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23 COMPANY

24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA  
26 SAN FRANCISCO DIVISION

27 UNITED STATES OF AMERICA,  
28  
29 Plaintiff,  
30  
31 v.  
32  
33 PACIFIC GAS AND ELECTRIC COMPANY,  
34  
35 Defendant.

Case No. 14-CR-00175-WHA

**PG&E’S RESPONSE TO ORDER TO  
SHOW CAUSE WHY FURTHER  
CONDITION OF PROBATION  
SHOULD NOT BE IMPOSED**

Judge: Hon. William Alsup

1 Defendant Pacific Gas and Electric Company (“PG&E”) respectfully submits this  
2 response to the Court’s February 18, 2021 order to show cause as to why Probation Condition 1  
3 should not be amended. (Dkt. 1308.)

4 On the understanding that the Court is proposing to amend Probation Condition 1  
5 to require PG&E to comply with CAL FIRE’s interpretation of California Public Resources  
6 Code section 4293 as set forth in CAL FIRE’s February 6, 2019 submission to the Court, PG&E  
7 does not object to the new proposed probation condition. (Dkt. 1012.) Probation Condition 1  
8 states that “the Court accepts CAL FIRE’s interpretation of Section 4293 as set forth in its  
9 February 6 submission (Dkt. No. 1012)”. (Dkt. 1040 at 1.) We understand CAL FIRE’s  
10 February 6 submission to mean that not all trees subject to section 4293 that lean towards the line  
11 constitute hazard trees that need to be abated. We further understand CAL FIRE’s submission to  
12 mean that, in determining whether a tree constitutes a hazard requiring removal for purposes of  
13 section 4293, “inspectors must use their professional judgment” based on the “specific  
14 circumstances, on a case-by-case basis”. (Dkt. 1012 at 1.)

15 PG&E agrees that a healthy tree may be a hazard tree based on the factual  
16 circumstances specific to each tree. PG&E agrees to confirm to its vegetation management  
17 personnel that healthy trees may be hazard trees and to ensure that its vegetation management  
18 personnel are provided with and instructed to follow the guidance available from CAL FIRE for  
19 applying section 4293, including CAL FIRE’s February 6 submission to this Court cited in  
20 Probation Condition 1 and CAL FIRE’s field guide.

21 With respect to the specific issue of leaning trees, PG&E shares the Court’s desire  
22 to find a practicable solution that, assuming that the Zogg Fire was caused by the subject Gray  
23 Pine, would have prevented the Zogg Fire. With that goal in mind, PG&E proposes the  
24 following bright-line approach that would go beyond what is required under state law: as long as  
25 CAL FIRE and the CPUC do not object, PG&E will institute a program to abate all Gray Pines  
26 tall enough to fall into a distribution line in a Tier 2 or Tier 3 HFTD that lean more than  
27 20 degrees towards the line in four regions (Bay Area, Central Valley, North Valley and Sierra)  
28

1 and abate all Tanoaks tall enough to fall into a distribution line in a Tier 2 or Tier 3 HFTD that  
2 lean more than 20 degrees towards the line in three regions (Bay Area, Central Coast and North  
3 Coast). These trees will be targeted, regardless of health, because data shows that these  
4 particular species may present higher risk of falling into the line in these particular regions. The  
5 pace of the program would depend on the number of trees that need to be felled, but PG&E  
6 would attempt to get crews in the field doing this work as soon as practicable. As to other tree  
7 species, PG&E would continue with its broader enhanced vegetation management (“EVM”)  
8 effort, which addresses trees of all species in high-fire threat areas and goes beyond what is  
9 required by state law to reduce wildfire risk.

10 Under EVM, PG&E is assessing every tree capable of striking the line using  
11 criteria developed by certified arborists to determine which trees present a sufficiently elevated  
12 risk such that they should be removed under the EVM program, regardless of health. As part of  
13 that program, the lean of each tree is assessed and used in the determination. Under current  
14 EVM standards, if a tree leans more than 25 degrees toward the line and is tall enough to fall into  
15 the line, it is abated under EVM. Trees with a smaller lean are evaluated for potential abatement.  
16 Given that EVM goes beyond the historical scope of routine vegetation management work, given  
17 the *many millions* of trees that surround PG&E’s lines, and given that cutting trees with power  
18 tools close to bare, energized conductors is specialized and dangerous work, we continue to  
19 expect that the EVM program will continue to address about at least 1,800 miles per year. By  
20 the end of this year, PG&E expects to have completed EVM—*i.e.*, patrolled, worked and  
21 100% work verified—for over 6,000 HFTD line miles, at a program cost of more than  
22 \$1.4 billion.

23 PG&E will also move forward on the other initiatives it is implementing this year  
24 to more aggressively address the potential for vegetation to strike its power lines in high-fire  
25 threat areas, which were described to the Court on February 19, 2021. (Dkt. 1310.) This  
26 includes expanding PSPS scoping criteria to account for open priority vegetation tags and  
27 vegetation density; focusing enhanced vegetation management in the highest 20% risk circuits;  
28

1 deploying 95 new VMI program inspectors that will provide in-field coaching of inspectors;  
2 deploying approximately 200 new work verification inspectors to provide 100% work  
3 verification of routine vegetation management patrols in high-fire threat areas; and the use of  
4 vehicle-based LiDAR scanning to check vegetation clearances in high-fire threat areas.

5           PG&E proposes the additional program to address leaning Gray Pines and  
6 Tanoaks knowing that launching such a program while it is also implementing all of the other  
7 in-progress vegetation management programs is likely to produce operational challenges that  
8 will have to be overcome, particularly in identifying and managing capable foresters and tree  
9 crew resources that can perform the needed work safely and with high quality. PG&E has  
10 proposed this additional program for consideration by the Court, CAL FIRE and the CPUC  
11 because, weighing the considerations, it believes this would be an appropriate way to address the  
12 Court's concern with leaning trees.

13           PG&E looks forward to discussing the additional vegetation management  
14 proposal regarding Gray Pines and Tanoaks with the Court and the other interested parties.

1 Dated: March 4, 2021

Respectfully Submitted,

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