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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP, JUDGE

UNITED STATES OF AMERICA, Plaintiff, VS. PACIFIC GAS AND ELECTRIC COMPANY, Defendant.	)	**No. CR 14-0175 WHA**

San Francisco, California
Monday, September 13, 2021

TRANSCRIPT OF PROCEEDINGS

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(Appearances continued on next page)

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Official Reporter - U.S. District Court

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9 Jennifer Hutchings, U.S. Probation
Mark Filip, Federal Monitor
10 Christopher Keegan, Federal Monitor
Charles Kalil, Federal Monitor
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1 **Monday - September 13, 2021** **9:00 a.m.**

2 **P R O C E E D I N G S**

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4 **THE CLERK:** Calling Criminal action CR 14-0175,

5 United States versus PG&E.

6 **MR. STERN:** Good morning, Your Honor. Noah Stern on

7 behalf of the United States.

8 **THE COURT:** Good morning.

9 **MR. SCHAR:** Good morning, Your Honor. Reid Schar,

10 Kevin Orsini, and Kate Dyer on behalf of PG&E.

11 **THE COURT:** Thank you. Welcome.

12 **MS. HUTCHINGS:** Good morning, Your Honor. Jennifer

13 Hutchings on behalf of U.S. Probation.

14 **THE COURT:** Thank you.

15 And the monitor team, please.

16 **MR. FILIP:** Yes, sir. Mark Filip, Chris Keegan, and

17 Charles Kalil.

18 **THE COURT:** Thank you. All right.

19 **MS. SANDOVAL:** Catherine Sandoval for Amici.

20 **THE COURT:** Thank you. And welcome to you as well.

21 All right. We're here to hear testimony from the

22 troubleman. He's in the room, waiting, so I propose we get

23 started right now unless there's something urgent that somebody

24 needs to raise.

25 Are you prepared to proceed?

1 **MR. STERN:** Yes, Your Honor.

2 **THE COURT:** All right. You will get to go first, then
3 I'll ask some follow-up questions, and then PG&E can ask its
4 questions. All right.

5 Okay. The witness will please raise his right hand and
6 take an oath to tell the truth.

7 **TROUBLEMAN**,

8 called as a witness for the Government, having been duly sworn,
9 testified as follows:

10 **THE CLERK:** Thank you.

11 **THE COURT:** All right. For the benefit of the public,
12 we have agreed that the troubleman will not state his name, and
13 we will try to avoid using it to protect his own safety. So
14 that's the reason we will be referring to him as "the
15 troubleman."

16 So the -- I am the judge in the case. I know I've never
17 met you before. This is the prosecutor in the PG&E probation.
18 And over there are the lawyers representing PG&E. And your
19 lawyer we have allowed to sit right there by you in case you
20 need to consult with him. Okay?

21 **THE WITNESS:** (Nods head.)

22 **THE COURT:** All right. So, now, for the members of
23 the public, we are required to limit the courtroom to 50
24 persons because of the pandemic. And every one of you should
25 not be in here unless you're vaccinated, fully vaccinated. If

1 you're not, you've got to get out.
2 So only fully vaccinated people are allowed in the
3 courtroom. If you are fully vaccinated, you can stay, but
4 we're limited to 50. And then after that the officers will
5 direct people to an overflow room down the hall so you can at
6 least hear the proceedings.
7 We're not doing this over Zoom, and we're not doing this
8 over AT&T. This is an in-person proceeding here in the U.S.
9 District Court.
10 So about how long do you have for your questions,
11 Mr. Stern?
12 **MR. STERN:** Your Honor, I'd say between 20 and 30
13 minutes.
14 **THE COURT:** That's fine. Please proceed.
15 **DIRECT EXAMINATION**
16 **BY MR. STERN:**
17 **Q.** Good morning. Thanks for coming in today.
18 **A.** Good morning.
19 **Q.** Can you tell us about your job? What is your job?
20 **A.** Basically, a first responder and do normal work of
21 customers that have problems with their power.
22 **Q.** Is that called a troubleman?
23 **A.** Yes.
24 **Q.** How long have you held that position?
25 **A.** Ten years.

1 **Q.** Can you -- I know you've told us a little bit about it,
2 but can you tell us a little more about some of your
3 responsibilities in that job?
4 **A.** Respond to outages, do normal work as far as panel
5 upgrades, solar upgrades for houses, disconnecting,
6 reconnecting, troubleshooting, trying to help customers figure
7 out what's the problem. Sometimes it's on their side, it's not
8 PG&E's. The company lets us dive in and kind of help them out
9 to figure out problems.
10 **Q.** Do you typically work on your own or do you work with a
11 partner as part of a team?
12 **A.** Most of the time by ourselves unless it's an larger-scale
13 outage with numerous customers.
14 **Q.** Now, I want to turn to July 13, 2021. Were you asked to
15 respond to a power outage at the Cresta Dam?
16 **A.** Yes, I was.
17 **Q.** How was that outage reported to you?
18 **A.** It was placed on my mobile application device, which is
19 how I receive work. It's -- dispatchers give us work, and I
20 get a E-page on my phone that lets me know I've got work.
21 **Q.** What were you doing at the time that you got the report?
22 **A.** I was headed to a reconnect.
23 **Q.** And when that report came in, did it have a particular
24 priority tag?
25 **A.** Yes, it came in as a 1240, which is about as generic tag

1 as we get, with limited information.
2 **Q.** Okay. And can you tell us, first of all, who sets the
3 priority of a tag or a job?
4 **A.** The -- I would assume the company does, you know,
5 depending on the information they get from the caller.
6 **Q.** So you're not the one who does that?
7 **A.** Negative.
8 **Q.** Now, is there something called a priority one tag?
9 **A.** Yes.
10 **Q.** Can you tell us a little bit about what a priority one tag
11 is?
12 **A.** A priority one tag would be something that's considered
13 probably a nonemergency, more toward routine work. Again, like
14 a single-customer outage, reconnects, disconnects, stuff like
15 that.
16 **THE COURT:** May I ask you to move the microphone
17 closer to your voice. It's a little soft. It'll scoot back.
18 The microphone will scoot back and forth. And --
19 **THE WITNESS:** I think the wire's stuck.
20 **THE COURT:** The wires are stuck? Okay.
21 **THE WITNESS:** Yeah. I'll move up.
22 **THE COURT:** Thank you. It'll be easier for the whole
23 courtroom to hear you if you're a little closer. Thank you.
24 **THE WITNESS:** You're welcome.
25

1 **BY MR. STERN:**
2 **Q.** Is there a certain time frame in which a priority one tag
3 should be completed or worked?
4 **A.** There is now.
5 **Q.** There is one?
6 **A.** Yes.
7 **Q.** And what is it?
8 **A.** We are to respond to it within 60 minutes.
9 **Q.** Okay. And is there something called a priority zero tag?
10 **A.** Actually, can I -- a priority zero tag is 60 minutes.
11 **Q.** Okay. So priority zero tag is 60 minutes.
12 Do you recall what a priority one tag is? If you don't,
13 that's fine.
14 **A.** No.
15 **Q.** But it's not as urgent as a priority zero tag?
16 **A.** No, it's not an immediate response.
17 **Q.** Okay. And so for a priority zero tag, you have to respond
18 within 60 minutes. Can you give us some examples of what a
19 priority zero tag might be?
20 **A.** Car poles, somebody hitting a pole, wire down, explosion
21 heard, explosion seen, stuff like that.
22 **Q.** So would it be fair to say that a priority zero tag might
23 pose an imminent danger?
24 **A.** Correct.
25 **Q.** And what about a priority one tag, is that something that

1 could pose an imminent danger or is it just not known?
2 **A.** Unless, again, the caller states something for a call
3 center to know that there is an immediate hazard or a hazard in
4 the field, that would dictate a class zero instead of a class
5 one.
6 **Q.** So a class one then, from your perspective, there's no
7 known imminent danger?
8 **A.** Correct.
9 **Q.** After you received the report that the power was out at
10 the Cresta Dam, what did you do?
11 **A.** I actually made a call to our D.O.s because, as I said,
12 the information on the tag was limited, and I wanted to know --
13 being it was a company facility, they have -- I'm sure that he
14 would have some more information of what was going on.
15 **Q.** And did you get some more information?
16 **A.** Yeah. He's the one -- the D.O. was the one that directed
17 me to go to Cresta Dam, that that was at that time the only
18 person -- or we were the only facility out of power.
19 **Q.** Okay. And what did you do next?
20 **A.** Well, I was going to that reconnect tag, and I actually
21 went to that first as we have backup generators, and it was an
22 emergency. One of our guys had already been there, looked at
23 it. So I didn't see it as an emergency, and I continued on to
24 this other tag.
25 **Q.** Okay. And then were you able to complete the work at that

1 other tag?
2 **A.** Yeah. I'd been there before. I knew the work that I
3 needed to do. Probably was going to take me about 10, 15
4 minutes. It was on the way. It was like three miles off of
5 the road I needed to go on. It took me 20 minutes.
6 **Q.** So it sounds like it didn't delay you that much in getting
7 out to the Cresta Dam?
8 **A.** No.
9 **Q.** So after you completed the work there, what'd you do next?
10 **A.** I drove to Cresta Dam.
11 **Q.** Okay. Now, do you recall around what time you got to the
12 dam?
13 **A.** Uhm, without looking at my declaration, I don't know
14 specific times. I know all the times on my declaration are
15 specific.
16 **Q.** Okay. I believe your declaration says you arrived around
17 12:30. So around -- so what was the weather like when you
18 arrived; do you recall?
19 **A.** Clear, sunny, calm.
20 **Q.** And when you arrived there, did you have any idea of what
21 the issue might be with the power outage?
22 **A.** No. That's part of our job is to troubleshoot.
23 **Q.** Okay. So what did you do when you got to the dam?
24 **A.** Got my binoculars out and observed and looked at all of
25 PG&E's equipment at what we call a station service at Cresta

1 Dam.
2 **Q.** And did you confirm that the power was out there?
3 **A.** Yeah. I knew coming -- coming up there, the lights were
4 off in the tunnel, which told me that there was probably a
5 problem upstream.
6 **Q.** Okay.
7 **MR. STERN:** And, Your Honor, I apologize. I was not
8 able to get the ELMO or my computer set up beforehand.
9 But, Madam Courtroom Deputy, if you have a suggestion
10 between the two?
11 **THE CLERK:** I'm working on that. I'm sorry.
12 **MR. STERN:** Okay. Well, we can just move along then
13 for now.
14 **THE COURT:** Is our equipment not working?
15 **THE CLERK:** I turned it on already, the evidence PC, I
16 think.
17 **THE COURT:** And is the ELMO working? Or can we switch
18 to the ELMO if we need to?
19 **MR. STERN:** It looks like it is.
20 **THE COURT:** So give the ELMO a try, and let's see if
21 it works.
22 (Document displayed.)
23 **THE COURT:** Somehow -- there is an image, but it
24 doesn't look like it normally should look. You might want to
25 rotate it 90 degrees because it's showing the opposite. There.

