

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-0175 WHA

v.

PACIFIC GAS AND ELECTRIC  
COMPANY,

Defendant.

**ORDER REQUESTING  
FURTHER INPUT ON  
PROPOSED CONDITIONS**

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The Court is willing to limit the considerations PG&E must use to implement the new proposed conditions, but finds the Priority 1 and Priority 2 limitation is too restrictive and will not sufficiently protect California from wildfires started by PG&E.

The limited way in which PG&E seeks to implement Proposed Condition 11 would leave too many risks unaddressed. It would allow PG&E, in determining which distribution lines to de-energize, to ignore the threat of trees tall enough to be blown onto the lines. Indeed, counsel for PG&E admitted that its proposed procedure would *not* have resulted in consideration of the tall Gray Pine looming over the Girvan Line at (or near) the site of the Zogg Fire or the other tall Gray Pines of concern.

The Court is willing to accept PG&E's limitations to No. 11, provided one further consideration is employed, namely taking into account the approximate number of trees (healthy or not) along a line (or discrete segment of line) tall enough to be blown onto the line

1 in a windstorm. This approximation could be as simple as ranking the number along any given  
 2 line as “None,” “Few,” “Average,” or “Above Average.” For a line rated “Above Average,”  
 3 for example, the wildfire risk would be treated as greater than if the line were rated “Average.”  
 4 Thus, for a line that had no Priority 1 or Priority 2 tickets, this further consideration might  
 5 counsel in favor of de-energizing the line due to, for example, its “Above Average” number of  
 6 tall trees capable of being blown onto the line.

7 For purposes of this further consideration, there would be no need to go in and decide  
 8 which trees were healthy or not. Even healthy trees, if tall enough, pose a risk of falling on  
 9 PG&E’s distribution lines in a windstorm, as counsel for PG&E stated several times at the  
 10 hearing on February 3.

11 Therefore, Proposed Condition 11 is revised as follows:

12 *Proposed Condition 11:* In determining which distribution lines in  
 13 Tier 2 or Tier 3 to de-energize during a PSPS, PG&E must take  
 14 into account all information in its possession and in the possession  
 15 of its contractors and subcontractors concerning the extent to  
 16 which trees and/or limbs are at risk of falling on those lines in a  
 17 windstorm. In determining which distribution lines to de-energize  
 18 during a PSPS event, PG&E will implement this condition by  
 19 July 1, 2021, by considering the existence of all outstanding  
 20 vegetation management work tagged “Priority 1” or “Priority 2”  
 21 within PG&E’s service territory that is subject to potential  
 de-energizations. PG&E shall also consider the approximate  
 number of trees tall enough to fall on the line irrespective of the  
 health of the tree and irrespective of whether the tree stands  
 outside or inside prescribed clearances. The latter may be done by  
 simply rating the total approximate number of such tall trees along  
 a line as “None,” “Few,” “Average” or “Many,” and by treating the  
 “Many” category as posing a greater risk than the “Average”  
 category and the “Average” category as posing a greater risk than  
 the “Few” category and so on.

22 Proposed Condition 12 is revised as follows:

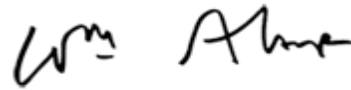
23 *Proposed Condition 12:* To the extent that such information shows  
 24 that such trees and limbs present a safety hazard in the event of a  
 25 windstorm, PG&E must make a specific determination with  
 26 respect to that distribution line and it must de-energize it unless  
 PG&E finds in writing that there are specific reasons to believe  
 that no safety issue exists. PG&E will implement this condition by  
 27 July 1, 2021.

28 These proposals are *not* yet final.

1 By noon on **FEBRUARY 19**, all parties and amici must submit any proposed modification  
2 and/or objections. By **NOON ON FEBRUARY 26**, all replies will be permitted. A further zoom  
3 hearing shall be held on **MARCH 9 AT 8:00 AM**.

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5 **IT IS SO ORDERED.**

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7 Dated: February 4, 2021.

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11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE