

SEP 24 2021

SHASTA COUNTY SUPERIOR COURT
BY: A. KLEYNHANS, DEPUTY CLERK

1 File No. F-21-06622
2 **Stephanie A. Bridgett**
3 DISTRICT ATTORNEY
4 Shasta County
5 1355 West Street
6 Redding, CA 96001
7 (530) 245-6300
8 *shastada@co.shasta.ca.us*

9 Attorney for Plaintiff

10 **IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA**
11 **Redding Branch**

12 THE PEOPLE OF THE STATE OF CALIFORNIA
13 Plaintiff,

14 vs.

15 PACIFIC GAS AND ELECTRIC COMPANY
16 (PG&E),

17 Defendant(s)

No. 21-06622

COMPLAINT-CRIMINAL
Felony

Next Court Date:

18 DA # F-21-06622
19 CAL FIRE/CDF 20CASHU009978

20 The District Attorney of Shasta County, by and through the undersigned Deputy District
21 Attorney, on information and belief, complains and accuses defendant(s) of having committed, in
22 the County of Shasta, State of California, the crime(s) of:

23 **COUNT 1**

24 **INVOLUNTARY MANSLAUGHTER: FAILURE TO PERFORM LEGAL DUTY, in**
25 **violation of Section 192(b) of the Penal Code, a Felony.**

26 Defendant (s)

27 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

28 On or about the 27th day of September, 2020, did willfully and unlawfully cause the death of a
human being, to wit: FEYLA MCLEOD, without malice, as a proximate result of said defendant's
failure with criminal negligence to perform a legal duty owed to FEYLA MCLEOD, to wit: a legal
duty to safely operate electrical transmission and distribution lines in a manner that minimizes the
risk of catastrophic wildfires.

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COUNT 2

INVOLUNTARY MANSLAUGHTER: FAILURE TO PERFORM LEGAL DUTY, in violation of Section 192(b) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did willfully and unlawfully cause the death of a human being, to wit: ALAINA ROWE, without malice, as a proximate result of said defendant's failure with criminal negligence to perform a legal duty owed to ALAINA ROWE, to wit: a legal duty to safely operate electrical transmission and distribution lines in a manner that minimizes the risk of catastrophic wildfires.

COUNT 3

INVOLUNTARY MANSLAUGHTER: FAILURE TO PERFORM LEGAL DUTY, in violation of Section 192(b) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did willfully and unlawfully cause the death of a human being, to wit: KARIN KING, without malice, as a proximate result of said defendant's failure with criminal negligence to perform a legal duty owed to KARIN KING, to wit: a legal duty to safely operate electrical transmission and distribution lines in a manner that minimizes the risk of catastrophic wildfires.

COUNT 4

INVOLUNTARY MANSLAUGHTER: FAILURE TO PERFORM LEGAL DUTY, in violation of Section 192(b) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did willfully and unlawfully cause the death of a human being, to wit: KENNETH VOSSEN, without malice, as a proximate result of said defendant's failure with criminal negligence to perform a legal duty owed to KENNETH VOSSEN, to wit: a legal duty to safely operate electrical transmission and distribution lines in a manner that minimizes the risk of catastrophic wildfires.

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2 **COUNT 5**

3 **RECKLESSLY CAUSING FIRE WITH GREAT BODILY INJURY, in violation of Section**
4 **452(A) of the Penal Code, a Felony.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 27th day of September, 2020, did unlawfully and recklessly set fire to and burn and
8 cause to be burned structure, forest land, personal property and did cause great bodily injury to
9 KARIN KING AND FEYLA MCLEOD AND ALAINA ROWE AND KENNETH VOSSEN AND
10 FIREFIGHTER A. MARTINEZ.

11 **COUNT 6**

12 **RECKLESSLY CAUSING FIRE TO INHABITED STRUCTURE, in violation of Section**
13 **452(B) of the Penal Code, a Felony.**

14 Defendant (s)

15 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

16 On or about the 27th day of September, 2020, did unlawfully and recklessly set fire to and burn and
17 cause to be burned an inhabited structure and inhabited property located at ZOGG MINE ROAD
18 (ZOGG FIRE).

19 **COUNT 7**

20 **RECKLESSLY CAUSING FIRE OF STRUCTURE OR FOREST, in violation of Section**
21 **452(C) of the Penal Code, a Felony.**

22 Defendant (s)

23 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

24 On or about the 27th day of September, 2020, did unlawfully and recklessly set fire to and burn and
25 cause to be burned a structure and forest land located at ZOGG MINE ROAD (ZOGG FIRE).