1 There's some kind of image that's fading through, bleeding
2 through. Doesn't look right to me.
3 **MR. STERN:** Your Honor, I think there's a shadow on
4 the screen from the light up there. I don't know why that is.
5 **THE COURT:** Well --
6 **BY MR. STERN:**
7 **Q.** Mr. Troubleman, can you see the image on the screen? It
8 is not as clear as it should be, but --
9 **A.** Yeah, I remember the map.
10 **Q.** Okay. And so is this -- what does this image depict?
11 **THE COURT:** The lettering is reversed. I think it's
12 in left to right somehow. On my screen it's not coming out as
13 English. It's coming out reversed, right to left instead of
14 left to right.
15 **THE CLERK:** I am trying, but I'm not having any luck.
16 **MR. STERN:** Another option would be to connect my
17 computer, because I have the exhibits.
18 **THE COURT:** Do you have an exhibit on the computer?
19 **MR. STERN:** I do have the exhibits on my computer as
20 well.
21 **THE COURT:** Well, let's see. Let's switch back to the
22 computer and see if that will come up now.
23 That looks more like a real exhibit. Is that what you
24 wanted, Mr. Stern? Can you see that?
25 **MR. STERN:** I just see what's on the ELMO here.

1 **THE COURT:** What you had there, that looks okay to me.
2 Is that on the ELMO or is that on your computer?
3 **MR. STERN:** That is on the ELMO, Your Honor. And this
4 is sufficient for my purposes.
5 **THE COURT:** That's good. Let's use that then. Please
6 go ahead.
7 **BY MR. STERN:**
8 **Q.** So, Mr. Troubleman, can you -- do you recognize this?
9 **A.** Yes, I do.
10 **Q.** And what does this depict?
11 **A.** It is a map of the line that is in question.
12 **Q.** Okay. And I think you mentioned that you thought the
13 issue was -- I don't know if you used the word "upstream," but
14 is that -- is this the portion of the line -- the purple part,
15 is that the portion of line that you're talking about?
16 **A.** Yes.
17 **Q.** And did you inspect that portion of line from your vantage
18 point at the Cresta Dam?
19 **A.** Yes. I walked to a meter to verify another meter out.
20 Caltrans has the lights through the tunnel, and hazard lights.
21 And I know, from being out there previously, I can look up the
22 line with binoculars.
23 **Q.** And there's a little yellow dot -- yellow square on this
24 image. Is that approximately where you're standing?
25 **A.** Yes.

1 **MR. STERN:** And just for the record, this is
2 Exhibit X1 to docket number 1428.
3 **BY MR. STERN**
4 **Q.** Now, I want to show you a photograph that PG&E submitted
5 to the Court.
6 (Photograph displayed.)
7 **BY MR. STERN**
8 **Q.** This is photo number 7, taken on July 26th. Do you
9 recognize what is shown in this photo? It's not particularly
10 clear, but --
11 **THE COURT:** I think on my screen it's coming, again,
12 left to right reversed. I know this image, and I think it's
13 left to right reversed.
14 Is that the way it's coming across on the other screens?
15 **MR. STERN:** On my screen, it looks like it looks here.
16 It's not --
17 **THE COURT:** Could I see what you have on the ELMO?
18 Hand it to me.
19 (Counsel complies.)
20 **THE COURT:** Okay. I may be in error. Go ahead.
21 **BY MR. STERN:**
22 **Q.** Do you recognize what's depicted in this photo? It's not
23 particularly clear.
24 **A.** Yeah. It looks to be the line going down to Cresta Dam.
25 **Q.** And can you see where you are standing when you were

1 looking at the line in this photo?
2 **A.** No.
3 **Q.** So when you looked at the line, what did you see?
4 **THE COURT:** You're talking about looked at the line
5 from the dam?
6 **BY MR. STERN**
7 **Q.** From the dam, yes.
8 **A.** From the dam, I could not see all the way. As you can see
9 through here, it makes a dip, and the line straightens out and
10 then shoots back up the hill.
11 **Q.** From -- from the portion of the wire that you could
12 observe with your binoculars, did you see any problems?
13 **A.** When I looked at it, up at the top I thought what I
14 disseminated was possibly some fuses hanging.
15 **Q.** Okay.
16 **THE COURT:** Did you say fuses, plural, or fuse?
17 **THE WITNESS:** I couldn't tell. Like I made in my
18 statement, it was like looking -- you know, when you're looking
19 deer hunting, I could see some antlers possibly, but I couldn't
20 tell how many points were on it.
21 So it was way out there. I couldn't tell if it was one or
22 two or even if it was a fuse hanging. It looked like it
23 possibly --
24 **THE COURT:** It looked like at least one?
25 **THE WITNESS:** Yes.

1 **THE COURT:** Thank you.
2 Go ahead.
3 **BY MR. STERN:**
4 **Q.** And just staying on that topic, you couldn't tell -- could
5 you tell for sure whether any of the fuses were still
6 connected?
7 **A.** No, I could not.
8 **Q.** And the wires themselves, did they -- did you notice any
9 problems with the wires?
10 **A.** No. Due to the shading and the color of the wire blends
11 in -- it's a green, it's copper -- it blends in with the
12 background, I really couldn't see any wire or anything in
13 there.
14 **Q.** Did you see any vegetation on the line?
15 **A.** No, I did not.
16 **Q.** Did you see any smoke or indication of fire?
17 **A.** No, I did not.
18 **Q.** So I want to jump ahead briefly.
19 Later in the day, did you see a tree on the line near
20 where that fuse that you thought might have opened was?
21 **A.** Yes, I did.
22 **Q.** Now, from your vantage point, when you were looking up
23 from the Cresta Dam, do you think you could have seen that
24 portion of line where the tree was?
25 **A.** I didn't.

1 **Q.** You couldn't see that portion of line?
2 **A.** I didn't at that particular point with what I had for
3 binoculars, no.
4 **Q.** Okay.
5 **THE COURT:** It's unclear to me. Are you saying that
6 you could not see that portion of the line?
7 **THE WITNESS:** Correct. I looked what I seen, and I
8 didn't see the line. As I said, the line is copper, it's
9 oxidized, which turns it green. And that blends in with the
10 pine trees, the brush, everything else.
11 And, again, due to a fire up at -- I think it was the
12 Sugar Fire, there was haze in the canyon.
13 **THE COURT:** While I'm interrupting, when you looked
14 through your binoculars, you said that you did not see any
15 vegetation on the line, or any smoke.
16 But did you actually look for that?
17 **THE WITNESS:** Yes, I did.
18 **THE COURT:** And so you looked for smoke, you looked
19 for vegetation, but you did not see any?
20 **THE WITNESS:** Correct.
21 **THE COURT:** Okay. Thank you.
22 Go ahead.
23 **BY MR. STERN:**
24 **Q.** So you mentioned that you thought one of the fuses might
25 have been opened.

1 From your experience as a troubleman, what can cause --
2 what are the types of things that can cause a fuse to open?
3 **A.** There's numerous things. They operate by overcurrent, so
4 a fuse can be weakened by lightening striking, and that weakens
5 the fuse that might not open until, you know, later, months
6 later.
7 Birds can get in the line. A tree limb can fall, slap
8 wires together. That's a high wind area as well. The wind
9 gusts can slap wire together.
10 **Q.** So it could just -- is it fair to say that it could be
11 completely -- it could be because of some condition that is not
12 a danger at all or it could be because of a condition that is a
13 danger?
14 **A.** Correct.
15 **Q.** And when the fuse opens, does that shut the power off
16 downstream?
17 **A.** Yes.
18 **Q.** Okay. Now, this -- this -- this was a three-phase
19 distribution line; is that right?
20 **A.** Correct.
21 **Q.** So if -- if a fuse -- let me rephrase the question.
22 Does that mean that there is a fuse for each conductor?
23 **A.** Yes.
24 **Q.** And if the fuse is open on two of the conductors but not
25 the third, will the third line remain energized?

1 **A.** Yes.
2 **Q.** But at that time you couldn't tell whether it had just
3 been one fuse that opened or all three. You just weren't sure;
4 right?
5 **A.** Correct.
6 **Q.** At this point in time what was your -- did you have any
7 sense of kind of what risk this might have posed, whether there
8 would have been -- what the danger may have been?
9 **A.** I didn't see it as a high danger due to there hadn't been
10 any wind, it was a calm day. And, again, I didn't see any
11 vegetation on the line, or smoke, anything to give me an
12 indication that there was a hazard.
13 **Q.** What did you do next?
14 **A.** I knew that that was probably -- by troubleshooting the
15 Caltrans meter out, and that one, that I needed to go up there
16 and take a look.
17 **Q.** And even though it's right across the river, it's not that
18 easy to get up there; right?
19 **A.** No, it's not.
20 **Q.** Do you want to tell us a little bit about how it was like
21 getting up there?
22 **A.** So you have to drive back up the road probably 15 minutes
23 to Pulga, and drive through that. And that's probably about
24 two miles. And then you get on a one-way road that top speed
25 would be 3 miles an hour.

1 **Q.** Is it like a dirt road?
2 **A.** It's more like a rock road.
3 **Q.** Okay. And so you -- I assume you went down that road, and
4 then what happened next?
5 **A.** I came upon Butte County working on a bridge roughly 2 to
6 2 and a half miles from the location I needed to be -- get to.
7 **Q.** Was that bridge passible?
8 **A.** Negative. They had a section removed, roughly 24 inches'
9 worth.
10 **Q.** Okay. So there was basically a gap in the bridge?
11 **A.** Correct.
12 **Q.** Did they tell you when they'd be done working?
13 **A.** They said roughly an hour to two. They said they would be
14 out of there within two hours.
15 **Q.** Okay. So what did you -- what did you do when you heard
16 that?
17 **A.** I couldn't pass, I couldn't do anything, so I proceeded to
18 go back out to where I have cell service to talk to the D.O.
19 and see if he wanted me to keep going with what was going on.
20 **THE COURT:** Could you ask the witness where that
21 location was that he was able to get reception?
22 **BY MR. STERN:**
23 **Q.** Yes. And if it -- I don't know if it would be helpful. I
24 can show you a map.
25 But where were you able to get cell phone reception?

1 **A.** It was roughly Rim Road and Highway 70.
2 **THE COURT:** You're saying you went all the way back
3 down to Highway 70?
4 **THE WITNESS:** And then some.
5 **THE COURT:** Okay.
6 **THE WITNESS:** At Highway 70 and Pulga, you're down in
7 the bottom.
8 **THE COURT:** Okay. Let's switch.
9 (Technical disruption.)
10 **BY MR. STERN:**
11 **Q.** Where you got cell phone service, is it on this map, which
12 I'm showing you, which is Exhibit X2, PG&E's filing at docket
13 1428?
14 **A.** Yes, it is.
15 **Q.** And can you point out where on that map it is?
16 **A.** It would roughly be in the lower left-hand corner where
17 the purple line and the blue line meet.
18 **Q.** So when you got cell service, did you get some additional
19 work orders or jobs?
20 **A.** Yes. Again, as the cell service is terrible, as soon as
21 my mobile application came back in contact, I received two
22 hazards, two class zero tags.
23 **Q.** And what did you do then?
24 **A.** That's when I made a call to the D.O. and made him make a
25 decision. They're the ones that know the priorities, how many

1 people are out. They've looked at it. I have been out of
2 service, so I don't see whether -- what he wanted me to do.
3 **Q.** And what did they want you to do?
4 **A.** They wanted me to proceed, being I was in the area
5 already, to stick with this, and they would find somebody else
6 to do the class zero hazards.
7 **Q.** And what did you do after that?
8 **A.** I proceeded back up there.
9 **Q.** Okay. And I think you took a different route this time?
10 **A.** Yes, I did.
11 **Q.** Can you tell us a little bit about that?
12 **A.** Yes. I trail ride, and knowing the area, that's a lot
13 better route. I figured there's a fair amount of pavement, a
14 bunch of chip rock and DG, decomposed granite, which is easily
15 travelable.
16 Most of the road, you can probably do 30 to 35 miles an
17 hour on, probably. I knew it was longer, but I figured I could
18 maybe save time.
19 **Q.** Did you make it back to the bridge?
20 **A.** Yes, I did.
21 **Q.** And was the bridge clear?
22 **A.** The bridge was clear of work, but the bridge was -- still
23 had a closed sign on it.
24 **Q.** Okay. So were you a little concerned about driving over
25 it?

