PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 12, 2026

TO PARTIES OF RECORD IN CASE 25-06-027, DECISION 26-10-056

On October 29, 2026, a Presiding Officer's Decision in this proceeding was mailed to all parties. Public Utilities Code Section 1701.2 and Rule 15.5(a) of the Commission's Rules of Practice and Procedure provide that the Presiding Officer's Decision becomes the decision of the Commission if no appeal or request for review has been filed within 30 days of the mailing of the Presiding Officer's Decision.

No timely appeals to the Commission or requests for review have been filed. Therefore, the Presiding Officer's Decision is now the decision of the Commission.

The decision number is shown above.

/s/ MICHELLE COOKE
Michelle Cooke
Chief Administrative Law Judge

MLC:cg7

Attachment

Decision 26-10-056 October 29, 2026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Holly A. Carlyle and Jeffery A. Burgess, Complainants, vs. Southern California Edison Company (U338E), Defendant.	Case 25-06-027

MODIFIED PRESIDING OFFICER'S DECISION DISMISSING THE COMPLAINT OF HOLLY A. CARLYLE AND JEFFREY A. BURGESS

Summary

This Decision grants Southern California Edison Company's Motion to Dismiss the Complaint filed by Holly A Carlyle and Jeffrey A. Burgess.

Case 25-06-027 is closed.

1. Background

1.1. The Parties

Holly A. Carlyle and Jeffrey A Burgess (the Complainants) are owners of business property located at 56001 29 Palms Hwy in Yucca Valley, California.

Southern California Edison Company (SCE or Defendants) is a provider of electricity service and is an investor-owned public utility under the jurisdiction of the California Public Utilities Commission (Commission).

1.2. Factual and Procedural Background

On June 27, 2025, Complainants filed (C.) 25-06-027 (Complaint) with the Commission, alleging that a fire which occurred on September 29, 2021, on their business property, was the result of a downed, energized service conductor owned by Defendants.

1.2.1. The Prior Civil Lawsuit

Prior to filing the Complaint with the Commission, Complainants hired legal counsel and filed a civil lawsuit in San Bernardino County Superior Court on January 12, 2023 (civil lawsuit), seeking damages for losses from the September 29, 2021, incident.[1] The facts and circumstances at issue in the civil lawsuit are substantively the same as those underlying this Complaint.

1.2.2. CPUC Safety and Enforcement Division (SED) Investigation

The Commission's SED Electric Safety and Reliability Branch (ESRB) conducted an investigation and prepared an Incident Investigation Report dated March 7, 2025.[2] SED's Investigation Report concluded that no General Order 95 violations on the part of SCE were found, and SED issued a Closure Letter on March 7, 2025.

1.2.3. SCE's Answer

On August 14, 2025, SCE filed its answer to the Complaint (Answer). SCE answers that the SBCFD arrived at the scene after the fire incident, investigated and did not attribute the cause of the fire to SCE facilities. SCE contends that the Complainants' allegations in the Complaint filed June 27, 2025 are an attempt to

[1] Case No. CIV SB 2302343. Complainants and SCE have engaged in two years of civil discovery, including depositions of numerous parties and a mediation. In their civil lawsuit, Complainants originally sought economic and non-economic damages in excess of $3,000,000.

[2] SED Investigation report E20230522-01. SED's Incident Investigation Report acknowledges that the San Bernardino County Fire Department (SBCFD) concluded that a specific origin of the fire could not be located due to extensive fire damage and that the cause of the fire was undetermined.

have the same facts adjudicated in two separate forums, and are an inappropriate collateral attack on the civil lawsuit in San Bernardino Superior Court.

1.2.4. The Prehearing Conference (PHC)

A PHC was held on August 27, 2025, to address issues of law and fact, to determine the need for an evidentiary hearing, to set the schedule for resolving the matter, and to address other matters as necessary.[3] At the PHC, the Complainants indicated that they were in possession of materials that would contradict the determinations made by SED and they were ordered to file such materials. Complainants filed materials on September 18, 2025, which consisted of documents related to the SED investigation as well as transcripts of depositions taken in the civil proceeding.