26 **COUNT 8**

27 **RECKLESSLY CAUSING FIRE OF STRUCTURE OR FOREST, in violation of Section**
28 **452(C) of the Penal Code, a Felony.**

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 28th day of July, 2020, did unlawfully and recklessly set fire to and burn and cause
to be burned a structure and forest land located at BEAR MOUNTAIN ROAD (DANIEL FIRE).

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COUNT 9

RECKLESSLY CAUSING FIRE OF STRUCTURE OR FOREST, in violation of Section 452(C) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 19th day of October, 2020, did unlawfully and recklessly set fire to and burn and cause to be burned a structure and forest land located at PONDER WAY (PONDER FIRE).

COUNT 10

RECKLESSLY CAUSING FIRE OF STRUCTURE OR FOREST, in violation of Section 452(C) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 19th day of August, 2021, did unlawfully and recklessly set fire to and burn and cause to be burned a structure and forest land located at SHASTA COUNTY (WOODY FIRE).

COUNT 11

RECKLESSLY CAUSE FIRE TO PROPERTY OF ANOTHER, in violation of Section 452(D) of the Penal Code, a Felony.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did unlawfully and recklessly set fire to and burn and caused to be burned the property of another, to wit: MULTIPLE DOMESTICATED ANIMALS, located at ZOGG MINE ROAD (ZOGG FIRE).

COUNT 12

NEGLIGENT FIRE STARTING, in violation of Section 13001 of the Health and Safety Code, a Misdemeanor.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did willfully and unlawfully, through careless and negligent action, throw and place any lighted cigarette, cigar ashes, other flaming or glowing substance, and any substance and thing which may cause a fire, in any place where it may directly and indirectly start a fire.

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2 **COUNT 13**

3 **FAILURE TO MAINTAIN FIREBREAK, in violation of Section 4292 of the Public Resource**
4 **Code, a Misdemeanor.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 27th day of September, 2020, did willfully and unlawfully, while owning,
8 operating, or maintaining any electrical transmission or distribution line upon any mountainous
9 land, forest-covered land, brush-covered land, or grass-covered land, fail to maintain a firebreak of
10 not less than 10 feet in each direction from the outer circumference from any pole or tower which
11 supports a switch, fuse, transformer, lightning arrester, line junction or dead end or corner pole as
12 determined by the agency which has primary responsibility for fire protection of such area.

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14 **COUNT 14**

15 **FAILURE TO MAINTAIN CLEARANCE, in violation of Section 4293 of the Public Resource**
16 **Code, a Misdemeanor.**

17 Defendant (s)

18 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

19 On or about the 27th day of September, 2020, did willfully and unlawfully, while owning,
20 operating, or maintaining any electrical transmission or distribution line upon any mountainous
21 land, forest-covered land, brush-covered land, or grass-covered land, fail to maintain proper
22 clearance between all vegetation and all conductors carrying electrical current as determined by the
23 agency which has primary responsibility for fire protection of such area.

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25 **COUNT 15**

26 **UNLAWFUL FIRE ON PROPERTY OR ANOTHER, in violation of Section 4421 of the**
27 **Public Resource Code, a Misdemeanor.**

28 Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 27th day of September, 2020, did willfully and unlawfully set fire or cause to be set
fire any forest, brush, or other flammable material on any land not belonging to the defendant
without the permission of the owner, lessee, or agent of the owner or lessee of the land.

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COUNT 16

NEGLIGENT CAUSING A FIRE BY DEVICE, in violation of Section 4435 of the Public Resource Code, a Misdemeanor.

Defendant (s)
PACIFIC GAS AND ELECTRIC COMPANY (PG&E),
On or about the 27th day of September, 2020, did negligently cause a fire by operation of a device which may kindle a fire, said fire having escaped from the place where it originated.

COUNT 17

UTILITY FAILURE TO COMPLY WITH REGULATIONS, in violation of Section 2110 of the Public Utility Code, a Misdemeanor.

Defendant (s)
PACIFIC GAS AND ELECTRIC COMPANY (PG&E),
On or about the 27th day of September, 2020, as a public utility who violated or failed to comply with any part of any provision of the California Constitution or the Public Utilities Code, to wit, section 451 of the Public Utilities Code, by unlawfully failing to furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public.

COUNT 18

NEGLIGENT EMISSION OF AIR POLLUTION, in violation of Section 42400.1(a) of the Health and Safety Code, a Misdemeanor.

Defendant (s)
PACIFIC GAS AND ELECTRIC COMPANY (PG&E),
On or about the 27th day of September, 2020, did negligently emit an air contaminant, to wit, wildfire smoke and related particulate matter and ash, in violation of Health and Safety Code sections 41700 and 41701(a). Health and Safety Code section 41700 prohibits the discharge from any source whatsoever of quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Health and Safety Code section 41701 prohibits the discharge into the atmosphere from any source whatsoever of any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines.