1 **A.** I definitely got out and took a look at the bridge and
2 decided that I figured it -- deemed it safe to pass.
3 **Q.** And so what'd you do next?
4 **A.** I drove to the location.
5 **Q.** Okay. And what did you do when you got there?
6 **A.** As I arrived, I seen the two fuses blown, or operated, and
7 one still intact, closed.
8 **Q.** I'm going to show you a photo that PG&E has submitted to
9 the Court.
10 **MR. STERN:** For the record, this is photo number 215
11 from the photos taken on July 18, 2021.
12 (Photograph displayed.)
13 **BY MR. STERN:**
14 **Q.** Do you recognize what that photo shows?
15 **A.** Yes, I do.
16 **Q.** What does it show?
17 **A.** That is the -- what we'd called FUCL pole, fuse pole.
18 **Q.** Sorry, can you say that one more time?
19 **A.** The fuse pole.
20 **Q.** Okay. That's the pole that you arrived at?
21 **A.** Correct.
22 **Q.** And in this photo are the fuses missing?
23 **A.** Yes, they are.
24 **Q.** Okay. Do you remember which fuses were open and which one
25 was closed?

1 **A.** Yes. From left to right, the one and two. And the
2 furthest one to the right was still closed.
3 **Q.** I think you can -- I don't know, I think you might be able
4 to mark on your screen in front of you by using your finger.
5 Could you just circle the one that was still closed?
6 **A.** The one that was closed is the one that I circled.
7 **THE COURT:** Now, that will not be -- do you have a way
8 to preserve that? Can you hit the preserve button? Okay. If
9 you don't know how, let's move on.
10 But, counsel, be aware, we won't be able to preserve
11 what's on the screen without special effort.
12 **MR. STERN:** Thank you, Your Honor.
13 And for the record, the witness circled the -- where the
14 fuse would have been, the rightmost fuse, if you're looking at
15 the photo.
16 **THE COURT:** I think that's right. It's the rightmost
17 item that's hanging down is what he's circled. I'm not saying
18 that was the fuse, but that's the thing he circled.
19 What are those things that are still left in the picture?
20 **THE WITNESS:** Them are called cutouts, but they're
21 actually called a fuse holder. That holds the fuse.
22 **THE COURT:** Okay.
23 **BY MR. STERN:**
24 **Q.** So you saw -- you saw that two of the fuses were open, one
25 was closed. What did you do next?

1 **A.** I put on my safety gear and was going up there to open the
2 third fuse.
3 **Q.** Okay. And I can't remember if you already mentioned this,
4 but when you got out of the car did you smell any smoke?
5 **A.** Yes. When I got out of the truck, I did smell the hint of
6 smoke. Again, I didn't think much of it because I knew the
7 Sugar Fire was up in the Susanville and wind blows down the
8 canyon. It wasn't a strong smell.
9 **Q.** Okay. And so -- and then what happened next?
10 **A.** So I put on my safety gear and whatnot, was going up
11 there. As I was going up in the elevated position in my bucket
12 is when now I'm attempting to look down the line and make sure
13 it's safe. That's when I noticed both the tree and the fire.
14 **Q.** Where was the fire?
15 **A.** The fire was off to the left side of the line, outside of
16 the right-of-way.
17 **Q.** And about how big was it?
18 **A.** I estimated at 600 to 800 square feet.
19 **Q.** And was it on the near side of the next pole down or on
20 the far side?
21 **A.** It was in between the pole here, the fuse pole, and the
22 next pole down, closer to the pole downhill.
23 **Q.** Now I'm going to show you another photograph PG&E has
24 submitted to the Court. And this is Exhibit J to docket number
25 1408.

1 (Photograph displayed.)
2 **BY MR. STERN:**
3 **Q.** And if you could -- I believe on the bottom left -- one of
4 the corners of your screen, there should be something that says
5 clear. Thank you.
6 Do you recognize what's depicted in this photo?
7 **A.** It looks to be a tree on the line.
8 **Q.** Is this the tree that you saw?
9 **A.** It appears to be, yes.
10 **Q.** Okay. And based on your recollection, is this what it
11 looked like when you saw it?
12 **A.** I hate to say, I did not spend much time looking at the
13 tree or anything.
14 **Q.** Is there anything about how this tree appears in this
15 photo that might explain to you why two of the fuses opened but
16 not the third?
17 **A.** I -- I would be making an assumption if I state that.
18 **Q.** Okay. But --
19 **THE COURT:** Is it an assumption based on your training
20 and experience or is it just a wild guess?
21 **THE WITNESS:** It would be an assumption on training
22 and experience.
23 **THE COURT:** Well, then you should answer.
24 **THE WITNESS:** Okay. I would -- I would assume that
25 when the tree fell into the line, it slapped two of the lines

1 together creating a cross phase.
2 **BY MR. STERN:**
3 **Q.** And then the two lines that touched may have -- would
4 have -- the fuses would have opened?
5 **A.** Correct.
6 **Q.** If a tree just falls on a line and the lines don't touch,
7 does that have the potential to also open a fuse?
8 **A.** Again, I would -- I would be assuming it. There's so many
9 variables in that that I'd rather not answer that.
10 **Q.** Just based on your experience, I mean, can it -- can a
11 tree falling on a line open a fuse?
12 **A.** Again, it depends if the tree is dry, if the tree is wet,
13 spacings, all kinds of stuff. So, again, it would be a huge
14 assumption.
15 **Q.** Understood.
16 So after you saw the fire and you saw the tree on the
17 line, what did you do next?
18 **A.** I knew I had two choices. One, I would have to leave,
19 roughly an hour 20 minutes, to get cell service, or try on the
20 radio, which is terrible in there as well.
21 I made a call for probably about 20 seconds to try and get
22 ahold of anybody that could hear me on the radio, got no
23 response. So I tried to fight the fire.
24 **Q.** Okay. Before you tried to fight the fire, did you -- did
25 you open the third fuse?

1 **A.** Yes.
2 **Q.** And why did you do that?
3 **A.** For two reasons. One, safety for me or anybody that would
4 be down there. It's a energized conductor, there's a potential
5 of me being electrocuted.
6 **Q.** Have you had to fight fires before?
7 **A.** No.
8 **Q.** Can you tell us a little bit about how you -- how you went
9 about fighting it?
10 **A.** It's -- the terrain there is very steep. I basically slid
11 probably 60 yards down this hill, to the location, with a
12 2-and-a-half-gallon fire extinguisher. I exhausted that.
13 Took me probably 15, 20 minutes to climb back up the hill
14 to my truck, grabbed another 2-and-a-half-gallon pressurized
15 canister and my McLeod and proceeded back down the hill to try
16 and contain it.
17 **Q.** At that point was the fire small enough that it felt like
18 what you were doing had a impact on the fire or was it still
19 growing?
20 **A.** It was still growing, but my concern was -- is if I could
21 keep it out of the canopy to where the wind could get to it or,
22 you know, it could go from tree to tree, that hopefully
23 somebody would see the smoke and be able to help.
24 **Q.** Now, I want to show you another photo that PG&E submitted
25 to the Court.

1 **MR. STERN:** And for the record, this is photo number
2 1307 that, I believe, was taken on July 26th.
3 (Photograph displayed.)
4 **BY MR. STERN**
5 **Q.** Do you recognize what is shown in that photograph?
6 **A.** No, I don't. That makes no sense to me.
7 **Q.** Now, there's some transmission lines that go above the
8 distribution lines in that area; is that right?
9 **A.** They're in the area. Actually, where this was at, they're
10 downhill from this.
11 **Q.** Okay. So that the transmission lines aren't directly over
12 where the fire --
13 **A.** Negative.
14 **Q.** So while you -- so at some point did Cal Fire arrive?
15 **A.** Yes. Actually, on my second trip back up to the truck, a
16 person had reached out on the radio and finally got contact
17 with me and stated that, you know, I needed Cal Fire or
18 somebody, somebody to help with some fire suppression up there.
19 And he had said he was going to make a call.
20 **Q.** Did you see a Cal Fire spotter plane?
21 **A.** Actually, yeah. Probably 30 minutes after that call was
22 made, a Cal Fire spotter plane showed up.
23 **Q.** Okay. And then what happened next?
24 **A.** Uhm, I continued kind of doing some fire breaks with my
25 McLeod, trying to, again, keep the fire from getting in the

1 canopy and jumping Camp Creek Road. And probably within 10, 15
2 minutes of the spotter plane showing up, the Blackhawk showed
3 up.
4 **Q.** Did you -- how long did you stay on the scene?
5 **A.** I stayed on the scene -- I knew I couldn't do anything.
6 It wasn't going to do them anything good to leave, so I
7 basically stayed there for the whole firefight.
8 **Q.** And did you also drive back to the bridge to offer to help
9 bring firefighters up?
10 **A.** Yes, I did.
11 **Q.** And did you eventually leave the scene of the fire that
12 night?
13 **A.** Yes, I did.
14 **Q.** And when you left, what was the state of the fire?
15 **A.** The state of the fire was what I estimated at roughly
16 3 acres and out. There was -- all there was, was they had a
17 hand crew in there of four guys at that time, and the air
18 support had left.
19 **MR. STERN:** Well, thank you for answering those
20 questions. It seems like you took a lot of brave action
21 fighting that fire.
22 I don't have further questions, Your Honor.
23 **THE COURT:** Thank you.
24 I have some questions, so bear with me.
25 Could my law clerk hand to the witness the transcript of

1 the radio calls and give counsel the copies.
2 I would put this up on the screen, but it's not working
3 properly, so I'm not going to fool with it. When we take a
4 break, I want my team to fix it, but it's not working well
5 enough for us to use it.
6 **EXAMINATION**
7 **BY THE COURT:**
8 **Q.** So I'm just going to read from what PG&E has given us. I
9 believe this is the entirety of the radio conversation that you
10 had with the dispatcher after the fire but while you were still
11 up in that area.
12 Troubleman says: "Hey.
13 "Dispatcher: Hey.
14 "Troubleman: The fuses I was on over here by the fire,
15 were you all aware of that?
16 "Dispatcher: The fire, are you talking about Bucks Creek?
17 "Troubleman: Yep.
18 "Dispatcher: Okay. Switch 941.
19 "Troubleman" -- this part is redacted as the name of
20 somebody.
21 "Troubleman:" Blank "open that. But I opened the fuses
22 17733.
23 "Dispatcher: Oh, you did?
24 "Troubleman: Yeah, there was two of three blown, the one
25 and two, and I opened the remaining. I don't even remember