1.2.5. SCE's Motion to Dismiss the Complaint (Motion to Dismiss)

SCE filed a Motion to Dismiss on October 7, 2025. SCE contends that the Complaint should be dismissed because Complainants: (1) alleged the same core facts in the Complaint that they pled in their San Bernardino Superior Court civil lawsuit; (2) failed to meet the Commission's requirement of a well-pled complaint; (3) failed to prove their claims in the Complaint by a preponderance of evidence; and (4) provided no evidence that SCE violated General Orders, Resolutions or Rules of Practice and Procedure (Rule) §1.1.

1.2.6. Assigned Commissioner's Scoping Memorandum and Ruling (Scoping Ruling)

A Scoping Ruling was issued by the assigned Commissioner on January 12, 2026. As part of her Scoping Ruling, the assigned Commissioner noted that - pursuant to Rule §11.1 (e) - Complainants had 15 days to respond to the Motion to Dismiss filed by SCE on October 7, 2025, but had failed to do so. The assigned

[3] *See* Miscellaneous Filing dated October 10, 2025 at pages 81 to 95.

Commissioner granted Complainants an extension of time to January 26, 2026, to respond to SCE's Motion to Dismiss and to the issues set forth in the Scoping Ruling.

(a) Complainant's Response to Scoping Ruling

Complainants filed a Response to the Scoping Ruling on January 26, 2026 (Response). Their Response contends that the tort remedies sought in the civil lawsuit in San Bernardino Superior Court differ materially from the remedies sought in the Complaint filed with the Commission which (they contend) seek Commission enforcement, findings of regulatory violations, remedies for discovery abuse and sanctions related to SCE's conduct.

(b) Complainant's Motion to Correct the Scoping Ruling

Additionally, on January 28, 2026, Complainants filed a Motion to Correct the Scoping Ruling, contending that they had (on October 22, 2025) filed an Opposition to SCE's Motion Dismiss (Opposition). In support of their contention that they had filed an Opposition, Complainants attached an October 23, 2025 *"Notice of Receipt of Documents via Electronic Filing"* reflecting a Commission confirmation number of 0000224274.

On January 30, 2026, the assigned ALJ determined that the Complainants Opposition was indeed filed late, not having been received by the Commission's Docket Office by the close of business on October 22, 2025.[4] However, the assigned ALJ nevertheless issued an Email Ruling to Accept the Complainant's Late-Filed Opposition, noting that because the Scoping Ruling granted an extension of time to

[4] The Commission's Senior Legal Analyst in the Docket Office informed the Complainants that their Opposition was late filed under the Commission's Rules of Practice and Procedure - Rule 11.1(e), which specifies that "Responses to written Motions must be filed and served within 15 days of the date that the motion was served." Accordingly, Docket Office determined that, pursuant to Rule 11.1, Complainants had until close of business on October 22, 2025, to file their Opposition. The Opposition [assigned E-file Control #224274] was received on October 23, 2025, therefore, the Docket Office rejected the Opposition as late-filed.

January 26, 2026, for Complainants to respond to the Motion to Dismiss, the Opposition filed October 23, 2025, could be accepted.

1.2.7. Complainants Opposition

In their Opposition, Complainants contend that they should be allowed to proceed before the Commission because they are seeking different remedies from the Commission than they are seeking in the civil lawsuit in San Bernardino Superior Court. Complainants additionally contend that the Motion to Dismiss "misrepresents facts, misstates Commission jurisdiction and relies on a flawed SED closure letter", and that dismissal of their Complaint "would deny oversight of admitted misconduct including false reporting, delayed incident notification and destruction of physical evidence."[5] In summary, Complainants contend that, under Rule 11.2, all well-pled allegations in their Complaint must be accepted as true, and dismissal is only appropriate if no material facts are disputed.[6]

1.3. Submission Date

This matter was submitted on July 14, 2026, upon receipt of SCE's Response in Opposition to Complainants' Motion for Order Imposing Adverse Inference and Evidentiary and Issue Sanctions Due to Defendant's Willful Spoliation and Supplemental Exhibit K.[7]

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[5] *See* Opposition at 1.