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2 **COUNT 19**

3 **NEGLIGENT EMISSION OF AIR POLLUTION, in violation of Section 42400.1(a) of the**
4 **Health and Safety Code, a Misdemeanor.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 28th day of September, 2020, did negligently emit an air contaminant, to wit,
8 wildfire smoke and related particulate matter and ash, in violation of Health and Safety Code
9 sections 41700 and 41701(a). Health and Safety Code section 41700 prohibits the discharge from
10 any source whatsoever of quantities of air contaminants or other material that cause injury,
11 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that
12 endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause,
13 or have a natural tendency to cause, injury or damage to business or property. Health and Safety
14 Code section 41701 prohibits the discharge into the atmosphere from any source whatsoever of any
15 air contaminant, other than uncombined water vapor, for a period or periods aggregating more than
16 three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the
17 Ringelmann Chart, as published by the United States Bureau of Mines.

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19 **COUNT 20**

20 **NEGLIGENT EMISSION OF AIR POLLUTION, in violation of Section 42400.1(a) of the**
21 **Health and Safety Code, a Misdemeanor.**

22 Defendant (s)

23 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

24 On or about the 29th day of September, 2020, did negligently emit an air contaminant, to wit,
25 wildfire smoke and related particulate matter and ash, in violation of Health and Safety Code
26 sections 41700 and 41701(a). Health and Safety Code section 41700 prohibits the discharge from
27 any source whatsoever of quantities of air contaminants or other material that cause injury,
28 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that
endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause,
or have a natural tendency to cause, injury or damage to business or property. Health and Safety
Code section 41701 prohibits the discharge into the atmosphere from any source whatsoever of any
air contaminant, other than uncombined water vapor, for a period or periods aggregating more than
three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the
Ringelmann Chart, as published by the United States Bureau of Mines.

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2 **COUNT 21**

3 **NEGLIGENT EMISSION OF AIR POLLUTION, in violation of Section 42400.1(a) of the**
4 **Health and Safety Code, a Misdemeanor.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 30th day of September, 2020, did negligently emit an air contaminant, to wit,
8 wildfire smoke and related particulate matter and ash, in violation of Health and Safety Code
9 sections 41700 and 41701(a). Health and Safety Code section 41700 prohibits the discharge from
10 any source whatsoever of quantities of air contaminants or other material that cause injury,
11 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that
12 endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause,
13 or have a natural tendency to cause, injury or damage to business or property. Health and Safety
14 Code section 41701 prohibits the discharge into the atmosphere from any source whatsoever of any
15 air contaminant, other than uncombined water vapor, for a period or periods aggregating more than
16 three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the
17 Ringelmann Chart, as published by the United States Bureau of Mines.

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22 **COUNT 22**

23 **NEGLIGENT EMISSION OF AIR POLLUTION, in violation of Section 42400.1(a) of the**
24 **Health and Safety Code, a Misdemeanor.**

25 Defendant (s)

26 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

27 On or about the 1st day of October, 2020, did negligently emit an air contaminant, to wit, wildfire
28 smoke and related particulate matter and ash, in violation of Health and Safety Code sections 41700
and 41701(a). Health and Safety Code section 41700 prohibits the discharge from any source
whatsoever of quantities of air contaminants or other material that cause injury, detriment, nuisance,
or annoyance to any considerable number of persons or to the public, or that endanger the comfort,
repose, health, or safety of any of those persons or the public, or that cause, or have a natural
tendency to cause, injury or damage to business or property. Health and Safety Code section 41701
prohibits the discharge into the atmosphere from any source whatsoever of any air contaminant,
other than uncombined water vapor, for a period or periods aggregating more than three minutes in
any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann
Chart, as published by the United States Bureau of Mines.

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2 **COUNT 23**

3 **RECKLESS EMISSION OF AIR POLLUTION, in violation of Section 42400.3(b) of the**
4 **Health and Safety Code, a Misdemeanor.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 27th day of September, 2020, with reckless disregard for the risk of great bodily
8 injury to, or death of, any person, did emit an air contaminant, to wit, wildfire smoke, and related
9 particulate matter and ash, in violation of Health and Safety Code section 41700, that did result in
10 an unreasonable risk of great bodily injury to, or death of, any person.

