

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 30, 2017

Ms. Merideth Allen
Senior Director, Regulatory Affairs
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
MEAe@pge.com

Isabelle M. Salgado
Vice President
& Associate General Counsel
AT&T
430 Bush Street, Room 320,
San Francisco, CA 94108
is1615@att.com

Jesus G. Roman
Verizon Wireless
15505 Sand Canyon Ave. D201
Irvine, CA 92618
jesus.g.roman@verizon.com

Stephen Kukta, Dir. – State Regulatory
Sprint Telephony PCS, LP
201 Mission Street, Suite 1500
San Francisco, CA 94105
stephen.h.kukta@sprint.com

Charles E. Born, Mgr.
Frontier Communications of California/
Citizens Telecom'ns of California
9260 E. Stockton Blvd.
Elk Grove, CA 95624
Charlie.Born@ftr.com

John Gutierrez, Dir. Of Govt. Affairs
Comcast Phone of California
3055 Comcast Place
Livermore, CA
John_Gutierrez@cable.comcast.com

Susan Lipper, Sr. Mgr, Govt. Affairs
T-Mobile West LLC
1755 Creekside Oaks Dr., Ste 190
Sacramento, CA 95833
susan.lipper@t-mobile.com

Re: Order to Preserve Evidence

Dear PG&E and Communication Utilities Representatives:

On October 12 and 13, 2017, the Safety and Enforcement Division (SED) issued a directive to Pacific Gas & Electric (PG&E) and the communication utilities (AT&T, AT&T Wireless, Frontier, Comcast, Verizon Wireless, T-Mobile, and Sprint, and their

affiliates) respectively, to preserve all evidence with respect to wildfires that started overnight on October 8, 2017 in northern California. SED sent a letter on October 25 updating the October 12 and 13 directives regarding the preservation of evidence related to the wildfires in northern California; SED and the utilities had a follow-up conference call on October 27. The following replacement letter clarifies a few points in line with what was discussed during the conference call.

The scope of the October 12 and October 13 directives is expanded to include any wildfires that have started between October 8 and today's date in Butte, Calaveras, Lake, Mendocino, Napa, Nevada, Sonoma, and Yuba Counties and may be attributable, or allegedly attributable, to utility facilities, including the Atlas, Bear, Cascade, Cherokee, Highway 37, LaPorte, Lobo, McCourtney, Nuns (including Adobe, Norrbom, Partrick, and Pressley), Pocket, Point, Pythian, Redwood Valley/Potter Valley, Sulphur, and Tubbs fires.

Pursuant to Public Utilities Code Sections 311, 314, 316, 451, and 701 and consistent with General Order 95, Rule 19, PG&E and communication utilities must preserve any factual or physical evidence under the utility's, or its agent's, physical control, custody or possession related to ignition of a wildfire that is attributable or allegedly attributable to utility facilities. With regards to preserving evidence related to these fires, SED provides the following guidance:

1. For CAL FIRE investigation sites that involve utility facilities and have not been cleared by CAL FIRE, PG&E and the communication utilities shall continue to coordinate with CAL FIRE regarding access to the sites and removal of any factual or physical evidence. This expectation would apply to any investigation sites that CAL FIRE might open or re-open in the future, until CAL FIRE clears the site.
2. For investigation sites preserved and then cleared by CAL FIRE that PG&E or communication utilities plan to visit on a future date for fire-related activities, PG&E and the communication utilities shall provide advance notice to SED staff via e-mail, with such notice given at least 24 hours in advance if feasible, or as soon as known.
3. PG&E and the communication utilities shall notify SED staff via e-mail within 7 days after they collect evidence related to ignition of a wildfire that is attributable or allegedly attributable to utility facilities. The collected evidence shall be catalogued using existing procedures and the information provided to SED shall include, at a minimum, a brief description of the type of evidence collected,

location where the evidence was collected, the relevant CAL FIRE name of fire, storage location (if evidence is being stored), and date and time collected.

4. With regards to evidence previously retained by PG&E and the communication utilities related to ignition of a wildfire that is attributable or allegedly attributable to utility facilities, the same procedure shall be followed for documenting evidence as detailed in item 3 above. PG&E and the communication utilities shall notify SED staff via e-mail of the previously retained evidence within 10 business days of the date of this letter.
5. PG&E and the communication utilities shall inform SED within 10 business days of the date of this letter if any physical evidence related to ignition of a wildfire that is attributable or allegedly attributable to utility facilities, has already been destroyed.
6. PG&E and the communication utilities shall take appropriate corrective action immediately to remedy any safety hazards at a wildfire site, consistent with Rule 18 in General Order 95. If a safety hazard is located within an active (not cleared) CAL FIRE investigation site(s), the utility shall coordinate with CAL FIRE regarding the corrective action. If the safety hazard and/or corrective action involves any evidence related to ignition of a wildfire that is attributable or allegedly attributable to utility facilities, the safety hazard and corrective action, including any removal/disposal of hazardous equipment, shall be documented, recorded and a record maintained throughout any SED investigation(s).
7. Factual evidence, including but not limited to internal and external communications, call logs, network performance monitoring records, emails, electronic (including emails) and non-electronic documents related to potential causes of the fires, vegetation management, maintenance and/or tree-trimming, and any other documents related to the wildfires and the resulting injuries, death, and destruction, must also be preserved. In addition, PG&E and the communication utilities must inform all involved employees and contractors that they must preserve all such records.

This directive does not obviate the need for PG&E and the communication utilities to comply with all other applicable laws and regulations.

Please contact me if you have any questions concerning this preservation order.

PG&E and Communication Utilities Representatives

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Sincerely,

A handwritten signature in blue ink, appearing to read "Elizaveta Malashenko". The signature is fluid and cursive, with a large initial "E" and a decorative flourish at the end.

Elizaveta Malashenko

Director

Safety and Enforcement Division

cc: President Michael Picker
Commissioner Carla Peterman
Commissioner Liane Randolph
Commissioner Cliff Rechtschaffen
Commissioner Martha Guzman Aceves