[6] *See* Opposition at 2. Complainant incorrectly cites Rule 11.2. Rule 11.2 concerns Motions to Dismiss and reads: "A motion to dismiss a proceeding based on the pleadings (other than a motion based upon a lack of jurisdiction) shall be made no later than five days prior to the first day of hearing."

[7] Complainants filed several documents after their January 28 Motion to Correct the Scoping Memo and Ruling. These filings generally included information already provided in the Complaint and attachments or were intended to supplement the Complaint. These were permitted to become part of the record. SCE was granted opportunity to respond on February 6, 2026 and July 14, 2026 and the supplemental materials filed by Complainants as well as the responses filed by SCE were considered before the matter was submitted.

2. Jurisdiction and Burden of Proof

The Commission has jurisdiction over the activities of public utilities.[8] SCE is a provider of electricity service and is an investor-owned public utility under the jurisdiction of the Commission.

Complaints are governed by Article 4 of the Commission's Rules of Practice and Procedure (Rule) and Rule 4.1(a) permits filing of a Complaint setting forth any act or thing done or omitted to be done by any public utility, that is claimed to be in violation of any provision of law or of any order or rule of the Commission.

The Complainants (Ms. Carlyle and Mr. Burgess in this case) bear the burden of proof to show that SCE violated any provision of law, any order or other requirement of the Commission.[9] Contrary to the Complainants contention that allegations in the Complaint **must be accepted as true**, the Complainant bears the burden of proof to demonstrate - by a preponderance of evidence (i.e., 51 percent or more) - that the allegations are true and give rise to an actionable claim before the Commission.[10]

2.1. Standard for Ruling on a Motion to Dismiss

A Motion to Dismiss promotes judicial efficiency by determining whether there are any triable issues of material fact in advance of a hearing.[11] As described in *Fenholt v. Southern California Edison Company* (2014) D.14-03-032, the Commission has developed two standards for ruling on a motion to dismiss. The

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[8] Pub. Util. Code §216(a).

[9] See *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, Decision (D.) No. 88223 (complaint relating to the disconnection of telephone service where the court found that complainant had the burden of proof and that complainant's "failure to present any evidence present[ed] a total lack of meeting that burden"); *see also Pacific Bell Telephone Company, d/b/a AT&T California vs. Fones4All Corporation* (Cal. PUC, 2008) D.08-04-043, 2008 Cal. PUC LEXIS 132.

[10] California Evidence Code §§115 and 500.

[11] *Westcom Long Distance v. Pacific Bell* (1994) Decision (D.) 94-04-082.

first looks to the evidence presented to determine whether, based on undisputed facts, the moving party is entitled to judgment as a matter of law.[12] The second test also asks whether the moving party is entitled to judgment as a matter of law, but based on an assumption that the well-pleaded factual allegations of the complaint are true.[13]

In evaluating the sufficiency of a complaint's allegations, the Commission is guided by the standards set forth in Public Utilities Code § 1702, which provides that a complainant must allege that a regulated utility has engaged in an act or failed to perform an act, in violation of any law or commission order or rule.[14] Under these standards, the focus is not on the remedy sought - but on the factual basis for the Complaint.

3. Issues Before the Commission

The primary issue to be resolved in this proceeding is whether the factual allegations in the Complaint filed with the Commission concern the same factual allegations as in the civil lawsuit filed in San Bernardino County Superior Court on January 12, 2023, regarding the September 29, 2021, fire which occurred on Complainants' property located at 56001 29 Palms Hwy in Yucca Valley, CA?

If yes, should the Motion to Dismiss filed by SCE be granted?