11 **COUNT 24**

12 **RECKLESS EMISSION OF AIR POLLUTION, in violation of Section 42400.3(b) of the**
13 **Health and Safety Code, a Misdemeanor.**

14 Defendant (s)

15 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

16 On or about the 28th day of September, 2020, with reckless disregard for the risk of great bodily
17 injury to, or death of, any person, did emit an air contaminant, to wit, wildfire smoke, and related
18 particulate matter and ash, in violation of Health and Safety Code section 41700, that did result in
19 an unreasonable risk of great bodily injury to, or death of, any person.

20 **COUNT 25**

21 **RECKLESS EMISSION OF AIR POLLUTION, in violation of Section 42400.3(b) of the**
22 **Health and Safety Code, a Misdemeanor.**

23 Defendant (s)

24 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

25 On or about the 29th day of September, 2020, with reckless disregard for the risk of great bodily
26 injury to, or death of, any person, did emit an air contaminant, to wit, wildfire smoke, and related
27 particulate matter and ash, in violation of Health and Safety Code section 41700, that did result in
28 an unreasonable risk of great bodily injury to, or death of, any person.

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COUNT 26

RECKLESS EMISSION OF AIR POLLUTION, in violation of Section 42400.3(b) of the Health and Safety Code, a Misdemeanor.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 30th day of September, 2020, with reckless disregard for the risk of great bodily injury to, or death of, any person, did emit an air contaminant, to wit, wildfire smoke, and related particulate matter and ash, in violation of Health and Safety Code section 41700, that did result in an unreasonable risk of great bodily injury to, or death of, any person.

COUNT 27

RECKLESS EMISSION OF AIR POLLUTION, in violation of Section 42400.3(b) of the Health and Safety Code, a Misdemeanor.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 1st day of October, 2020, with reckless disregard for the risk of great bodily injury to, or death of, any person, did emit an air contaminant, to wit, wildfire smoke, and related particulate matter and ash, in violation of Health and Safety Code section 41700, that did result in an unreasonable risk of great bodily injury to, or death of, any person.

COUNT 28

NEGLIGENT FIRE STARTING, in violation of Section 13001 of the Health and Safety Code, a Misdemeanor.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 19th day of October, 2020, did willfully and unlawfully, through careless and negligent action, throw and place any lighted cigarette, cigar ashes, other flaming or glowing substance, and any substance and thing which may cause a fire, in any place where it may directly and indirectly start a fire.

COUNT 29

UTILITY FAILURE TO COMPLY WITH REGULATIONS, in violation of Section 2110 of the Public Utility Code, a Misdemeanor.

Defendant (s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

On or about the 19th day of October, 2020, as a public utility who violated or failed to comply with any part of any provision of the California Constitution or the Public Utilities Code, to wit, section 451 of the Public Utilities Code, by unlawfully failing to furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public.

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2 **COUNT 30**

3 **NEGLIGENT CAUSING A FIRE BY DEVICE, in violation of Section 4435 of the Public**
4 **Resource Code, a Misdemeanor.**

5 Defendant (s)

6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 On or about the 19th day of October, 2020, did negligently cause a fire by operation of a device
8 which may kindle a fire, said fire having escaped from the place where it originated.

9 **COUNT 31**

10 **UNLAWFUL FIRE ON PROPERTY OR ANOTHER, in violation of Section 4421 of the**
11 **Public Resource Code, a Misdemeanor.**

12 Defendant (s)

13 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

14 On or about the 19th day of October, 2020, did willfully and unlawfully set fire or cause to be set
15 fire any forest, brush, or other flammable material on any land not belonging to the defendant
16 without the permission of the owner, lessee, or agent of the owner or lessee of the land.

17 **ENHANCEMENTS**

18 **452.1(a)(1) PC SPECIAL ALLEGATION – RECKLESSLY CAUSING FIRE -**
19 **AGGRAVATING FACTORS**

20 It is further alleged that the defendant(s)

21 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

22 As to Count(s) 5, 6, 7, 8, 9, and 10, it is further alleged, pursuant to Penal Code Section 452.1(a),
23 that the following aggravating factor exists: defendant has previously been convicted of a felony
24 violation of Penal Code section 451 or 452, to wit: a violation of Penal Code Section 452 and was
25 convicted thereof on or about the 16TH DAY OF JUNE, 2020, in the BUTTE County Court, Case #
26 20CF1422. .

27 **452.1(a)(2) PC SPECIAL ALLEGATION – RECKLESSLY CAUSING FIRE -**
28 **AGGRAVATING FACTORS**

It is further alleged that the defendant(s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

As to Count 5, it is further alleged, pursuant to Penal Code Section 452.1(a), that the following
aggravating factor exists: a firefighter, peace officer, or other emergency personnel suffered great
bodily injury as a result of the offense.

