

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender	Docket Number
Pacific Gas and Electric Company	0971 3:14CR00175-001 WHA

Name of Sentencing Judge: The Honorable Thelton E. Henderson
Senior United States District Judge

Date of Original Sentence: January 26, 2017

Original Offense

Count One: Obstruction of a National Transportation Safety Board Investigation, 18 U.S.C. § 1505, a Class D Felony;
Counts Two, Five, Six, Seven, Eight: Natural Gas Pipeline Safety Act, 49 U.S.C. § 60123, a Class D Felonies.

Original Sentence: Five years probation

Special Conditions: special assessment \$2,400; fine \$3,000,000; not commit another federal, state or local crime; comply with third-party monitor; within six months of judgment, develop and submit effective compliance and ethics program; within 60 days of judgment, place full-page advertisement; for three months after sentencing and no later than 60 days after sentencing, air television commercial which publicizes offenses committed by PG&E; shall submit to a reasonable number of regular and unannounced examination of books and records and interrogation of knowledgeable individuals; perform 10,000 hours of community service, at least 2,000 of these hours must be performed by high-level personnel; shall notify the probation officer and monitor of adverse change in business or financial prospects, commencement of bankruptcy proceedings, major civil litigation, criminal prosecution, administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities; pay fine and special assessment within 60 days of judgment.

Prior Form(s) 12: None

Type of Supervision

Probation

Assistant U.S. Attorneys

Hallie M. Hoffman; Jeffrey Benjamin Schenk

Date Supervision Commenced

January 26, 2017

Defense Counsels

Steven Bauer; Sean P.J. Coyle; Benjamin William Snyder; James Scott Ballenger; Adam F. Shearer (Retained)

RE: Pacific Gas and Electric Company
0971 3:14CR00175-001 WHA

2

Petitioning the Court

The issuance of a summons for Pacific Gas and Electric Company to appear in court before the Honorable William Alsup on January 30, 2019, at 9:00 a.m.

I, Jennifer Hutchings, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that Pacific Gas and Electric (PG&E) violated special condition number eight that they shall notify the probation officer and monitor immediately upon learning of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.
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On October 3, 2018, Pacific Gas and Electric (PG&E) entered into a settlement with Butte County for \$1.5 million. The settlement agreement was related to three Butte County fires in October 2017 that were alleged by Cal Fire investigators to have been caused by vegetation contacting PG&E distribution lines. Two of the fires, the LaPorte and Cherokee Fires, were determined by Cal Fire to have been started through an extreme wind event unexpectedly blowing branches onto PG&E lines, sparking large destructive fires. However, no criminal liability on the part of PG&E was alleged as vegetation in the area of the fires origins was properly trimmed back.

The third fire, the Honey Fire, ignited on October 9, 2017. Cal Fire was able to stop the forward progress of the fire and contain it to 150 acres. Cal Fire determined the cause of the Honey Fire to be a tree branch coming into contact with a PG&E transmission line. This tree branch showed outward signs of decay that would have been apparent on what should have been routine inspections. On May 24, 2018, Cal Fire investigators submitted their reports on the Honey Fire for a possible misdemeanor prosecution of PG&E based on an alleged failure to properly trim decaying branch away from its lines.

RE: Pacific Gas and Electric Company
0971 3:14CR00175-001 WHA

3

Specifically, Cal Fire alleged that PG&E violated Public Resource Code § 4293. Public Resource Code § 4293 states except as otherwise provided in Sections 4294 to 4296, inclusive, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current: (a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, 12 feet (b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, 14 feet (c) For any line which is operating at 110,000 or more volts, 10 feet. In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The director or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

The Butte County District Attorney's Office began negotiations with PG&E, which led to a settlement agreement, forgoing any criminal prosecution or punishment.

At no time did Pacific Gas and Electric Company report this investigation by the Butte County District Attorney's Office to the probation office. At no time did Pacific Gas and Electric Company report to the probation office that Cal Fire had deemed them responsible for the Honey Fire; that there was the possibility of criminal prosecution; or that they entered into a settlement agreement with Butte County to avoid such criminal prosecution.

This is evidenced by Cal Fire investigative report dated October 9, 2017; a certified Arborist report dated October 11, 2017; the settlement agreement between the State of California and Pacific Gas and Electric Company dated October 3, 2018; and the testimony of this officer.

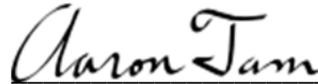
RE: Pacific Gas and Electric Company
0971 3:14CR00175-001 WHA

4

Based on the foregoing, there is probable cause to believe that Pacific Gas and Electric Company violated the conditions of their Probation.

Respectfully submitted,

Reviewed by:



Jennifer Hutchings
U.S. Probation Officer
Date Signed: January 9, 2019

Aaron Tam
Supervisory U.S. Probation Officer

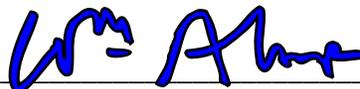
Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

The issuance of a summons for Pacific Gas and Electric Company to appear in court before the Honorable William Alsup on January 30, 2019, at 9:00 a.m.

Other:

January 9, 2019

Date



William Alsup
United States District Judge

RE: Pacific Gas and Electric Company
0971 3:14CR00175-001 WHA

5

*Pursuant to 18 U.S.C. § 3565(a), if the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may 1) continue the defendant on probation, with or without extending the term or modifying or enlarging the conditions; or 2) revoke the sentence of probation and resentence the defendant.