1 what time I did it.
2 "Dispatcher: Guess. Do you have a guesstimate?
3 "Troubleman: Let's go 1640.
4 "Dispatcher: 1640. And was that after he opened the
5 switch, that switch?
6 "Troubleman: No, that was way before."
7 I think it means dispatcher.
8 "He opened the switch at 2030."
9 "Dispatcher: Okay.
10 "Troubleman: Yeah, that was for the tree that was on the
11 line. There's a tree on the line that started a fire.
12 "Dispatcher: Oh, my goodness.
13 "Troubleman: I opened that, and when the ground troops
14 got up there, they wanted that other section of line opened up
15 too.
16 "Okay. So let me get this associated. Let's see."
17 This is the dispatcher. Okay. So let me get this
18 associated. Let's see. And that's tagged MOL?
19 "Troubleman: Yeah.
20 "Dispatcher: And that's what started the fire for your --
21 "Troubleman: Correct. No, that started it.
22 "Dispatcher: Okay.
23 "Troubleman" -- something's redacted, a name, I suppose.
24 "Our Cal Fire liaison was up here, all of that. The fire was
25 only, I'm guessing, about 3 acres. That was seen on the fire

1 page. They said it was at 2 acres and pretty much contained.
2 They got ground crews up there working on it now.
3 "Dispatcher: Okay.
4 "Troubleman: No damage to any of our poles or anything,
5 except for still on the line.
6 "Dispatcher: Okay. So the cause here --
7 "Troubleman: That might --
8 "Dispatcher: -- was vegetation, tree grew into the line
9 or it fell onto the line?
10 "Troubleman: No, it fell. Fell into the line.
11 "Dispatcher: Tree into the line and --
12 "Troubleman: First span load side of M17733.
13 "Dispatcher: There's no wire down or anything like that?
14 Everything's good?
15 "Troubleman: Yeah.
16 "Dispatcher: I'll just say overhead conductor normal.
17 Okay. Awesome.
18 "Troubleman: And I guess when they give us the green
19 light to go back up there, we'll just kind of do a little
20 safety look at about two or three poles and reenergize it.
21 "Dispatcher: Okay. Sounds good. We'll probably talk
22 sometime tomorrow then, uhm?
23 "Troubleman: Yeah, I would figure so.
24 "Dispatcher: Okay. Thank you.
25 "All right. Thanks. Have a good night.

1 "You too.
2 "Dispatcher: You too."
3 So do you remember that conversation?
4 **A.** Yeah, roughly.
5 **Q.** Now, I have some questions about it.
6 Here, you say that there's a tree on the line and that
7 started a fire.
8 Is that what you said?
9 **A.** I'm not going to deny that's probably what I said.
10 **Q.** Do you remember?
11 **A.** Not exactly, no, I do not.
12 **Q.** All right. Do you stand by your statement there's a tree
13 on the line and that started the fire?
14 **A.** With all the excitement going on, I probably --
15 **Q.** No, no, today. Today.
16 **A.** Today.
17 **Q.** Just tell us an honest answer. Do you stand by that
18 statement you made at the time in question?
19 **A.** I'm not a fire investigator, so I can't say --
20 **Q.** No, no, no. You are trained by PG&E.
21 Do you stand by that statement? Just as a troubleman,
22 somebody who worked for PG&E. You've been trained, you've been
23 working ten years.
24 Do you stand by the statement that you made back then,
25 "There's a tree on the line that started a fire"?

1 **A.** No, I don't.
2 **Q.** You don't. Okay.
3 Why have you changed your mind?
4 **A.** Again, like I was going to say, due to I'm not trained in
5 fire investigations, all I can say is what I stated, there was
6 a tree on the line, and there was a fire there.
7 **Q.** What have you learned since this statement at the time in
8 question that has caused you to doubt the accuracy of what you
9 told the dispatch then?
10 **A.** Just thinking about other possibilities.
11 **Q.** And what were those other possibilities?
12 **A.** Possible lightening.
13 **Q.** Have you seen any evidence of lightening?
14 **A.** No.
15 **Q.** What was the weather that day?
16 **A.** That day was clear.
17 **Q.** Yeah. And the prior week was clear too, wasn't it?
18 **A.** I don't know about the prior week.
19 **Q.** Have you gone back to check?
20 **A.** Well, I know the Sugar Fire that was started, I can't --
21 **Q.** That's a different fire. I'm talking about this fire.
22 Have you gone back to see what the weather was like over
23 the last week before this fire?
24 **A.** No, I have not.
25 **Q.** Okay. So have you gotten any specific information about

1 lightening that has caused you to think lightening caused this
2 fire?
3 **A.** No. As I stated, I know there was lightening three or
4 four days before. That's what started that Sugar Fire in that
5 area.
6 **Q.** Okay. You're saying three to four days before the Dixie
7 fire there was lightening in that area? Is that what you're
8 saying?
9 **A.** Roughly. I don't know the exact.
10 **Q.** Could be longer than three to four days; is that true?
11 **A.** Could be.
12 **Q.** Okay. Have you gone back to actually check this?
13 **A.** What was that again?
14 **Q.** Have you gone back to check if there was any lightening
15 strikes in that -- the area of the Dixie fire where it started?
16 **A.** No, I have not.
17 **Q.** Okay. Have you received any other information from any
18 source as to what would be an alternative source of that fire
19 other than the tree on the line?
20 **A.** No, I have not.
21 **Q.** Prior to today, have you given us any statement -- given
22 anyone any statement that contradicts your statement to the
23 dispatch, quote, "There's a tree on the line that started a
24 fire"?
25 **A.** No, I have not.

1 **Q.** This is the first time you've told us that; true?
2 **A.** Yes.
3 **Q.** Okay. Is your lawyer -- no, let's rephrase that.
4 Has anyone from PG&E suggested to you that there might be
5 some other cause?
6 **A.** No, they have not.
7 **Q.** Okay. All right. Switch 941, what was that?
8 **A.** It's a switch upstream.
9 **Q.** Okay. I'd like to pin down exactly where it is, so let's
10 show that same map.
11 **THE COURT:** Does my law clerk have that ready? Where
12 did my law clerk go?
13 Can you put this one up on the screen? It's the same one
14 that counsel put up. It's this one.
15 **LAW CLERK:** I have it. Use the ELMO?
16 **THE COURT:** Well, I would prefer the clearest image we
17 can get.
18 **LAW CLERK:** I'm going to pull it up.
19 (Law clerk and courtroom deputy confer off the record.)
20 **THE COURT:** How long is this going to take?
21 **THE CLERK:** I can find someone.
22 **THE COURT:** What?
23 **THE CLERK:** I have someone on standby if you want to
24 take a quick break.
25 **THE COURT:** Can we put the one counsel had up on the

1 ELMO so we can proceed with the ELMO?
2 I'm sorry, to the public, for this delay.
3 (Document displayed.)
4 **THE COURT:** Can you make it full screen?
5 Can the witness see that?
6 **THE WITNESS:** It keeps changing.
7 **THE COURT:** All right. Leave it right there. Let it
8 settle down so we can see it.
9 **BY THE COURT:**
10 **Q.** Okay. I think this is the same thing the Government
11 showed you a minute ago. Show us on there where Switch 941
12 was.
13 **A.** I would be making an assumption where it is upstream
14 somewheres. It's not designated on this map.
15 **Q.** All right. Now, you've worked for PG&E for ten years.
16 Did they ever give you any training on the Bucks Creek line?
17 **A.** We don't have training on specific lines.
18 **Q.** Had you ever been given any orientation as to that Bucks
19 Creek line?
20 **A.** Yes.
21 **Q.** Had you ever been to the Bucks Creek line before?
22 **A.** Yes.
23 **Q.** Had you been to the switch, 941?
24 **A.** Yes.
25 **Q.** So you actually could get there if you wanted to?

1 **A.** Yes.
2 **Q.** All right. And had you been to the Bucks Creek substation
3 before?
4 **A.** Yes, I have.
5 **Q.** And had you been on that road that you took that long,
6 circuitous route before?
7 **A.** Yes.
8 **Q.** And had you been to the Rock Creek Switching Center
9 before?
10 **A.** No, I have not.
11 **Q.** All right. Which of those locations had actual employees
12 on site?
13 **A.** I believe Rock Creek Switching Center has an operator at
14 it. I'm not sure.
15 **Q.** All right.
16 **A.** But I know Bucks Creek does not.
17 **Q.** Now, Switch 941, tell us where you think it might be. You
18 can make an assumption.
19 **A.** The assumption would be roughly --
20 **Q.** You're aiming it at the Rock Creek Switching Center?
21 **A.** No, it -- no, wasn't supposed to go there. It would be
22 further down, towards Cresta.
23 **Q.** All right.
24 **A.** Roughly where Highway 70 -- I guess that'd be the orange
25 line and the purple line meet, roughly in there.

1 **Q.** Do you see where it says, "End Storrie Road"?
2 **A.** Yeah.
3 **Q.** Do you see that little curve in the road there, on the
4 purple road that -- it doesn't connect to Storrie Road, but you
5 see it's in that region there?
6 **A.** Yes.
7 **Q.** All right. Is that where Switch 941 would be?
8 **A.** Roughly, yes.
9 **Q.** Okay. Now, when the -- what -- and you've been to that
10 switch?
11 **A.** Yes.
12 **Q.** Had you ever operated it before?
13 **A.** No, I have not operated it before.
14 **Q.** All right. Did you know what the purpose of it was?
15 **A.** Yes, I do.
16 **Q.** And what was it?
17 **A.** The purpose to that switch is you can isolate that line.
18 **Q.** And later on in the evening somebody else from PG&E went
19 and threw that switch; correct?
20 **A.** Yes.
21 **Q.** And that was done at the request of Cal Fire?
22 **A.** Correct.
23 **Q.** Okay. Now, how far from Cresta Dam was Switch 941, if you
24 had driven?
25 **A.** Fifteen minutes.

1 **Q.** All right. So was it within your power to drive from
2 Cresta Dam to Switch 941 and switch off the power?
3 **A.** No.
4 **Q.** You couldn't do that?
5 **A.** No.
6 **Q.** Why not?
7 **A.** Not without approval from a D.O.
8 **Q.** But if you had -- all right. Let's take that.
9 Let's say you had approval. Could you have done it then?
10 **A.** Yes.
11 **Q.** Was there any padlock or something that would have
12 prevented you from getting in?
13 **A.** No.
14 **Q.** All right. So did you have a discussion with anyone at
15 PG&E about going up there and throwing that switch?
16 **A.** No.
17 **Q.** Now, did you -- were you aware that the Rock Creek
18 Switching Center or the substation was reporting a, quote, good
19 load on the line?
20 **A.** No, I did not.
21 **Q.** You did not know that? Did you feel it was energized?
22 **A.** Could you --
23 **Q.** Well, let's back up. Whenever -- you've already told us
24 that you disabled that third fuse; right?
25 **A.** Yes.