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3 **452.1(a)(3) PC SPECIAL ALLEGATION – RECKLESSLY CAUSING FIRE -**
4 **AGGRAVATING FACTORS**

5 It is further alleged that the defendant(s)
6 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

7 As to Count 5, it is further alleged, pursuant to Penal Code Section 452.1(a), that the following
8 aggravating factor exists: defendant proximately caused great bodily injury to more than one
9 victim.

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11 **454(A) PC SPECIAL ALLEGATION ARSON DURING STATE OF EMERGENCY**

12 It is further alleged that the defendant(s)
13 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

14 As to Count(s) 5, 6, 7, 8, 9, 10, and 11, it is alleged the defendant, committed the above offense
15 during and within an area of a state of emergency, pursuant to Section 8625 of the Government
16 Code, which was proclaimed by the Governor of the State of California, within the meaning of
17 Penal Code Section 454.

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19 **452.1(a)(4) PC SPECIAL ALLEGATION – RECKLESSLY CAUSING FIRE -**
20 **AGGRAVATING FACTORS**

21 It is further alleged that the defendant(s)
22 **PACIFIC GAS AND ELECTRIC COMPANY (PG&E),**

23 As to Count 6, it is further alleged, pursuant to Penal Code Section 452.1(a), that the following
24 aggravating factor exists: defendant proximately caused multiple structures to burn.

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STEPHANIE A. BRIDGETT
District Attorney

Subscribed and sworn on September 24, 2021

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense
counsel provide discovery to the people as required by Penal Code Section 1054.3.

SAB/kb

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HOLDING ORDER

It appearing to me that the offense(s) in the within complaint has/have been committed, and that there is sufficient cause to believe that the defendant(s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

is guilty thereof.
The defendant(s)

PACIFIC GAS AND ELECTRIC COMPANY (PG&E),

having waived preliminary hearing to the offense(s) set forth in this complaint,

Exceptions/Additions/Conditions:

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

I order that the defendant be held to answer to same. An Information is to be filed by the District Attorney's Office within the statutory time limit for defendant's arraignment on said Information.

Date: _____ Dept. _____
Judge of the Superior Court
Sitting as Magistrate



Shasta County District Attorney's Office Bureau of Investigation

CRIME REPORT # 20GC0847AH1 INVESTIGATOR: Alex Houston #143
 Supplemental Report

Associated Case(s): 20CASHU009978 (CAL FIRE)						Date: 09/24/2021	
Charges: 192 (b) PC, 452(a) PC, 452(b) PC, 452(c) PC, 42400.3(c) H&S, 452(d) PC,							
Summary: On 09/27/2020, the Zogg Fire started near Zogg Mine Road, in Igo, California. On 10/02/2020, the Shasta County DA's Office was requested to assist with the investigation.							
<input type="checkbox"/> Suspect#	<input checked="" type="checkbox"/> Victim#1	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: KING, Karin				DOB: 08/12/41		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type:			
Address Cont.: [REDACTED]				Phone & Type:			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: Deceased – Date of Death 09/27/2020							
<input type="checkbox"/> Suspect#	<input checked="" type="checkbox"/> Victim#2	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: ROWE MCLEOD, Alaina Michelle				DOB: 05/28/74		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type:			
Address Cont.: [REDACTED]				Phone & Type:			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: Deceased – Date of Death 09/27/2020							
<input type="checkbox"/> Suspect#	<input checked="" type="checkbox"/> Victim#3	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: MCLEOD, Feyla Rose				DOB: 04/14/12		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type:			
Address Cont.: [REDACTED]				Phone & Type:			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: Deceased - Date of Death 09/27/2020							
<input type="checkbox"/> Suspect#	<input checked="" type="checkbox"/> Victim#4	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: VOSSSEN, Kenneth Bruce				DOB: 10/10/67		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type:			
Address Cont.: [REDACTED]				Phone & Type:			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: Deceased - Date of Death 09/29/2020							



