

1 AROCLES AGUILAR, SBN 94753  
CHRISTINE JUN HAMMOND, SBN 206768  
2 CHRISTOFER C. NOLAN, SBN 229542  
3 California Public Utilities Commission  
505 Van Ness Avenue  
4 San Francisco, CA 94102  
Telephone: (415) 703-2682  
5 Facsimile: (415) 703-4592  
6 cjh@cpuc.ca.gov

7 Attorneys for the California Public Utilities Commission and  
Marybel Batjer, Martha Guzman Aceves, Clifford Rechtschaffen,  
8 Genevieve Shiroma, and Darcie Houck in their official capacities as  
9 Commissioners of the California Public Utilities Commission

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 PACIFIC GAS AND ELECTRIC COMPANY,

18 Defendant.

Case No. 14-cr-00175-WHA

**MOTION OF THE CALIFORNIA  
PUBLIC UTILITIES COMMISSION  
FOR LEAVE TO FILE CORRECTION  
TO LETTER DATED MARCH 19, 2021  
(ECF 1349)**

Hearing Date: March 23, 2021

Time: 8:00 am

Courtroom: 12, 19th Floor

Judge: Hon. William H. Alsup

1 The California Public Utilities Commission (“CPUC”) hereby seeks leave of the Court to  
2 file the attached letter making a correction to the CPUC’s *Amicus* letter to the Court dated  
3 March 19, 2021 (ECF 1349). Federal courts have inherent authority to entertain Amicus  
4 briefs. *In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249, n.34 (11th Cir. 2006).

5 The CPUC’s correcting letter is attached hereto as **Exhibit 1**.

6  
7 Respectfully submitted,

8  
9 March 23, 2021

By: /s/ Christine Jun Hammond  
AROCLES AGUILAR  
CHRISTINE JUN HAMMOND  
CHRISTOFER C. NOLAN

11 Attorneys for the CALIFORNIA PUBLIC  
12 UTILITIES COMMISSION  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT 1

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



March 23, 2021

**VIA ELECTRONIC MAIL**

Honorable William H. Alsup  
United States District Court  
Northern District of California  
Courtroom 12 - 19th Floor  
450 Golden Gate Avenue  
San Francisco, California 94102

*Re: Proposed Probation Conditions 11 and 12 in Case No. 14-cr-00175-WHA;  
California Public Utilities Commission's Corrections to Letter Dated March 19, 2021  
(ECF 1349)*

Dear Judge Alsup,

The California Public Utilities Commission ("CPUC") requests leave of the Court to make a correction to its comments offered to the court on March 19, 2021. See ECF No. 1349. The CPUC sincerely apologizes for its overstatement that Pacific Gas and Electric Company's ("PG&E") estimates of customer impacts flowing from its envisioned implementation of modified Proposed Conditions 11 and 12 would result in a "potential doubling of Public Safety Power Shutoff ("PSPS") events in PG&E's service territory." ECF 1349 at 4 of 7; see also ECF 1349 at 5 of 7 ("... would have more than doubled the total number of PSPS events conducted in PG&E's service territory."). The CPUC wishes to correct this error and present the Court with more precise and correct statements as soon as it realized these inappropriately unqualified statements.

The correct characterization of PG&E's estimates of customer impacts as a result of implementing modified Proposed Conditions 11 and 12 is that it would have resulted in a potential doubling of PSPS events in some of the counties in PG&E's service territory.

As can be determined from materials PG&E provided to CPUC staff, see CPUC's March 22, 2021 response to ECF 1355 at Exhibit 4 (presentation entitled, "Distribution HFTD Lidar Vegetation Criteria for Potential Inclusion in PG&E Distribution PSPS Criteria"), modified Proposed Conditions 11 and 12 would have produced an average less than double increase in PSPS events had they been applied in the 2010-2019 timeframe. Slide 4 of PG&E's presentation shows a baseline of 27 PSPS events (see first row of third column entitled, "PSPS Total Events – 10 Year"), which means that a doubling of PSPS events would equal 54 PSPS events. According to PG&E's estimates, however, after PG&E adds the 70th+ percentile grid cells out of the LiDAR data in High Fire Threat Districts, the baseline number of

Hon. William H. Alsup

March 23, 2021

Page 2

PSPS events changes to 45 (see second row of third column). Thus, had PG&E applied the modified Proposed Conditions of Probation 11 and 12 to the study time period, the average number of PSPS events in its entire service area would have increased by 67%, as captured in the fourth column of PG&E's presentation (entitled, "% increase from Baseline – PSPS Total Events 10 Year").