1 **Q.** And you did that so that -- because the line was
2 energized; correct?
3 **A.** The one conductor was.
4 **Q.** The one conductor, correct.
5 So you knew that at least that one line was energized;
6 true?
7 **A.** Once I was up there, correct.
8 **Q.** All right. Well, what was your assumption prior to going
9 up there?
10 **A.** I deemed I had no hazard as, like I said, I seen no
11 vegetation or anything on the line that would make me go to
12 Switch 941 and open that.
13 **Q.** Well, did you -- but could you rule out the -- when you
14 were standing there with your binoculars on Cresta Dam, could
15 you rule out, in your mind, the possibility that there was a
16 tree on the line and that that had caused the fault?
17 **A.** Could you rephrase that?
18 **Q.** Yeah. When you were standing there with your binoculars
19 and evaluating what you should do and what you should report to
20 dispatch, did you consider the possibility that there was a
21 tree on the line someplace as a possibility?
22 **A.** No, because I'd figured I probably would have been able to
23 see it.
24 **Q.** Probably?
25 **A.** Yes.

1 **Q.** Well, does that mean that there was at least some chance
2 you could not see the tree?
3 **A.** Yes.
4 **Q.** All right. So did you consider the possibility that you
5 could not see the tree?
6 **A.** No, as I didn't see a tree and I figured I would have seen
7 some smoke or something, possibly, or downed wire or conductors
8 twisted or something had a tree fallen.
9 **Q.** Okay. So didn't you say earlier to the prosecutor that
10 there was a dip in the line, then part of it you couldn't see,
11 and that the cable was green and it blended in?
12 Did I misunderstand you?
13 **A.** No, you did not.
14 **Q.** All right. So weren't you trying to tell us that you
15 couldn't be sure about whether there was vegetation on the line
16 when you were looking through your binoculars?
17 **A.** Repeat that, please.
18 **Q.** That's fair.
19 Because of the blending-in problem and because of the dip
20 in the line, isn't it true that you couldn't be sure whether or
21 not there was a tree on the line?
22 **A.** Yes, that's true.
23 **Q.** Okay. So you couldn't rule out the possibility that there
24 was a tree on the line even though it seemed improbable to you;
25 isn't that correct?

1 **A.** That would be correct.
2 **Q.** All right. Did you know this was a high-fire-threat
3 district?
4 **A.** Yes.
5 **Q.** Did you know what rating -- danger rating this particular
6 line had received in terms of its equipment?
7 **A.** No, I do not.
8 **Q.** Have you since learned what it was?
9 **A.** No, I do not.
10 **Q.** Did you ever get any training or education on that from
11 PG&E?
12 **A.** No. We get -- fire ratings and fire areas is what us
13 troubleman go by.
14 **Q.** And what was it that day?
15 **A.** I'm going to figure probably R3 or 4.
16 **Q.** R3 or 4?
17 **A.** Yeah. I don't exactly remember that day.
18 **Q.** But you would have known whatever it was that day, you
19 just can't remember. Is that what you're saying?
20 **A.** Correct, correct.
21 **Q.** Okay.
22 **A.** They send out a fire page every day for us to know what
23 the fire index is.
24 **Q.** All right. So when you're standing there on the -- you
25 knew that there was a fault on the line somewhere; true?

1 **A.** Correct.
2 **Q.** You knew it was a higher fire threat district; true?
3 **A.** I assumed from at the bottom.
4 **Q.** What?
5 **A.** I assumed from at the bottom. Like I stated before, I
6 wasn't sure the fuses were open. It looked like they were.
7 **Q.** Look, there was no power; right?
8 **A.** Correct.
9 **Q.** And so doesn't that mean there was a fault on the line
10 somewhere?
11 **A.** It means something has happened, yes, up --
12 **Q.** No, on the line itself.
13 **A.** Yes.
14 **Q.** And this line, by the way, it's not a very long line, is
15 it?
16 It starts up there at Bucks Creek substation and it runs
17 down to Cresta Dam?
18 **A.** Correct.
19 **Q.** And there are only two customers; true?
20 **A.** I couldn't tell you how many customers.
21 **Q.** Cresta Dam and the Caltrans?
22 **A.** After them fuses, correct.
23 **Q.** Those are the only two uses of that line, Cresta Dam and
24 the tunnel; correct?
25 **A.** After the fuses.

1 **Q.** No, even before the fuses.
2 **A.** No, there's more customers.
3 **Q.** Okay. Who were the other customers?
4 **A.** I don't -- I'm not sure. I know the railroad has signal
5 lights and stuff up there. I just know there's more customers.
6 **Q.** Are there any residences that are powered by Bucks Creek?
7 **A.** I'm not sure, Your Honor.
8 **Q.** All right. So the -- there was -- you knew there was a
9 fault on the line somewhere; true?
10 **A.** I knew there was a issue. I can't say a fault.
11 **Q.** Well, isn't this called a fault whenever there's no power?
12 **A.** No. There's all kinds of instances we have that we go out
13 and we'll have no cause of fuses blown.
14 **Q.** Isn't that a fault when a fuse is blown?
15 **A.** No, not necessarily. Lightening striking is, I guess, in
16 my terminology, not what I would call a fault.
17 **Q.** So this is important, to me at least. And you're not the
18 representative. You're representing yourself here.
19 But as a PG&E employee, the word "fault" is something the
20 company uses; isn't it true?
21 **A.** Yes.
22 **Q.** All right. So if someone were to say at that point in
23 time there was a fault on the line because there was no power
24 reaching Cresta Dam, would that be a true statement?
25 **A.** You'd have to rephrase it.

1 **Q.** What is it you don't understand?
2 **A.** Who's the someone saying a fault?
3 **Q.** Just anyone.
4 In your own mind as a PG&E employee, would it be correct
5 to say that you knew there was a fault on the line somewhere?
6 It could have been as simple as a blown fuse, but there was a
7 fault on the line somewhere?
8 **A.** Again, that'd be an assumption to say a fault. From down
9 where I was, I didn't know how many fuses for sure were
10 hanging, one or two. If one is operated, I don't -- you know,
11 again, I don't know the reason, so I wouldn't say a fault.
12 **Q.** All right. Let's try it a different way.
13 As you were standing there with your binoculars on the
14 dam, you could tell there was no power coming into Cresta Dam;
15 true?
16 **A.** Correct.
17 **Q.** All right. Could you rule out -- could you categorically
18 rule out the possibility that there was a tree on the line
19 somewhere that had caused the power to stop?
20 **A.** No, I could not.
21 **Q.** All right. Now, don't you think that presents -- if that
22 scenario had occurred, the tree on the line, that that would
23 present a fire hazard?
24 **A.** Could you repeat or specify the question?
25 **Q.** In your experience and training, does PG&E teach you about

1 the fire hazard, if any, from trees on the line?
2 **A.** Yes.
3 **Q.** Okay. And explain in your own words what that hazard is.
4 **A.** Well, anytime there's a tree on the line, you know,
5 there's a hazard of, you know, ignition.
6 **Q.** All right. So you couldn't rule -- as you're standing
7 there with your binoculars on Cresta Dam, you could not rule
8 out the possibility, could you --
9 **A.** No.
10 **Q.** -- of that scenario; true?
11 **A.** True.
12 **Q.** All right. Now, how long -- when you're standing there on
13 the dam and you decide to go up and look at that hanging fuse,
14 you knew approximately how long it was going to take you to get
15 up there; true?
16 **A.** Correct.
17 **Q.** How long was that? How long did you expect it would take
18 even if the bridge had been intact?
19 **A.** It's roughly about an hour and 20 minutes.
20 **Q.** Okay. In five minutes, you could have been -- or 15
21 minutes, at most, you could have been at Switch 941; true?
22 **A.** Yes.
23 **Q.** And you could have turned that power off just in the off
24 chance that there was a fire hazard in the making; true?
25 **A.** It's not our policies or PG&E's policy to open and

1 de-energize customers without a cause because of possible
2 critical customers or -- I don't know what's on that line.
3 **Q.** Well, you already knew that the power was out at the dam
4 and in the tunnel; true?
5 **A.** Correct.
6 **Q.** So what was the harm in turning that switch off?
7 **A.** There's customers between -- in between that switch and
8 the fuses.
9 **Q.** Like who?
10 **A.** I know the railroad for sure. I don't know who else.
11 **Q.** Did you check to see if the railroad power was already
12 off?
13 **A.** No, I did not.
14 **Q.** And if there was any such, it would have been right there
15 at Cresta Dam, right, if there was any -- that's the terminus
16 of the line?
17 **A.** No, there's customers in between that switch, 941, and the
18 fuses that had operated.
19 **Q.** And you're saying that's the railroad?
20 **A.** I -- I know there's railroad signals and track switches
21 there. I know that. I don't know if there's any other
22 customers.
23 **Q.** Okay. How long would it have taken you to drive to that
24 location to see if the power was off there, too?
25 **A.** I can't -- where the switch is?

1 **Q.** Yeah, where the railroad customer is.
2 **A.** Where the switch is, it cuts right across the river, and
3 you can't get to it.
4 **Q.** There's a bridge there, isn't there?
5 You say, yourself, you've been to 941. How did you get
6 there before?
7 **A.** That's -- the switch is right on one side of Rock Creek,
8 the railroads and all the other equipment is on the other side
9 of Rock Creek, which I couldn't get to, to check power.
10 **Q.** All right. Did you -- the people at Rock Creek Switching
11 Center could have turned the power off as well; true?
12 **A.** Yes.
13 **Q.** Did you have any conversations, by radio or cell phone or
14 any means, with your dispatcher or anyone else, about turning
15 the power off on the Bucks Creek circuit?
16 **A.** No, because radio service and cell service is no good up
17 there.
18 **Q.** No. Before you went to -- before you went to the
19 location, didn't you -- didn't you tell us you had -- you
20 talked to your dispatcher?
21 **A.** I talked to the D.O., correct.
22 **Q.** And the dispatcher and you decided that you would go up
23 and check the hanging fuse?
24 **A.** No. They sent me to Cresta Dam.
25 **Q.** All right. I misspoke. I didn't make myself clear.

1 Once you were at Cresta Dam, did you have radio reception?
2 **A.** No.
3 **Q.** Did you have cell phone reception?
4 **A.** No.
5 **Q.** Did you have any way at Cresta Dam of communicating with
6 the dispatcher?
7 **A.** No, I did not.
8 **Q.** How about with -- communicating with Rock Creek?
9 **A.** I'd a had to drive up there.
10 **Q.** Now, from Cresta Dam, how far would you have had to drive
11 so that you would have first had cell phone reception or radio
12 reception?
13 **A.** I have to drive back up to Rim Road -- or Rim Road and
14 Highway 70, roughly 30 minutes.
15 **Q.** So if I were to drive myself, with my cell phone, and I
16 went from Rim Road all the way up to Cresta Dam, you're saying
17 there's no cell service in there?
18 **A.** That's correct.
19 **Q.** Okay. And how about if you went up to Rock Creek
20 Switching Center?
21 **A.** No cell service.
22 **Q.** All right. How long would it have taken you to drive to
23 Rock Creek Switching Center?
24 **A.** That's 20 minutes.
25 **Q.** Okay. Did you consider doing that?