Shasta County District Attorney's Office Bureau of Investigation

CRIME REPORT # 20GC0847 AHI INVESTIGATOR: Alex Houston #143
 Supplemental Report

Associated Case(s): 20CASHU009978 (CAL FIRE)						Date: 09/24/2021	
Charges Continued: 13001 H&S, 4293 PRC, 4421 PRC, 4435 PRC, 2110 PUC, 42400.1(a) H&S, 42400.3(b) H&S, 452.1(a)(1) PC, 452.1(a)(2) PC, 452.1(a)(3) PC, 452.1(a)(4) PC							
Summary: See page 1.							
<input type="checkbox"/> Suspect#	<input checked="" type="checkbox"/> Victim#5	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: MARTINEZ, Albert				DOB: 10/12/1991		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type: [REDACTED]			
Address Cont.: [REDACTED]				Phone & Type: [REDACTED]			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: Injured Firefighter							
<input type="checkbox"/> Suspect#	<input type="checkbox"/> Victim#	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input checked="" type="checkbox"/> Other Peace Officer / Investigator
Name: Fire Captain Specialist Darren Stewart				DOB: [REDACTED]		DL/ID#: [REDACTED]	
Address: 875 Cypress Avenue, Redding, California 96001				Phone & Type: (530) 225-2421			
Address Cont.: [REDACTED]				Phone & Type: [REDACTED]			
Race: White	Sex: Male	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: CAL FIRE Employee							
<input type="checkbox"/> Suspect#	<input type="checkbox"/> Victim#	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input checked="" type="checkbox"/> Other Peace Officer / Investigator
Name: Battalion Chief JT Zulliger # 2256				DOB: [REDACTED]		DL/ID#: [REDACTED]	
Address: 875 Cypress Avenue, Redding, California 96001				Phone & Type: (530) 225-2420			
Address Cont.: [REDACTED]				Phone & Type: [REDACTED]			
Race: White	Sex: Male	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: CAL FIRE Employee							
<input type="checkbox"/> Suspect#	<input type="checkbox"/> Victim#	<input type="checkbox"/> Witness	<input type="checkbox"/> Involved	<input type="checkbox"/> Contact	<input type="checkbox"/> CII#	<input type="checkbox"/> Conf. Vic.#	<input type="checkbox"/> Other
Name: [REDACTED]				DOB: [REDACTED]		DL/ID#: [REDACTED]	
Address: [REDACTED]				Phone & Type: [REDACTED]			
Address Cont.: [REDACTED]				Phone & Type: [REDACTED]			
Race: [REDACTED]	Sex: [REDACTED]	Height: [REDACTED]	Weight: [REDACTED]	Hair: [REDACTED]	Eyes: [REDACTED]	SS#: [REDACTED]	
Notes: [REDACTED]							

Summary of Events:

Beginning on 09/22/2020 at 1302 hours, the National Weather Service Forecast Office (NWSFO) out of Sacramento, California issued a Fire Weather Watch for the Igo area for “critical fire weather conditions” to occur between 09/26/2020 and 09/28/2020. On 09/25/2020 at 1008 hours, NWSFO issued a Red Flag Warning for the Igo area for “critical fire weather conditions” to occur between 2100 hours on 09/26/2020 to 1200 hours on 09/28/2020. On 09/25/2020 at 2048 hours, the term “critical fire weather conditions” had been changed to “extreme fire weather conditions.” The forecast on 09/25/2020 had predicted north to east winds 15-30 miles per hour (mph) with gusts from 40-45 mph and stronger gusts up to 55 mph in favored gaps and canyons.

On 09/27/2020, at 1435 hours, (11 minutes prior to the first 911 report of the Zogg Fire), NWSFO issued a Red Flag Warning for “extreme fire weather conditions” with predicted north to east winds 15-30 mph with gusts 40-45 mph with stronger gusts up to 65 mph possible through the favored gaps and canyons. The NWSFO Fire Weather Watch and Warnings are publicly available on the Forecast Office website.

At approximately 1446 hours, the Zogg Fire was reported in the community of Igo, in the County of Shasta, and State of California. Due to this location being within the unincorporated area of Shasta County, California Department of Forestry and Fire Protection (CAL FIRE), Shasta County Fire Department, Happy Valley Fire Department, Redding Fire Department and Anderson Fire Protection District personnel were dispatched to the location of the fire. CAL FIRE Fire Captain Specialist Darren Stewart # 3481 also responded and arrived on scene at approximately 1509 hours.

Captain Stewart was assigned as the lead origin and cause Investigator due to the fire being in the State Responsibility Area, protected by CAL FIRE. Captain Stewart conducted a detailed origin and cause investigation over a ten-day period. Captain Stewart received assistance from nine additional CAL FIRE peace officers. These officers assisted Captain Stewart with locating fire pattern indicators and gridding of the scene.

The area of origin was determined by Captain Stewart to be 70' northeast of Zogg Mine Road and 520' northwest of 8499 Zogg Mine Road. The area where the fire originated is in California Public Utility Commission (CPUC) Tier 2 fire-threat area. Tier 2 indicates there is an elevated risk (including likelihood and potential impacts on people and property) from utility-associated wildfires. Historical fire history data in the Zogg Fire area of origin shows the same area burned in the 2018 Carr Fire and in the 1950 Kanaka Creek Fire.