4. Discussion

4.1. Complainant's Factual Allegations

The Complaint is comprised of 220 pages, including: (1) a six page Formal Complaint Form; (2) a Background Narrative (found at electronic pages 9-28); (3) Correspondence from the Commission's Safety and Enforcement Division (SED) and the SED March 7, 2025 Incident Investigation report (found at electronic pages 29-

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[12] *See Fenholt* at 4, citing Raw Bandwidth v. SBC California (2003) D.03-04-023; California Code of Civil Procedure, § 437(c).

[13] *Id.*, citing *ReWestern Gas Resources-California, Inc.* (1999) D.99-11-023).

[14] Cal. Pub. Util. Code. § 1702.

34); (4) the January 12, 2023 Civil Complaint for Damages *CIV SB 2302343* filed in San Bernardino Superior Court (labeled as Exhibit A and found at electronic pages 36-45), and (5) Exhibits B-H (found at electronic pages 46-92). The balance of the documents attached to the Complaint are a variety of email correspondence between the Complainants and other entities, along with news releases, pictures and other documents (found at electronic pages 93-220). The facts and circumstances at issue in the civil lawsuit are substantively the same as those underlying this Complaint. The facts and circumstances at issue in the civil lawsuit are substantively the same as those underlying this Complaint.

4.1.1. That SCE violated General Orders 95 and 166

Complainants allege that a fire which occurred on September 29, 2021, on their business property located at 56001 29 Palms Hwy in Yucca Valley, California, was the result of a downed, energized service conductor owned by Defendant SCE and that SCE violated Commission General Orders (GO) 95 and 166 by failing to promptly report it. They contend that SCE reported the incident 607 days late.[15]

GO 95 contains the Commission's Rules for Overhead Electric Line Construction. GO 166 contains the Commission's Standards for Operation, Reliability, and Safety During Emergencies and Disasters. The purpose of the standards is to ensure that electric utilities are prepared for emergencies and disasters in order to minimize damage and inconvenience to the public which may occur as a result of electric system failures, major outages, or hazards posed by damage to electric facilities.

Compliance with GO 95 and GO 166 is within the purview of the Commission's Safety and Enforcement Division (SED). SED provides leadership and technical expertise related to major threats to utility safety, works diligently to

[15] *See* Opposition at 2.

ensure that regulated services are delivered in a safe, reliable manner, and promotes utility safety by conducting incident investigations.

It is clear that SED investigated the incident as the Complaint includes some correspondence between SCE and to the Commission related to the incident. For instance, there is an April 26, 2024, SCE response to a March 26, 2024, email from SED,[16] and a May 16, 2025, letter from the Commission to the Complainants enclosing the March 7, 2025, SED Incident Investigation Report.[17] On March 7, 2025, SED's Electric Safety and Reliability Branch, notified SCE that it had reviewed SCE's actions, and considered all information provided by SCE and third-party reports related to the fire which occurred at the Complainant's property on September 29, 2021. SED concluded that its investigation of incident No. E20230522-01, that was reported to SED on May 22, 2023, was closed.[18]

Absent a determination by SED that SCE violated Commission GO 95 and 166, there is no factual support in the record for the Complainant's contention.

4.1.2. That SCE's Failure to Properly Maintain and Inspect the Conductor Led to the Fire on Their Premises

Complainants allege that SCE was noncompliant with Commission rules and orders and that the conductor's placement along with extreme weather conditions contributed to the failure of the conductor and ignition of the fire.[19] In their Opposition, Complainants claim that SCE denied the Commission the investigative oversight which would have found that:

> "*non-compliant and unsafe conditions existing based on SCE's own electrical service standards…contributed to the failure of SCE service conductor and subsequent ignition of this fire. The SCE*

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[16] *See* Complaint, electronic pages 215-220.

[17] *See* Complaint, electronic pages 29-34.

[18] *See* Complaint, electronic pages 32-33.

[19] *See* Opposition at 4.

service conductor spanned 132 feet from transformer to building mast which is 30% greater than SCE's maximum span length of 100 feet also located in the HFTD Tier 2 mapping area which experiences regular extreme weather."

