parties must request an evidentiary hearing in accordance with the requirements outlined in the next paragraphs of this section, and the parties must present oral testimony at the evidentiary hearing.

Any party who believes that an evidentiary hearing is necessary (as to the unresolved issues) should file and serve a motion requesting such a hearing in accordance with the schedule as indicated in this Scoping Memo. No later than the deadline for filing a motion for evidentiary hearing, the parties shall provide the following information as part of their motion or as attachments/exhibits thereto:

a. Provide a list of stipulated facts (if any).
b. Provide a list of settled issues (if any).
c. Identify and describe all material issues of disputed facts and any other unresolved issues requiring a hearing.
d. Describe settlement efforts (without disclosing confidential information from settlement discussions). For example, indicate whether the parties met and conferred per Rule 13.9 to determine whether settlement is possible, and indicate whether the parties

participated in mediation, including but not limited to the Commission's ADR program.

e. Identify and describe the evidence the party proposes to introduce at the requested hearing.

f. Provide a proposed schedule for conducting the evidentiary hearing, including a list of witnesses who will testify on each scheduled date and the estimated time requested for cross-examination of each witness.

The motion shall correlate to the identified scoped issues, clearly identifying which issues have been resolved (in whole or in part) and which unresolved issues require an evidentiary hearing.

4. Schedule

The following schedule is adopted here and may be modified by the assigned ALJ as required to promote the efficient and fair adjudication of this Complaint:

Event	Date
Prehearing Conference	September 23, 2026
Scoping Memo and Ruling, issued	November 2026
Status Conference, held	December 8, 2026
Opening Briefs on Scoped Issue 1 (Standing), filed and served	January 7, 2027
Reply Briefs on Scoped Issue 1 (Standing), filed and served	January 22, 2027
Law & Motion Hearing on Standing Issue (if necessary), held	Week of February 1, 2027 [Specific date TBD]
Completion of Discovery	March 30, 2027
Parties Meet and Confer per Rule 13.9	April 12, 2027
Completion of settlement and ADR discussions.	April 12, 2027

Deadline for filing of various motions, if applicable: • Motion for Approval of Settlement (full or partial settlement); • Motion for Evidentiary Hearing, including Joint Witness List, Joint Exhibit List, Joint Statement of Stipulated and Disputed Facts, Pre-Marked Exhibits, etc.	April 30, 2027
Status Conference (Evidentiary Hearing Readiness Conference), held	Week of May 10, 2027 [Specific date TBD]
Evidentiary Hearing (if necessary), held	Week of May 17, 2027, and/or Week of May 24, 2027 [Specific date(s) TBD]
Opening Briefs, filed and served	30 days after last day of Evidentiary Hearing
Reply Briefs, filed and served	21 days after last day to file Opening Briefs
Ruling Setting Submission Date	No later than 30 days after Reply Briefs; but if the Presiding Officer requests additional information following Opening and Reply Briefs, the submission date is TBD
Presiding Officer's Decision (POD)	No later than 60 days after submission date

Status Conferences

In promoting the efficient adjudication of the Complaint, status conferences may be held periodically. The purpose of these status conferences is to discuss the progress of the parties' ongoing settlement discussions and/or, if necessary, to discuss whether the Commission should move forward with scheduling an evidentiary hearing as to any unresolved issues. Parties shall file

and serve joint (or separate) status conference statements prior to each status conference.

Evidentiary Hearing Readiness Conference

The purpose of the Evidentiary Hearing Readiness Conference is to ascertain the parties' resources, readiness, and needs for the evidentiary hearing, including estimates of time requested for cross-examination and identification of anticipated exhibits.

Organization of Filings

The organization of briefs and settlement agreements must correlate to the scoped issues listed above. Dollar amounts at issue must always be cited.

Briefs

The parties must meet and confer to develop a consistent brief outline using the exact same headings. Headings should be very specific. The Scoping Memo lists four issues to be considered or otherwise determined in this proceeding; the Opening and Reply Briefs should clearly identify these issues in headings/subheadings, using the same language found in the Scoping Memo. If a party does not have anything to add under a particular heading/subheading, the parties should still include that heading/subheading (and perhaps indicate "N/A" or that the party takes no position on that issue), thereby keeping the numbering/lettering organizational structure consistent across all briefs. The ALJ may issue a detailed ruling containing additional information about the briefs' form, size, page limits, etc.

Ruling Regarding Submission Date

The proceeding will stand submitted upon the filing of the assigned ALJ's ruling indicating no additional information is needed, closing the record, and setting the submission date. This ALJ ruling shall also indicate the contents of the

closed record; generally, the record is composed of all filed and served documents and pleadings, any oral testimony, and any exhibits (supporting documents) admitted into evidence at an evidentiary hearing.

12-Month Schedule

If settlement and ADR are successful, the proceeding should be resolved within 12 months as required by Pub. Util. Code Section 1701.5. If settlement and ADR are unsuccessful, however, and based on the schedule above, it is likely that the statutory deadline will need to be extended by a few months.

5. Alternative Dispute Resolution (ADR) Program and Settlements

The Commission's Alternative Dispute Resolution (ADR) program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer this proceeding to the Commission's ADR Coordinator. Additional ADR information is available on the Commission's website.[1]

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law, and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

[1] https://www.cpuc.ca.gov/PUC/adr/

6. Category of Proceeding and Ex Parte Restrictions

This ruling confirms the Commission's preliminary determination[2] that this is an adjudicatory proceeding. Accordingly, ex parte communications are restricted and must be reported pursuant to Article 8 of the Rules.

7. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process Office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.[3]

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service to occur, unless the assigned ALJ directs that service occur by an earlier time. Rule 1.10 requires service on the ALJ of both an electronic and paper copy of filed or served documents; in this proceeding, however, when serving documents on the ALJ, parties must only provide electronic service. Parties must not send hard copies of documents to the ALJ.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide

[2] Resolution ALJ 176-3585 at page 3 (page 1 of the attached schedule).

[3] The form to request additions and changes to the Service list may be found at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf

electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request to be added to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications may cover a specific proceeding or a range of documents and may be delivered as daily or weekly digests.

8. Receiving Electronic Service from the Commission

Each person or entity on a Commission proceeding's service list is responsible for ensuring that it can receive e-mails from the Commission. Please add "@cpuc.ca.gov" to your e-mail safe-sender list and update your e-mail screening practices, settings, and filters to ensure receipt of e-mails from the Commission.

9. Assignment of Proceeding

Commissioner Matthew Baker is the assigned Commissioner and ALJ Alberto T. Rosas is the assigned ALJ and presiding officer for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.

3. Parties shall file and serve joint (or separate) status conference statements prior to each status conference.

4. An evidentiary hearing is necessary, provided that a motion for evidentiary hearing is filed timely.

5. The presiding officer is Administrative Law Judge Alberto T. Rosas.

6. The category of the proceeding is adjudicatory.

Dated November 5, 2026, at San Francisco, California.

/s/ MATTHEW BAKER
Matthew Baker
Assigned Commissioner