The cause of the Zogg Fire was determined to be a gray pine falling in a southerly direction, striking powerlines owned and operated by Pacific Gas and Electric Company (PG&E). PG&E has identified the power line as the Girvan 1101, 12 kV Distribution Circuit. An arborist and electrical engineer were retained by CAL FIRE to provide an assessment of the gray pine and damaged electrical conductor.

The arborist determined the gray pine was over 105' tall and over 2' in diameter at the base. The tree had decay and a significant cavity at the base of the tree that would have predisposed it to a downslope failure. The tree was over 80 years old and in 2019, it had a 23° lean towards the power lines. The 23° lean was determined by the arborist. The 23° lean was independently confirmed off LiDAR data gathered by PG&E in a 2019 LiDAR survey of the surrounding area.

The lean would have been obvious to pre-inspectors. Decay was observed in the center of the tree. The cavity and absence of supporting roots on the cavity side would have been visible from the sides and uphill, even if briefly viewed. The roots on both sides of the cavity were excessively large, which was evidence they had developed over a long period of high mechanical stress. The cavity was determined to have predated the Zogg Fire and Carr Fire. If established protocols for hazard tree identification and removal had been followed, the tree defect would have been discovered and subsequently removed prior to failure.

Prior to the collection of evidence, I viewed the gray pine. I observed the large cavity and I noticed three indentations on branches that were facing the ground. The indentations were all similar in size and approximately the size of the conductor that was laying under the tree. The indentations on the branches appeared to have been caused by the conductor and electrical arcing. All other possible causes of the Zogg Fire were eliminated during the investigation.

PG&E has statutory and regulatory duties to mitigate such risks by removing hazard trees. Publicly available information demonstrates in 2018, PG&E marked the gray pine for removal that caused the Zogg Fire. The gray pine was not removed, and subsequent PG&E vegetation management patrols failed to mark or remove the tree. PG&E has repeatedly and publicly acknowledged its awareness that such failures are likely to produce great bodily harm or death.

On 10/02/2020, at approximately 1225 hours, I was assigned to the Zogg Fire. I responded to the Igo area and arrived at approximately 1320 hours. I contacted CAL FIRE Battalion Chief Zulliger. Chief Zulliger informed me the fatality site involving Karin King (79 years old), was located on Zogg Mine Road, north of South Fork Road. Chief Zulliger said the fatality site involving Alaina Rowe McLeod (45 years old) and Feyla McLeod (8 years old) was located on Archer Road, north of South Fork Road. Chief Zulliger said the fourth fatality was Kenneth Vossen (52 years old). Chief Zulliger said Kenneth was transported by medical personnel to a local hospital and he was later transferred to the UC Davis Burn Center, located in Sacramento, California. Chief Zulliger said he believed Kenneth sustained major burns to his body and he later succumbed to his injuries at UC Davis Medical Center.

Chief Zulliger escorted me to Karin's fatality site. We arrived at approximately 1540 hours. I noticed what appeared to be a burnt Chevy Trailblazer. I noticed Karin's remains had been previously removed. I noticed what appeared to be a deceased animal inside the rear cargo area of the vehicle. Later, I spoke with Captain Stewart who told me he located Karin's severely burned remains on 09/27/2020, at approximately 1630 hours. The remains were located on the ground, next to the open driver's side door. The closest posted address sign to Karin's vehicle was located at 8221 Zogg Mine Road.

I reviewed Shasta County Coroner Case Number C20-0666 and noticed postmortem toxicologic analysis of blood was conducted. I noticed the Forensic Pathologist reported the carboxyhemoglobin saturation, which is an indication of antemortem exposure to products of combustion, was slightly elevated but not at a lethal level. This suggests Karin was alive at the time of the fire and she inhaled the smoke. Karin was overcome by the fire and succumbed to thermal injuries as a result. The cause of death was certified as thermal injuries.

Chief Zulliger and I responded to Alaina's and Feyla's fatality site, located on Archer Road. Chief Zulliger and I arrived at approximately 1706 hours. I noticed what appeared to be a Ford pickup, located on the south side of Archer Road, approximately 2.1 miles from South Fork Road.

Later, I spoke with a neighbor of Alaina and Feyla, who told me she had lent her pickup to them minutes prior to the fire reaching their residence. As the neighbor was evacuating (minutes after lending her vehicle to Alaina and Feyla) she observed her vehicle, disabled off the roadway, fully engulfed in flames. On 09/28/2020 at approximately 0230 hours, two Redding Police Officers located Alaina and Feyla, inside the front passenger compartment of the pickup.