There is no support for this contention in the record. First, there has been no determination by the Commission's SED that SCE violated any Commission rules or orders. Additionally, Brian Headly, SBCFD arson investigator, testified that he could not determine a specific area of origin or cause of the fire.[20] Therefore, the allegation that the conductor's placement along with extreme weather conditions contributed to the failure of the conductor and ignition of the fire is speculative. We note that the arson investigator, Mr. Headly, actually testified that it would be "guessing to say the fire was caused by an electrical fault."[21]

4.1.3. That SCE Tampered with Evidence by Removing the Conductor From Complainant's Property

Complainants allege that, after SBCFD contacted SCE to inform it that a service conductor had fallen onto Complainant's property, SCE deenergized the conductor and removed it before SBCFD arson investigators arrived to investigate and inspect it.

There is no support for this contention in the record. **Steven Castagnola, SBCFD Fire Captain,** testified that his unit was among the first on the scene at approximately 11:51 am.[22] He recalled seeing an SCE line down on the ground and recalled that there was active arcing.[23] This indicates that the conductor had not been removed when the SBCFD arrived on scene. Captain Castagnola notes that

[20] Headly May 21, 2025, Deposition at p.17, line 20.

[21] Headly May 21, 2025, Deposition at p.24, lines 12-17 and at p.31.

[22] Castagnola May 12, 2025, Deposition at p.21, line 18.

[23] Castagnola May 12, 2025, Deposition at p.26, lines 2-11.

there was an entry that SCE was on the scene by 1:39 pm, however, he does not personally remember SCE's troubleman arriving on the scene. [24]

During the deposition of **Joshua McGee, Troubleman for SCE**, he states that he was nearby and arrived on the active fire scene approximately five to ten minutes after receiving the call about the fire.[25] He states that he went up in the bucket to deenergize the service wire and cut it down, but testified that he did not inventory or otherwise remove the wire/conductor from the scene. [26] In fact, he states that he left the scene before the fire was completely extinguished. [27]

The deposition of **Brian Headly, SBCFD Assistant Fire Marshall,** who served as arson investigator for SBCFD, does not contradict the account of SCE's troubleman. Headly testified that he arrived at approximately 1:42 pm, was on scene approximately two hours, and although his report includes 25 pictures, he could not determine a specific area of origin for the fire.[28] He mentions that a corner area with a water heater may have been a general area of origin based on the burn pattern.[29] But he does not provide any definitive evidence about the whereabouts of the conductor, as he could not recall whether the power line that fell to the ground

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[24] Castagnola May 12, 2025, Deposition at p.44, lines 15-18.

[25] McGee November 14, 2024, Deposition at p.19, lines 13-21. (Also see Complaint at p. 215-218 -- an April 26, 2024 letter from SCE to the Commission's SED which indicates that SCE received a trouble call no. 2377823, which was initiated by SBCFD at 12:06 pm and that McGee arrived at approximately 12:15 pm.)

[26] McGee November 14, 2024, Deposition at p.33, lines 1-5 and 21. In addition, April 26, 2024 letter from SCE to SED, contains a response No 4 which reads: "*…one triplex overhead service conductor supported by Pole No. 1801326E burned approximately mid-span as a result of the fire. The overhead service conductor served the incident location. After he arrived on scene, McGee de-energized the portion of the overhead service conductor that was previously supported by Pole No. 1801326E and left it attached to the pole,"* and a response No. 9 which reads: *"SCE did not retain any physical items from the scene."*

[27] McGee November 14, 2024, Deposition at p.16, line 4 to p.17, line 11.

[28] Headley, May 21, 2025, Deposition at p.17, line 20.

[29] Headley, May 21, 2025, Deposition at p. 43, lines 10-22.

was still energized when he arrived at the scene,[30] and he in fact states that, he doesn't recall whether or not he saw the downed power line.[31]

In summary, neither the SBCFD arson investigator, nor the SCE troubleman determined that the incident was caused by SCE equipment. There is no clear evidence about who removed the SCE conductor. The SBCFD fire captain testified that he did not require anyone at SCE to preserve any evidence after the fire,[32] so it is speculation to assume that SCE removed the conductor from the premises.

