

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 14-00175 WHA

v.

PACIFIC GAS AND ELECTRIC  
COMPANY,

Defendant.

**ORDER TO SHOW CAUSE WHY  
FURTHER CONDITION OF  
PROBATION SHOULD NOT BE  
IMPOSED**

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In reviewing PG&E’s submissions, the Court has come to suspect that PG&E has been narrowly interpreting Section 4293 of the California Public Resources Code to exclude any healthy tree from Section 4293’s scope on hazard trees. Specifically, Section 4293 provides that during the wildfire season, those maintaining “electricity transmission or distribution line[s]” shall

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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, four feet.

(b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six 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.

In a filing herein dated February 6, 2019 (Dkt. No. 1012), Cal FIRE and the California Attorney General stated that Section 4293 (emphasis added):

means that a tree or portion thereof, that is leaning toward the line, must be “felled, cut or trimmed,” *regardless of its health*, if it “may contact the line from the side or may fall on the line.” *Id.* Section 4293 requires utilities to identify and remove such hazards.

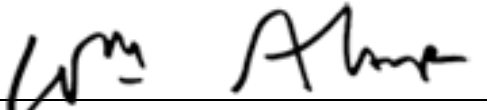
Recent submissions by PG&E leave doubt that PG&E accepts Cal FIRE and the California Attorney General’s statements of what Section 4293 requires. Therefore, PG&E is ordered to show cause why the further Condition of Probation No. 1 should not be amended to add the following (Dkt. No. 1040):

PG&E shall identify and remove any tree or portion thereof leaning toward any distribution line if it may contact the line from the side or fall on the line and must do so *regardless of the health of the tree*. PG&E shall so affirmatively instruct in writing all its personnel and contractors and incorporate the same in its training and instruction materials.

1 PG&E's response to the order to show cause is due **MARCH 4 AT NOON**. Any response by  
2 *Amici* and the United States shall be due **MARCH 11 AT NOON**. PG&E shall reply, if at all, by  
3 **MARCH 17 AT NOON**. The hearing shall be **MARCH 23 AT 8:00 A.M.** by Zoom.

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6 **IT IS SO ORDERED.**

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8 Dated: February 18, 2021.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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