1 **A.** No. Again, I'm not sure that's a manned switching center,
2 that somebody's there.
3 **Q.** Okay. Maybe it is, though; right?
4 **A.** Could be.
5 **Q.** Okay. So you're saying, in order to contact dispatch, you
6 would have had to have driven all the way -- I'll say back down
7 the river, downstream, all the way back down to Rim Road?
8 **A.** Correct.
9 **Q.** Okay. So you did that.
10 And at Rim Road did you consider -- before doing this
11 arduous dirt road thing, did you consider talking to dispatch
12 about turning off the power at Switch 941?
13 **A.** No, I did not.
14 **Q.** And the reason again is what?
15 **A.** I seen no indications or any reason that I would have had
16 to do that.
17 **Q.** But you did know it was a high-fire-threat district; true?
18 **A.** Correct.
19 **Q.** And you knew that the power wasn't getting through to the
20 dam; true?
21 **A.** Correct.
22 **Q.** And you could not rule out the possibility that a tree was
23 on the line somewhere; true?
24 **A.** Correct.
25 **Q.** Okay. I want to go to one of the points that the

1 prosecutor asked you about.
2 When a tree is on the line, have you ever heard of
3 something called a "ground fault"?
4 **A.** Yes.
5 **Q.** Does that term mean anything to you, "ground fault"?
6 What does that term mean?
7 **A.** It basically would be a phase going to ground.
8 **Q.** Such as through a tree?
9 **A.** Correct.
10 **Q.** And what is the risk of ignition from that circumstance?
11 **A.** Again, I would be making an assumption. It depends on the
12 tree, the weather, all kinds of stuff.
13 **Q.** Well, you're trained in that, though, aren't you?
14 **A.** Not -- not in -- not in determining a ground fault. That
15 would be for somebody like an engineer or somebody, not a
16 troubleman.
17 **Q.** How does the wetness of the tree matter?
18 **A.** Because dry wood is more of an insulator than a conductor.
19 **Q.** Okay. And a live tree that has a lot of green on it, is
20 that dead?
21 **A.** Again, there's a bunch of assumptions that go in there.
22 Foliage, is the foliage touching it? Is the tree touching the
23 trunk, which has bark that would act as an insulator? There's,
24 again, a bunch of variables.
25 **Q.** No. You saw the pictures of this tree; right?

1 **A.** Yes.
2 **Q.** And it has a lot of green on it; right?
3 **A.** Yes.
4 **Q.** Doesn't that indicate to you that there's a lot of resin
5 and moisture inside that tree?
6 **A.** Yes.
7 **Q.** Not completely dead, is it?
8 **A.** No.
9 **Q.** Okay. So that particular tree, would that have presented
10 more than a dead tree would have, more of a risk of ignition
11 from a ground fault?
12 **A.** Again, that's -- that's something I'm not trained in,
13 knowing the fault. My job is, when I get there and see that,
14 is to isolate and mitigate that risk.
15 **Q.** Does PG&E train you in ground faults?
16 **A.** You'd have to specify your question.
17 **Q.** Do you have bulletins? Do you have classes? Do you have
18 seminars within PG&E that educate you about the risk of
19 wildfires?
20 **A.** Yes, about wildfires.
21 **Q.** What?
22 **A.** Yes, we have training about wildfires.
23 **Q.** All right. And how about the causes of wildfires? Are
24 you trained in that?
25 **A.** Could you be more specific?

1 **Q.** I just don't understand why you can't understand my
2 questions. I'm trying to find out, the term "ground fault,"
3 has PG&E trained you on that?
4 **A.** We don't get specifically trained on a ground fault. It's
5 a variable. That would be something more towards an engineer.
6 **Q.** The tree in question was leaning against all three of the
7 conductors, wasn't it?
8 **A.** Correct.
9 **Q.** All right. And one of those conductors, you assumed, was
10 still energized; true?
11 **A.** Correct.
12 **Q.** And if it was energized, then that tree leaning against it
13 presented a risk of a ground fault; true?
14 **A.** Correct.
15 **Q.** And that presented a risk of ignition; true?
16 **A.** Correct.
17 **Q.** Had you been to that particular pole before?
18 **A.** Yes, I have.
19 **Q.** Before -- I mean before this event?
20 **A.** Yes, I have.
21 **Q.** How many times do you think you'd been to that location?
22 **A.** I'd been there one other time.
23 **Q.** And had you been -- you had been on that road before;
24 correct?
25 **A.** Yes, I have.

1 **Q.** Within PG&E, whose responsibility was it to tell you
2 whether to go cut off the 941 switch or to proceed up the hill
3 to try to check out the pole?
4 Who had that -- was it your discretion or was it somebody
5 at dispatch? Within the PG&E system, who had that
6 responsibility?
7 **A.** Again, had I seen something or figured -- you know, seen
8 smoke or a tree on the line, then it's my discretion to go to
9 the -- or call the D.O. and tell them what I've seen. They
10 have to give me an okay to operate unless it's due to life or
11 limb to operate it.
12 **Q.** Now, at the time that you looked through your binoculars,
13 is it -- is this a plausible scenario? I'm not saying that it
14 actually happened, but was this something you could rule out in
15 your own mind, at the time you looked through the binoculars,
16 that there was, in fact, a tree on the line that you couldn't
17 see, it had not yet ignited, but it was a ground fault drawing
18 current out of the third line, and that in the time that you
19 took to go that long route up to the location, arriving at 4:40
20 p.m., the tree exploded into fire? Was that a possible
21 scenario?
22 **A.** Yes, it was possible.
23 **Q.** All right. So when you were down there at the -- at the
24 dam with your binoculars, deciding what to do next, wouldn't it
25 have been better to go up and switch off 941 before you went up

1 there, in order to rule out that possibility that I just
2 described?
3 **A.** But with what I had looked at, I didn't put that in there
4 because I had seen nothing that was emergency to make me do
5 that.
6 **Q.** I'm assuming for the sake of argument that you're correct
7 on that, you hadn't seen anything yet. But you knew it was
8 going to take a long time to get up there; right?
9 **A.** Correct.
10 **Q.** And in the long time that it was going to take you to get
11 up there, if there was a ground fault underway at that time via
12 a tree, the tree could ignite in the time that you were driving
13 up there; true?
14 **A.** True.
15 **Q.** In fact, when you got up there, the tree -- the fire was,
16 I think you said, 600 to 800 square feet --
17 **A.** Correct.
18 **Q.** -- right?
19 And I know you said it was oval shaped, but just to give
20 us an idea, what do you think the square footage is of this
21 courtroom?
22 **A.** 3500. 3500.
23 **Q.** All right. So let's say that's right. So the fire, 3500,
24 we're talking about 20 percent, maybe even less, the size of
25 this courtroom was the size of the fire at the time you first

1 saw it?
2 **A.** Correct.
3 **Q.** So don't you think that it had just been recently ignited?
4 **A.** Yeah.
5 **Q.** And maybe even recently ignited during the time it was
6 taking you to drive all the way up there?
7 **A.** Again, I'm not an expert. I know starting campfires and
8 stuff, stuff can sit and smolder. People think it's out and it
9 will, you know, reignite. So, again, it would be an assumption
10 on my part to say when it started.
11 **Q.** No, I understand it would be an assumption, but isn't it a
12 plausible possibility that while you were in that long,
13 circuitous, arduous trip up the dirt road, that took a long
14 time, that's when the fire actually ignited?
15 **A.** Yeah, that's possible.
16 **Q.** And you just happened to arrive some few minutes after it
17 had caught fire and started burning up the hillside?
18 **A.** Correct.
19 **Q.** All right. So maybe if you had even been there 30 minutes
20 earlier, or 45 minutes earlier, you actually -- it might have
21 been small enough that you could have put it out with the
22 equipment that you had?
23 **A.** Correct.
24 **Q.** I want to understand better the radio setup.
25 Where you did get radio reception, who could you talk to

1 on the radio?
2 **A.** Back up at Highway 70, Rocklin, the D.O., probably anybody
3 I wanted to at that location.
4 **Q.** Rocklin is where?
5 **A.** Rocklin's right outside of Sacramento. That's where the
6 D.O. shack is, or setup.
7 **Q.** And could you also talk to any dispatcher in Quincy?
8 **A.** As far as dispatcher --
9 **Q.** Or anybody in Quincy, did your radio allow you to talk to
10 Quincy?
11 **A.** They're on a different channel.
12 **Q.** All right. How many channels do you have?
13 **A.** A lot. I couldn't tell you how many, but a lot.
14 **Q.** All right. That transcript I read earlier, was that with
15 the dispatcher in Rocklin?
16 **A.** Yes. I tried -- when I got back up to the truck, I had
17 tried both our radio station, which is Rocklin -- Rocklin
18 receives all receptions, doesn't matter what channel you're on.
19 It just tells them what area you're in. So I did switch my
20 radio to the Canyon Dam/Quincy area, again, to see if anybody
21 could hear me.
22 **Q.** Have you been -- you described the fire extinguisher you
23 had, and then I think you said you had how many gallons of
24 water -- pressurized water?
25 **A.** That one that I had was a 2-and-a-half gallon.

1 **Q.** Now, is there any requirement that PG&E has recently
2 imposed that you have to carry 120 gallons of water?
3 **A.** It depends on the truck, crew makeup, and work you're
4 going to do.
5 **Q.** Today, if you were driving up there to this location under
6 similar circumstances, would you have to have 120 gallons of
7 water?
8 **A.** Not for what I have to do, no.
9 **Q.** Okay.
10 **THE COURT:** Could we put up this picture that says
11 July 18th, 2021, at the bottom.
12 (Photograph displayed.)
13 **THE COURT:** Okay. Don't goof it up. It's fine.
14 **BY THE COURT:**
15 **Q.** Can you see that picture?
16 **A.** Yes, I can.
17 **Q.** All right. Now, this has been represented by PG&E to be a
18 picture taken not by you but by a contractor on July 18th,
19 2021, and that this pole that's in the picture is the pole in
20 question.
21 Now, that's what's been represented, but let's ask you:
22 Does that look about right to you?
23 **A.** Yeah. I'm going to assume that that's the fuse pole,
24 being I see down guys on -- I can't see the top of it, so I'm
25 going to assume that's the fuse pole.

1 **Q.** Okay. And the reason for those guys is that it makes a
2 turn there, a right-hand turn, so they need the guys in order
3 to give it tension to support the -- tension from the cables
4 itself; correct?
5 **A.** Correct.
6 **Q.** All right. So this is purportedly taken -- I wasn't
7 there. I'm going off of what your company has given us -- the
8 view down toward -- down the line. And to my eye you can
9 plainly see a tree leaning against the line there. Do you see
10 that?
11 **A.** Yeah, I guess down there, yes, you can.
12 **Q.** All right. So was it -- when you got there, you didn't --
13 was it this clear?
14 I mean, do you have some explanation for why you didn't
15 see that tree when you were down at the ground level?
16 **A.** As I drive up, I'm looking at the top of the pole to see
17 what fuses I have and what I have up there. That's what I'm
18 focusing on. So as soon as I drive up, see two fuses and one
19 fuse blown, my priority is to open that third fuse.
20 **Q.** All right. So you're saying you did not look down the
21 line to see what -- how clear it was until you got in your
22 bucket?
23 **A.** Correct.
24 **Q.** But when you were down on the ground, you didn't look down
25 there and see this view; is that correct?