4.2. SCE's Arguments in Support of Motion to Dismiss

4.2.1. That Complaint Is Not Well-Pled

SCE argues that the Complaint should be dismissed because the Complaint is not well-pled and the Complainants failed to prove their claims in it by a preponderance of evidence. [33]

The Commission agrees that the Complainants have not provided a preponderance of evidence to support the allegations in their Complaint before the Commission. The Complainants are advised to complete fact-finding and adjudication before the San Bernardino Superior Court.

4.2.2. That SCE Did Not Violate Commission GOs or Rules

SCE argues that the Complaint should be dismissed because Complainants have not proven allegations that SCE violated Commission GOs, Rules or any other Commission requirements.[34]

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[30] Headley May 21, 2025, Deposition at p. 14, lines 16-18.

[31] Headley May 21, 2025, Deposition at p. 24, lines 12-17.

[32] Castagnola, May 12, 2025, Deposition at p.99, line 8-12.

[33] *See* SCE Motion to Dismiss at 4.

[34] *See* SCE Motion to Dismiss at 5 - 9.

The Commission agrees. As previously noted, SED closed its investigation of the incident without finding that SCE violated any Commission GOs, Rules of Commission requirements. Absent a contrary determination by SED, there is no factual support in the record for the Complainant's contention.

4.2.3. That The Complaint and Civil Case Rely On Same Facts

SCE argues that the facts raised by the Complainants before the Commission are substantively the same as those raised in the civil action filed in San Bernardino Superior Court. SCE argues that permitting the Complainants to proceed with its Complaint at the Commission will result in duplication of effort and would be an inefficient use of Commission resources.

The Commission agrees. As noted above, Complainants civil lawsuit in San Bernardino County Superior Court that was filed January 12, 2023, recites facts and circumstances on September 29, 2021, that are substantively the same as those underlying this Complaint.

5. Conclusion

The Complainants have failed to demonstrate that the Defendant has engaged in any activity or violated any applicable rule, law or tariff of the Commission. The facts giving rise to the Complaint have been pleaded before the Superior Court of San Bernardino County and resolution can be pursued in that tribunal. It would be a duplication of effort and an inefficient use of Commission resources, to adjudicate the same facts here. The Defendant's Motion to Dismiss is granted and the Complaint is dismissed. This proceeding is closed. However, in the event that any facts are proven in the civil case, which would demonstrate that SCE violated any Commission GOs, Rules, or Commission requirements, the Complainants may request that SED reopen its investigation to review those facts.

6. Appeal or Review of Presiding Officer's Decision

The Presiding Officer's Decision was mailed to the parties on August 5, 2026, in accordance with Section 311 of the Public Utilities Code. Pursuant to Rule 14.4 of the Commission's Rules, any party may file an appeal of the Presiding Officer's Decision within 30 days of the date that the decision is served. In addition, any Commissioner may request review of the Presiding Officer's Decision by filing a request for review within 30 days of the date the decision is served.

An Appeal was filed by the Complainants on August 14, 2026, and Defendant SCE filed a Response in opposition to the Appeal on August 31, 2026.

In their Appeal, the Complainants argue that the Presiding Officer's Decision should be amended in order to correct the SED Incident Investigation Report, which Complainants contend is not supported by the evidence. As noted, *supra*, SED closed its investigation of the incident without finding that SCE violated any Commission GOs, Rules of Commission requirements. The instant Presiding Officer's Decision discusses the evidence in detail and notes that the Complainants fail to demonstrate that the Defendant has engaged in any activity or violated any applicable rule, law or tariff of the Commission. Significantly, the Presiding Officer concludes that the facts giving rise to the Complaint have been pleaded before the Superior Court of San Bernardino County and that resolution can be pursued in that tribunal.