At the same time, according to PG&E's estimates, in some counties the total number of PSPS events over the study period 2010-2019 would have more than doubled. Slide 5 of PG&E's presentation shows estimated total PSPS events over the 10-year period by county had modified Proposed Conditions 11 and 12 been applied. The total number of PSPS events would have more than tripled over the 10-year period in Trinity County, and would have more than doubled in the Counties of Placer, Shasta, Tehama, Madera, and Mendocino. (See Slide 5, table on the left, comparing counties' "base" vs. "70<sup>th</sup>"). The total number of PSPS events would have been close to double in the Counties of Butte, Nevada, and El Dorado, while in other counties, the total number would have been significant (Counties of Yuba and Sierra and others).

The CPUC thanks the Court for allowing for these corrections to its letter of March 19, 2021

Sincerely,

/s/ Christine Jun Hammond

AROCLES AGUILAR  
CHRISTINE JUN HAMMOND  
CHRISTOFER NOLAN

Attorneys for the  
CALIFORNIA PUBLIC UTILITIES COMMISSION

1 **CERTIFICATE OF SERVICE**

2  
3 I am a citizen of the United States, over 18 years of age, employed in the City and  
4 County of San Francisco, California, and not a party to the subject cause. My business  
5 address is the California Public Utilities Commission, Legal Division, 505 Van Ness  
6 Avenue, San Francisco, California 94102.

7 On March 23, 2021, I sent the following document:

8 **1. MOTION OF THE CALIFORNIA PUBLIC UTILITIES**  
9 **COMMISSION FOR LEAVE TO FILE CORRECTION TO LETTER**  
10 **DATED MARCH 19, 2021 (ECF 1349)**

11 to the following interested parties by email:

12  
13 Maria Severson, Esq.  
14 Michael J. Aguirre, Esq.  
15 Email: [mseverson@amslawyers.com](mailto:mseverson@amslawyers.com)  
16 Email: [maguirre@amslawyers.com](mailto:maguirre@amslawyers.com)

17 Reid J. Schar  
18 [rschar@jenner.com](mailto:rschar@jenner.com)

19 Kate Dyer  
20 [kdyer@clarencedyer.com](mailto:kdyer@clarencedyer.com)

21 Kevin J. Orsini  
22 [korsini@cravath.com](mailto:korsini@cravath.com)

23 [jeffrey.b.schenk@usdoj.gov](mailto:jeffrey.b.schenk@usdoj.gov)  
24 [hallie.hoffman@usdoj.gov](mailto:hallie.hoffman@usdoj.gov)  
25 [Noah.Stern@usdoj.gov](mailto:Noah.Stern@usdoj.gov)  
26 [CaseView.ECF@usdoj.gov](mailto:CaseView.ECF@usdoj.gov)  
27 [philip.guentert@usdoj.gov](mailto:philip.guentert@usdoj.gov)  
28 [philip.kopczynski@usdoj.gov](mailto:philip.kopczynski@usdoj.gov)

[ehairston@orrick.com](mailto:ehairston@orrick.com)  
[wbrown@orrick.com](mailto:wbrown@orrick.com)

[ashearer@clarencedyer.com](mailto:ashearer@clarencedyer.com)  
[bhauck@jenner.com](mailto:bhauck@jenner.com)

**CPUC MOTION FOR LEAVE TO FILE CORRECTION TO LETTER DATED MARCH 19, 2021  
(ECF 1349)**

Case No. 14-CR-00175-WHA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[RMehrberg@jenner.com](mailto:RMehrberg@jenner.com)

[sjaffer@clarencedyer.com](mailto:sjaffer@clarencedyer.com)

[christine.hammond@cpuc.ca.gov](mailto:christine.hammond@cpuc.ca.gov)

[christofer.nolan@cpuc.ca.gov](mailto:christofer.nolan@cpuc.ca.gov)

[csandoval@scu.edu](mailto:csandoval@scu.edu)

[William\\_Noble@cand.uscourts.gov](mailto:William_Noble@cand.uscourts.gov)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 23, 2021, at San Francisco, California.

By: /s/ Christine Jun Hammond  
AROCLES AGUILAR  
CHRISTINE JUN HAMMOND  
CHRISTOFER C. NOLAN

Attorneys for the CALIFORNIA PUBLIC  
UTILITIES COMMISSION