1 **A.** No.
2 **Q.** All right. Was there smoke in the air?
3 **A.** No, there wasn't.
4 **Q.** You said you could smell smoke?
5 **A.** I could smell a hint of smoke, yes.
6 **Q.** Could you see smoke?
7 **A.** No, I could not.
8 **Q.** So was it -- is this photograph approximately correct in
9 terms of how clear or -- how clear it was the day you were
10 there?
11 It's a different day. It's July 18th. But was it smokier
12 your day or was it less smoky or about the same?
13 **A.** I would say roughly the same.
14 **Q.** Okay. Do you know anything about what is called SCADA,
15 S-C-A-D-A, data?
16 **A.** Some.
17 **Q.** And what do you know about that subject?
18 **A.** SCADA just tells us it's remote, it can be remotely
19 controlled.
20 **Q.** Do you know anything about the meters and the monitoring
21 of the current and voltage that goes -- that went into the Buck
22 Creek line?
23 **A.** No, I do not.
24 **Q.** Okay.
25 **A.** Who -- well, I don't want to name the name here, but I

1 want the name of the dispatcher that -- the dispatchers that
2 were on duty, that were giving directions to the witness, so
3 that we can bring them in to explain why they didn't turn that
4 switch off.
5 **MR. ORSINI:** Can you hear me now?
6 I was just confirming that I understand the Court's
7 request and we'll submit that information in camera.
8 **BY THE COURT:**
9 **Q.** Was it possible for the North Valley distribution
10 operations in Rocklin to de-energize that entire line remotely,
11 to do it remotely?
12 **A.** I have no idea if that is a remote operation or not up
13 there. Again, due to the location of it, I couldn't say.
14 **Q.** Can you tell us whether or not this is a true statement?
15 It's two sentences, so I'll give you each one.
16 "A high-impedance fault, like a wire down or tree contact,
17 could remain undetected and become an ignition source." True?
18 **A.** Again, I'm not a engineer to -- that's something we don't
19 deal with as far as knowing, you know, the impedance and ground
20 fault abilities.
21 **Q.** What does "high-impedance" mean?
22 **A.** Impedance would be -- I'm going to guess -- like,
23 resistance.
24 **Q.** Would it be like a tree leaning against the line?
25 **A.** Yeah, that'd be impedance.

1 **Q.** All right. So you can't tell us whether or not that's
2 true?
3 I'll read it again. "A high-impedance fault, like a wire
4 down or tree contact, could remain undetected and become an
5 ignition source."
6 **A.** Yeah, again, I'd be assuming. I mean, you could say that,
7 yeah, that's a true statement. There's variables in there with
8 that.
9 **Q.** Well, it says "could remain." It does -- do you agree
10 that it could be -- become an ignition source?
11 **A.** Correct.
12 **Q.** All right. How about this statement:
13 "High-impedance line-to-ground faults on distribution
14 circuits are difficult to detect with traditional overcurrent
15 protection."
16 Do you agree with that statement?
17 **A.** Would you read that again, please.
18 **Q.** I will. I will.
19 "High-impedance line-to-ground faults on distribution
20 circuits are difficult to detect with traditional overcurrent
21 protection."
22 **A.** I'm not even going to venture to go there. Again, my
23 training is not in that realm.
24 **Q.** Okay.
25 **THE COURT:** All right. We're going to take a break

1 for 15 minutes. And I'm very close to the end of my questions.
2 I may have a few more, but we'll take a 15-minute break.
3 I'm going to instruct the witness not to speak with anyone
4 concerning his testimony while -- during the break.
5 Fifteen minutes. Thank you.
6 (Recess taken at 10:39 a.m.)
7 (Proceedings resumed at 10:54 a.m.)
8 **THE COURT:** All right. Does PG&E have any questions?
9 **MR. ORSINI:** Just a few, Your Honor.
10 Good morning, Your Honor.
11 **THE COURT:** Good morning.
12 **CROSS-EXAMINATION**
13 **BY MR. ORSINI:**
14 **Q.** Good morning, sir. My name is Kevin Orsini. I'm an
15 attorney for PG&E. I just have a few follow-up questions for
16 you.
17 Just for the sake of the Court -- you and the Court have
18 used the term "D.O." a few times -- can you just explain what a
19 D.O. is?
20 **A.** Distribution operator.
21 **Q.** And, generally speaking, what are their responsibilities?
22 **A.** To work with us in the field to see what the problem is or
23 to dispatch us to locations to isolate trouble or help them
24 energize customers, stuff like that.
25 **Q.** And are the distribution operators out in the field or are

1 they in an office?
2 **A.** No, they're in an office.
3 **Q.** Sir, do you have any training in investigating the cause
4 and origin of wildfires?
5 **A.** No, I do not.
6 **Q.** Do you have any training as an electrical engineer?
7 **A.** No, I do not.
8 **Q.** Mr. Stern asked you a few questions earlier about what you
9 did once you observed the fire, and I believe you testified you
10 slid down the hill with a fire extinguisher, correct?
11 **A.** Correct.
12 **Q.** And what did you do once you got near the fire with that
13 fire extinguisher?
14 **A.** I tried to stop it from going up slope. I noticed it
15 wasn't going wide. You know, fire travels uphill, so I tried
16 to stop it from going uphill and keep it out of the canopy as
17 well.
18 **Q.** And were you successful in that effort with the fire
19 extinguisher?
20 **A.** On that side, yes, I was.
21 **Q.** Did you expend the entire canister?
22 **A.** Yes, I did.
23 **Q.** What did you do next?
24 **A.** After that -- I had expended that, I climbed back up the
25 hill to get another extinguisher and go on the other side.

1 (Interruption)
2 **THE COURT:** What is going on?
3 **MS. SANDOVAL:** I apologize. It's a new computer I
4 bought yesterday.
5 **THE COURT:** How about turning it off. Please don't
6 disrupt proceedings.
7 **MS. SANDOVAL:** I apologize.
8 **THE COURT:** My apologies, Mr. Orsini. Continue on.
9 **MR. ORSINI:** Thank you, Your Honor.
10 **BY MR. ORSINI**
11 **Q.** I'm sorry, sir, could you just repeat that, because I'm
12 not sure we were able to hear it.
13 So you expended the first fire extinguisher canister.
14 What did you do next?
15 **A.** I climbed back up the hill and attempted to radio for
16 help.
17 **Q.** And did you connect with anyone, to your knowledge, when
18 you radioed for help?
19 **A.** Actually, let me redact that. I first radioed for help
20 before I went down the hill.
21 **Q.** The first time?
22 **A.** Correct, the first time. When I came back up the hill, I
23 heard somebody on the radio.
24 **Q.** Okay. Did you speak with that person on the radio?
25 **A.** Yes, I did.

1 **Q.** And what do you recall about that discussion?
2 **A.** Basically told 'em was real quick, told them there was a
3 fire, and to call Cal Fire or 911, whoever, to help suppress a
4 fire with aerial support.
5 **Q.** And what did you do next, sir?
6 **A.** I grabbed my other canister and proceeded down the other
7 side of the hill.
8 **Q.** And what did you do once you were down the hill with that
9 canister?
10 **A.** Same thing. Hit the edges and kind of wetted the tops of
11 the trees to keep it out of canopy.
12 **Q.** And once that was completed, once you've expended that
13 canister, what did you do next?
14 **A.** Went back, grabbed my Indian backpack and the McLeod and
15 started trying to make a fire line.
16 **Q.** And what's a McLeod?
17 **A.** Like a giant rake.
18 **Q.** And how long did you try to make a line around the fire
19 with the rake?
20 **A.** Probably 15 minutes, 20 minutes, before I noticed the Cal
21 Fire spotter plane arrive.
22 **MR. ORSINI:** Thank you, sir. I have no further
23 questions.
24 **THE COURT:** Mr. Stern, any more questions?
25 **MR. STERN:** No further questions, Your Honor.

1 **THE COURT:** I do have a question about the radio.

2 **FURTHER EXAMINATION**

3 **BY THE COURT**

4 **Q.** I thought you had said you had no radio reception up
5 there. Now you're saying you were able to speak with someone
6 by radio from the pole in question?

7 **A.** Yes, in -- I called out before. Nobody could hear me,
8 nobody responded. The supervisor that did respond had traveled
9 from one location to another.

10 Now he was up in the hill, so instead of -- we're
11 figuring, assuming, that instead of his reception going from a
12 repeater -- from his truck to a repeater to my truck, that it
13 went from truck to truck is why he was able to talk to me.

14 **Q.** Is that possible that you can do truck-to-truck on --
15 that's called simplex, isn't it?

16 **A.** I would have no idea what it's called.

17 **Q.** Is it possible to do -- isn't the way the repeaters work
18 you have two channels, one for receive and one for transmit;
19 right? You don't know?

20 **A.** I don't know.

21 **Q.** Where did you get the idea that it was direct truck to
22 truck?

23 **A.** 'cause I know we've did it before on storms up in the
24 area. When we're out of area, to get out of traffic, use your
25 own channel out of area.

1 **Q.** Do you know the difference between duplex and simplex?
2 **A.** No, I do not.
3 **Q.** But your explanation is that the supervisor you happened
4 to be talking to was in a location, line of sight, somewhere
5 that would reach your signal? Is that what you're saying?
6 **A.** That's what I'm -- again, I'm assuming that. I have no
7 other explanation for why it worked.
8 **Q.** Have you verified that that's what happened?
9 **A.** No, I haven't.
10 **THE COURT:** Okay. I have no more questions.
11 Anything further by the lawyers?
12 **MR. STERN:** Nothing from the Government, Your Honor.
13 **MR. ORSINI:** Nothing from PG&E, Your Honor.
14 **THE COURT:** All right. I want to thank you for your
15 appearing here today and also for your single-handed effort to
16 fight that fire. It's now become the largest fire in
17 California history, and you tried to stop it at the outset, so
18 thank you for that. And you may now step down and go out the
19 door.
20 I'm going to ask the members of the press to try to keep
21 his identity and appearance private so that in case somebody
22 wants to take revenge on a PG&E employee you will not be
23 assisting them in any way.
24 All right. Thank you, sir. You're free to go.
25 **THE WITNESS:** Thank you, Your Honor.