Defendant SCE responds that it agrees with the dismissal of the complaint. SCE asserts that the Appeal does not raise any issue constituting legal error and/or requiring correction and/or re-litigating issues.. SCE requests that the Appeal be denied as the evidence in the record supports the Findings of Fact and Conclusions of Law and the determination to grant SCE’s Motion to Dismiss the Complaint.

We have reviewed the Appeal by Complainants and the response by Defendant,SCE in opposition to the Appeal. We agree with the Defendant that the Appeal recites arguments already made and rejected in the Presiding Officer’s

Decision. We find that that the Complainants Appeal lacks merit. Therefore, the Presiding Officer's Decision will not be modified.

7. Category of Proceeding

This proceeding has been categorized as adjudicatory, as defined in Rule 1.3(a). Hearings are not necessary before the Commission, because at present, Complainants have not demonstrated by a preponderance of the evidence that there are facts that give rise to an actionable claim before the Commission.

8. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Patricia Miles is the assigned Administrative Law Judge (ALJ) and Presiding Officer in this proceeding.

Findings of Fact

1. The Complainants own business property at 56001 29 Palms Hwy, Yucca Valley CA 92284.
2. Defendant is a provider of electricity service and is an investor-owned public utility under the jurisdiction of the Commission.
3. On September 29, 2021, a fire occurred on Complainants premises.
4. SBCFD responded to the incident and initiated a trouble call to SCE for a structure fire.
5. SCE trouble man Joshua McGee responded to the incident location and deenergized the overhead service conductor, left it attached to the pole, but cut down a service wire.
6. SBCFD Fire Captain, Steve Castagnola testified that he recalled seeing an SCE line with active arcing down on the ground when he arrived at the scene. He testified that he did not require anyone at SCE to preserve any evidence after the fire.
7. Brian Headly, SBCFD Assistant Fire Marshall, served as arson investigator for SBCFD, was on scene approximately two hours, but could not determine a specific

area of origin for the fire, and testified that it would be "guessing to say the fire was caused by an electrical fault."

8. There is no evidence that SCE tampered with or removed the conductor from the premises.

9. The Commission's SED investigated the incident, reviewed SCE's actions, and considered all information provided by SCE and third-party reports related to the fire which occurred at the Complainant's property.

10. SED concluded and closed its investigation of the incident without determination that SCE violated any Commission requirements.

11. Complainants filed a civil lawsuit in San Bernardino County Superior Court on January 12, 2023, seeking damages as a result of the September 29, 2021, fire.

12. The facts cited in the January 12, 2023, civil lawsuit are substantively the same as the facts alleged in the Complaint filed with the Commission on June 27, 2025.

13. Complainants have not provided a preponderance of evidence to support the allegations in their Complaint before the Commission.

Conclusions of Law

1. There is no factual support in the record that SCE violated Commission GO 95 and 166 or other Commission requirements.

2. There is not sufficient factual support in the record to determine a specific area of origin or cause of the fire.

3. There are no facts in the record to demonstrate that SCE tampered with or removed evidence from the fire scene.

4. The Complaint should be dismissed because the Complaint is not well-pled and the Complainants have failed to prove their claims in it by a preponderance of evidence.

5. The facts pled in the Complaint before the Commission are substantively the same as those pled before the Superior Court of San Bernardino County, and adjudication of this this Complaint would result in duplication of effort and inefficient use of Commission resources.

6. Defendant's Motion to Dismiss the Complaint should be granted.

7. The Appeal of the Presiding Officer's Decision is without merit and should be denied.

O R D E R

IT IS ORDERED that:

1. The Motion for Dismissal of Southern California Edison Company(U338E) is granted.

2. The Complaint of Holly A. Carlyle and Jeffrey A. Burgess (Complainants) against Southern California Edison Company(U338E) is dismissed.

3. The Appeal of the Presiding Officer's Decision is denied.

All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.

4. Case 25-06-027 is closed.

This order is effective today.

Dated October 29, 2026, at, San Francisco, California.

JOHN REYNOLDS
President
DARCIE L. HOUCK
KAREN DOUGLAS

MATTHEW BAKER
CHRISTINE HARADA
Commissioners