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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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13 **UNITED STATES OF AMERICA,**

14 Plaintiff,

15 v.

16 **PACIFIC GAS AND ELECTRIC**  
17 **COMPANY,**

18 Defendant.  
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3:14-cr-00175-WHA

**CALIFORNIA DEPARTMENT OF  
FORESTRY AND FIRE PROTECTION'S  
SUBMISSION IN RESPONSE TO  
COURT'S MARCH 6, 2019, REQUEST  
[Dkt. No. 1028] RE SECOND ORDER TO  
SHOW CAUSE WHY PG&E'S  
CONDITIONS OF PROBATION  
SHOULD NOT BE MODIFIED [Dkt. No.  
1027]**

1 On March 5, 2019, the Court issued its Second Order to Show Cause Why PG&E's  
2 Conditions of Probation Should Not Be Modified (Second OSC, Dkt. No. 1027), and on March 6,  
3 2019, the Court invited the California Department of Forestry and Fire Protection (CAL FIRE)  
4 and the California Public Utilities Commission (CPUC) to "comment on the conditions of  
5 probation proposed" in the Second OSC. (March 6, 2019, Notice to CPUC and CAL FIRE Re  
6 Second Order to Show Cause, Dkt. No. 1028.)

7 CAL FIRE provides this submission in an effort to assist the Court. In making this  
8 submission invited by the Court, as a non-party to this proceeding, CAL FIRE intends to preserve  
9 and does not waive its, or any other State agency's, Eleventh Amendment immunity. Because the  
10 California Constitution creates a structure of divided executive power, each agency of the State  
11 acts on behalf of the State within its own statutory and regulatory authority. *See Marine Forests*  
12 *Soc'y v. Cal. Coastal Comm'n*, 36 Cal. 4th 1, 31 (2005); *People ex rel. Lockyer v. Superior Court*,  
13 122 Cal. App. 4th 1060, 1078-80 (2004). CAL FIRE's submission is, thus, made solely on its  
14 own behalf, and this submission reflects the views of CAL FIRE alone and not any other state  
15 agency.

16 CAL FIRE thanks the Court for the opportunity to comment on the proposed conditions of  
17 probation. At this time, CAL FIRE has no comments in addition to those set forth in its January  
18 25 and February 6 submissions to the Court.

19 Dated: March 22, 2019

Respectfully Submitted,

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