

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

Amended 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, Count Two, Five, Six, Seven, Eight: Natural Gas Pipeline Safety Act, 49 U.S.C. § 60123, a Class D Felony.

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 with 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 2000 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 governmental authorities; pay fine and special assessment within 60 days of judgment.

Prior Form(s) 12: On January 9, 2019, a Petition for Summons was filed by the Court. The allegations were that Pacific Gas and Electric (PG&E) violation special condition number eight that they notify the probation officer, in part, of the commencement of any major civil litigation, criminal prosecution, or any investigation or formal inquiry by governmental authorities regarding the organization. On January 30, 2019, a revocation hearing was held, and the Court found that PG&E had violated their conditions of probation. On April 2, 2019, new conditions of probation were proposed and adopted (document 1027, filed March 5, 2019). On May 7, 2019, the parties appeared before Your Honor for status and the Court added two additional conditions of probation (document 1071, filed May 14, 2019).

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A status hearing was held on September 17, 2019 and October 8, 2019. At a status hearing on November 12, 2019, the Court agreed to allow the reaming community service obligation to be fulfilled by a lump sum payment to San Bruno for the Crestmoor Canyon Project.

A status hearing was held on February 19, 2020. On April 29, 2020, the Court modified the conditions of probation (document 1186, filed April 29, 2020). A Motion Hearing held on May 28, 2020. A Show Cause Hearing was held February 3, 2021. A Show Cause Hearing was March 23, 2021.

On April 20, 2021, a petition for summons was filed by the Court. The allegation was that Pacific Gas and Electric committed another federal, state or local crime. The parties appeared before Your Honor on May 4, 2021, and again on June 2, 2021. Pacific Gas and Electric appeared before Your Honor regarding a separate matter on September 13, 2021.

Type of Supervision

Probation

Assistant U.S. Attorney

Noah Stern

Date Supervision Commenced

January 26, 2017

Defense Counsel

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

**Petitioning the Court to incorporate the additional violation into all future proceedings.
Additional violation is highlighted in bold.**

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).

Charge Number

Violation

One

There is probable cause to believe that the company under probation violated the general condition of probation that they not commit another federal, state or local crime.

On or about October 23, 2019, Pacific Gas and Electric violated California Penal Code sections: 452(a)- Recklessly Causing a Fire with Great Bodily Injury; 452.1(a)-Special Allegation-Aggravating Factors; 452(b)-Causing Fire to Inhabited Structure; 452.1(a)-Special

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Allegation-Aggravating Factors; 452(c)-Causing a Fire of a Structure or Forest Land; 452.1(a)-Special Allegation-Aggravating Factors.

On or about October 23, 2019, Pacific Gas and Electric violated Health and Safety Code sections: 42400.3-Reckless Emission of Air Contaminants (10 counts); 42400.1-Negligent Emission of Air Contaminants (15 counts); 13001-Throwing Flaming or Glowing Substances.

On or about October 23, 2019, Pacific Gas and Electric violated Public Resources Code section: 4421-Burning Lands of Another.

On or about October 23, 2019, Pacific Gas and Electric violated Public Utilities Code 2110-Violation by a Public Utility (3 counts).

Evidence in support of this charge includes the Superior Court of the State of California, County of Sonoma, Felony Compliant SCR-745228-1, filed on April 6, 2021.

Charge Number

Violation

Two

There is probable cause to believe that the company under probation violated the general condition of probation that they not commit another federal, state or local crime.

Between the dates of July 28, 2020 and October 19, 2020, Pacific Gas and Electric violated California Penal Code sections: 192(b)-Involuntary Manslaughter: Failure to Perform Legal Duty (four counts); 452(A)- Recklessly Causing Fire with Great Bodily Injury; 452(B)- Recklessly Causing Fire to Inhibited Structure; 452(C)- Recklessly Causing Fire of Structure or Forest (four counts); 452(D)-Recklessly Cause Fire to Property of Another; 452.1(a)(1)-special allegation recklessly causing fire, aggravating factors (four counts); 454(A)-special allegation arson, state of emergency.

Health and Safety Code sections: 13001-Negligent Fire Starting (two counts); 42400.1(a)- Negligent Emission of Air Pollution (five counts); 24200.3(b)-Reckless Emission of Air Pollution (five counts).

Public Resource Code sections: 4292-Failure to Maintain Firebreak; 4293-Failure to Maintain Clearance; 4221-Unlawful Fire on Property of Another (two counts); 4435-Negligent Causing a Fire by Device (two counts).

Public Utility Code section: 2110-Utility Failure to Comply with Regulations (two counts).

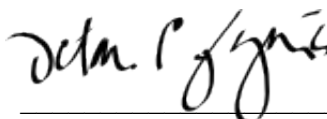
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Evidence in support of this charge includes the Superior Court of the State of California, County of Shasta, Felony Compliant 21-06622, filed on September 24, 2021.

Based on the foregoing, there is probable cause to believe that Pacific Gas and Electric Company violated the conditions of their Probation. Therefore, I ask the Court to incorporate the additional violation into all future proceedings.

Respectfully submitted,

Reviewed by:



Jennifer Hutchings
U.S. Probation Officer
Date Signed: November 9, 2021

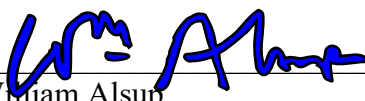
Octavio E. Magana
Supervisory U.S. Probation Officer

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 Court takes notice of the additional violation and incorporates the charge into all future proceedings.

Other:

November 10, 2021
Date



William Alsup
Senior United States District Judge

*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.