1 **THE COURT:** Okay. I have some follow-up that I would
2 like PG&E to supply -- this is Monday -- by Friday at noon:
3 The names of all of the dispatchers who had anything to do
4 with this fire, and transcripts of all of their communications
5 that related in any way to this incident. Not just with this
6 particular witness but with this incident.
7 And I would like for you, further, to identify the
8 specific individuals who made decisions as to whether or not --
9 how to respond to this event.
10 For example, did anyone specifically consider switching
11 off 941 or remotely switching off the reclosers from a distance
12 or asking the people at Rock Creek to do the same thing.
13 I know there were some because your own records show that
14 there were at least two on duty -- I've read them -- at Rock
15 Creek. So they will probably be brought in to explain why this
16 decision was made to let that line stay energized in a
17 high-fire-threat district rather than taking -- it's actually
18 two minutes, not 20 minutes -- to drive up to that 941 and cut
19 the switch.
20 I would like a further declaration from Paul -- well, I
21 can't say his name. It's the guy who wrote the one about the
22 CPZs. I want the members of the press to pay attention here
23 because this is what we're up against.
24 PG&E submitted a declaration to me in which I had asked a
25 question about how was this particular line rated. And the

1 answer was, well, they rate them according to -- they rate them
2 according to an equipment risk and a vegetation risk.
3 And his declaration stated that, according to the previous
4 criteria, this line was rated something like -- I've misplaced
5 it; I don't have it here in front of me, but it was something
6 like 1300 out of 3300.
7 He did not say, however -- and this is why I want him to
8 explain himself -- what the current rating was. And elsewhere
9 we have learned it's rated 11th most dangerous out of 3300.
10 I thought that was misleading. It's called the Equipment
11 Risk Model, and he goes and on at length about how it works.
12 And then he says, "Under an earlier model used to inform work
13 plans in 2019 and 2020, which used a different methodology and
14 different vintage of CPZs, the CPZ that encompassed the span
15 where the tree fell ranked 1,605 out of 3,205."
16 But he doesn't say what the current rating is under the
17 model which is currently in use, or the methodology in use. Or
18 if it's in here, it was so well hidden that I couldn't find it.
19 So -- but elsewhere the paperwork reveals that it was the
20 11th most dangerous circuit.
21 Now, ask yourself, why would somebody want to conceal that
22 fact? Eleventh most dangerous circuit -- equipment circuit.
23 So I want that witness -- I won't say his name -- to file
24 a new declaration. And if it's not satisfactory, we're going
25 to bring him in to explain himself.

1 I would like for PG&E to answer that basic question. How
2 could you have the 11th most dangerous line in a wildfire
3 district and a fault like this occur and it take so long for
4 somebody to get to the scene to investigate when at least a
5 possibility is that a tree has fallen on the line?
6 Of course, there are innocent explanations, but a
7 possibility, one you could not rule out, was that a tree had
8 fallen on the line and was presenting a fire hazard. So how
9 come it took so long to get somebody there?
10 And once they were there, why wasn't it the smart thing to
11 do to turn that power off? I believe that the correct answer
12 is it was 2 minutes up the road, not 20. He could have
13 switched that switch off at 941, Switch 941. Now, why wasn't
14 that done?
15 Now, his answer was, well, the railroad was also a
16 customer. I want you to prove that, and prove that that line
17 was serving the railroad; and if it was, in what way it was
18 serving it.
19 And even if it was serving it, was that power off to that
20 station, to that customer?
21 And, in any event, wouldn't it have been the prudent thing
22 to do to turn that power off in case there was a tree somewhere
23 on the line or some other risk of ignition?
24 It was known there was a fault on the line. You didn't
25 know what the fault was yet. It was hard to get to in a

1 high-fire-danger area, the 11th most dangerous circuit
2 equipment-wise.
3 And in those circumstances, wouldn't the prudent thing to
4 have done would be to play it safe, turn the power off until
5 you could find the fault?
6 I want PG&E to answer that question, all right, by Friday
7 at noon.
8 Okay. I am done for today, but I'm happy -- I'm all ears.
9 Are there proceedings, while we're together, that the Court can
10 consider and help you with?
11 **MR. ORSINI:** If I may, Your Honor, Kevin Orsini for
12 PG&E. I just want to give the Court a heads-up on some
13 additional information we'll also be providing.
14 The Court had previously requested reports concerning the
15 undergrounding project that had been identified for the Bucks
16 Creek 1101.
17 We had done a collection and production of emails and for
18 various database bases. We realized last week that there were
19 some meeting invites, like Outlook files, that had attachments
20 to them that had not been caught in that first sweep. So we've
21 pulled those now, and we'll be producing those to the Court as
22 well.
23 **THE COURT:** Thank you.
24 **MR. ORSINI:** I wanted to give the Court a heads-up
25 that was coming.

1 **THE COURT:** All right. Thank you.
2 Is that it?
3 **MR. ORSINI:** That's it, Your Honor.
4 **THE COURT:** You should also know that your initial
5 submission was completely bogus when you explained what the
6 universal coordinated time is. Go back and look at your
7 explanation, and you'll see that you got it exactly reversed.
8 **MR. ORSINI:** With respect to what issue, Your Honor?
9 **THE COURT:** Universal coordinated time, the same thing
10 as Greenwich Mean Time. This is on the data, which reminds we
11 there's another thing I want you to explain. You know, the
12 SCADA data.
13 **MR. ORSINI:** SCADA data, yes.
14 **THE COURT:** You say it's a key to universal
15 coordinated time. That's fine. That's okay. But you
16 misdefined what that is in your paperwork. You should look at
17 that again and see if you didn't make an error on that.
18 **MR. ORSINI:** We will look at that, Your Honor.
19 **THE COURT:** But here's the additional thing. I'm glad
20 you brought that up. The way I -- I'll be honest, the way I
21 see this situation is this:
22 The tree fell on the line. I'm not taking a position yet
23 on whether or not you should have cut that tree or not. That's
24 something we don't have enough evidence on. But the tree fell
25 on the line and blew two of the fuses. But there was a third

1 fuse that didn't blow, and so the power continued to flow down
2 toward the tree.
3 Your own materials, in other context -- wildfire safety
4 plans -- refer to ground faults and explain that a tree on the
5 line is a ground fault and that electricity can flow through
6 that to the ground.
7 We didn't show them here because our equipment didn't work
8 right, but there are plenty of scar marks, burn marks, all over
9 that tree from the power that went through it. If that happens
10 long enough, it catches the tree on fire.
11 So a very plausible scenario here is that when the tree
12 first fell, it cut the power to the two phases, not the third,
13 and the third phase continued to rub against that tree, and
14 there was a fault to ground, a path to ground, and that the
15 power went through the wood and the moisture of that tree and
16 eventually caught it on fire.
17 So that's -- I'm not saying that's what happened. That's
18 what is a plausible explanation here of what occurred, and I
19 want to give you a chance to show me that that's wrong. What
20 evidence do you have that that scenario is wrong?
21 In the paperwork that you have submitted before, I have
22 asked about the sensor data and what that data showed. I would
23 like to give you a chance to explain to me whether the sensor
24 data is set, or established, so that it would detect that fault
25 that I just described, if it occurred.

1 **MR. ORSINI:** Just so I'm clear on the question you're
2 asking, Your Honor, when you say "that fault," do you mean the
3 initial contact in this scenario which would have tripped the
4 first two fuses?
5 **THE COURT:** No, we know that that was detected.
6 **MR. ORSINI:** The third line.
7 **THE COURT:** Is the third line continuing to deliver
8 power to the tree?
9 **MR. ORSINI:** So the question is whether or not any of
10 our sensors were able to or would have detected the existence
11 of that fault based upon the third hot conductor still being in
12 contact with vegetation?
13 **THE COURT:** Well, yes, but was it specifically set
14 with limitations so that if that was occurring --
15 **MR. ORSINI:** I understand.
16 **THE COURT:** -- the sensors would have picked it up?
17 It could be that the limits on the equipment were such
18 that it would not pick it up. It could be a very low current
19 over a long period of time at high voltage that ignited that
20 tree. And maybe your equipment wasn't good enough or wasn't
21 set. Maybe it is good enough, but it wasn't set to detect that
22 scenario. So --
23 **MR. ORSINI:** I understand the question. I don't know
24 the answer, but I understand the question.
25 **THE COURT:** All right. I know you don't. And I think

1 we ought to get to the bottom of that.
2 But I do think the scenario that I laid out about the tree
3 conducting electricity, and all those burn marks all over it
4 where the wires were touching and all the way down to the
5 ground, there's some intermittent burn marks. It's like a
6 resistor. A resistor will -- in electronics, it doesn't
7 conduct very well, but it conducts a little bit.
8 Like a rheostat on a lamp, you can turn it down and get
9 the light lower, but there's still some current going through
10 it. Well, a tree is like a giant resistor, and sometimes it
11 conducts better than at other times.
12 So the power's on the line, some of that power is being
13 driven through that resistant wood into the earth, path to
14 ground. And your own wildfire safety plans -- I quoted from
15 one of them -- it calls this out as a risk. "Ground faults" it
16 was called. Take a look at it. You'll see.
17 So I know that it's -- I know that PG&E recognizes that
18 this is a possibility. So if it is a possibility and it
19 couldn't be ruled out, why was the power left on in that
20 circuit even on the -- in any of the phases, really? That's
21 the key question that you've got to answer.
22 In January, you'll be done with me. I'll be out of the
23 case. Probation will end. But until then, I'm going to do my
24 job. And your company is a convicted felon that poses a safety
25 hazard to the people of California, and my job is to try to

1 rehabilitate you -- not you, but your company, to the best I
2 can in the five years I have jurisdiction. That's what I plan
3 to do right up to the last minute.
4 All right. Anything by the Government?
5 **MR. STERN:** Nothing further, Your Honor.
6 **THE COURT:** Anything more, Mr. Orsini?
7 **MR. ORSINI:** Nothing else, Your Honor. Thank you.
8 **THE COURT:** All right. Thank you very much.
9 **MS. SANDOVAL:** Your Honor, I wanted to make a brief
10 point. May I?
11 **THE COURT:** I'll give you 30 seconds. You're not
12 supposed to be in this hearing at all.
13 **MS. SANDOVAL:** Okay.
14 **THE COURT:** You submitted a letter, but I'll let you
15 make one point.
16 **MS. SANDOVAL:** Thank you.
17 Just with regard to the fast-trip faults that PG&E has
18 initiated -- this is also related to the sensors -- there
19 should be more understanding about what is triggering them.
20 And, also, I would suggest Your Honor make an order for
21 PG&E to communicate more to the communities that are being
22 affected and to consider providing more backup power, because
23 many communities are having problems with lack of reliability
24 due to repeated power shutoffs.
25 We understand the balance, but this is one of the things

1 that Your Honor could do right away to help the affected
2 communities. Thank you.
3 **THE COURT:** That would be a major undertaking right
4 now. I'm not going to order that now, but I am not denying it.
5 I'll take it under advisement, and someday we may address that.
6 **MS. SANDOVAL:** Thank you.
7 **THE COURT:** There's a limit to what one person and one
8 little staff can do. But I appreciate your attendance and I
9 appreciate the assistance you've given the Court in the past.
10 Thank you very much. We're in adjournment.
11 **MR. STERN:** Thank you, Your Honor.
12 (At 11:19 p.m. the proceedings were adjourned.)
13 - - - - -
14 **CERTIFICATE OF REPORTER**
15 I certify that the foregoing is a correct transcript
16 from the record of proceedings in the above-entitled matter.
17 DATE: Monday, September 13, 2021
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21 Katherine Sullivan
22 Katherine Powell Sullivan, CSR #5812, RMR, CRR
U.S. Court Reporter
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