I reviewed Shasta County Coroner Case Numbers C20-0668 and C20-0669 and noticed postmortem toxicologic analysis of blood was conducted. I noticed the Forensic Pathologist reported the carboxyhemoglobin saturation, which is an indication of antemortem exposure to products of combustion, was slightly elevated but not at a lethal level in both cases. This suggests both Alaina and Feyla were alive at the time of the fire and they both inhaled the smoke. Both Alaina and Feyla were overcome by the fire and succumbed to thermal injuries as a result. The causes of death were both certified as thermal injuries.

I located Kenneth's property at 13277 South Fork Road. I noticed Kenneth's residence and detached garage were consumed by the fire. On the same property, I located an All-Terrain Vehicle collision site and a set of keys near the site. I noticed what appeared to be burnt and melted fabric attached to the keys. Later, Kenneth's wife positively identified Kenneth's keys. Kenneth's wife also reported seeing Kenneth just prior to the fire reaching their residence. I contacted a neighbor who reported he located Kenneth in the same area, while the fire was still burning. The neighbor reported Kenneth was not wearing clothes and it appeared he was severely burned all over his body.

I interviewed medical personnel that assisted Kenneth, after he was found badly burned by his neighbor. I confirmed Kenneth was transported to a local hospital and later transferred to UC Davis Medical Center. Kenneth succumbed to his injuries on 09/29/2020 at 1725 hours. The UC Davis physician attending to Kenneth, determined Kenneth's cause of death to be multi-system failure, as an immediate cause, with 90% total body 2nd and 3rd degree burns as a condition leading to the cause. The physician also stated with the extensive burn Kenneth experienced, he inhaled toxins. A toxicologic analysis of blood was conducted and the physician said Kenneth's carboxyhemoglobin was elevated.

On 10/02/2020, Inmate Firefighter Albert Martinez (29 years old) was assigned to the Ishi Conservation Fire Camp and he was deployed on the Zogg Fire. During fire suppression efforts, Albert received major injuries after a tree fell on him. Albert's injuries consisted of three fractures to the upper thoracic part of his spine, a head injury, paralysis just under the chest area and no feeling or movement of his legs.

I requested Certificates of Death for Karin, Alaina, Feyla and Kenneth. On 12/14/2020, I received a Sacramento County Certificate of Death for Kenneth (State File Number 3052020235695). On 12/15/2020, I received Shasta County Certificates of Death for Karin (State File Number 3052020223448), Alaina (State File Number 3052020235454) and Feyla (State File Number 3052020234463).

On 10/09/2020, I walked the Girvan 1101 circuit, north of the origin location. I located numerous locations where I observed violations of the California Public Resource Code. I located numerous areas where there were dead trees within striking distance of the PG&E conductors. I noted numerous locations where there were clearance violations around non-exempt PG&E owned utility poles. I obtained digital photographs and video from the ground. I obtained digital photographs and video from the air, utilizing a helicopter and Unmanned Aircraft Vehicles. I also obtained imagery utilizing laser scanning equipment.

I conducted several interviews with victims reporting the deaths of their animals. At the conclusion of my initial interviews, I believe at minimum, the following animals died as a direct result of the Zogg Fire: 1 horse, 18 cattle (9 of them pregnant), 8 dogs, 2 cats and 1 bearded dragon lizard. There were also numerous other animals that were injured as well as other dogs and cats believed to have perished.

I have consulted several studies related to the health hazards of consuming wildfire smoke, conducted by several medical experts. A meteorologist and air resource specialist have been employed to assist me with assessing the impact of the wildfire smoke on the residents residing in Shasta County and other surrounding counties. Based on evidence collected during the active Zogg Fire, local air quality advisories, various imagery, my own observations of seeing and smelling the smoke, and expert's opinions, I believe PG&E caused the negligent and reckless emissions of air contaminants during the dates of 09/27/2020 to 10/01/2020.

In 2017, PG&E was convicted of several felonies related to the 2010 San Bruno pipeline explosion. I received PG&E's Original Judgement and conditions of their Federal Probation (Case Number 0971 3:14CR00175). I read the documents and noticed the Date of Imposition of Judgement was 01/26/2017 and PG&E was sentenced to probation for a term of five years.

In 2020, PG&E was convicted of eighty-four felonies related to the 2018 Camp Fire. I received Butte County Superior Court minute orders from the PG&E plea and sentencing hearing, related to the Camp Fire (Case number 20CF01422). The minute orders were dated 06/16/2020, 06/17/2020 and 06/18/2020.

The Zogg Fire destroyed 204 inhabited structures, damaged an additional 27 structures, and burned 56,338 acres, within 616 parcels, located in Shasta and Tehama counties. The Zogg Fire occurred during a Governor's declared State of Emergency. The state of emergency had been declared due to multiple large wildland fires that were occurring within the state of California at the time of the declaration.

I was informed of additional PG&E caused fires in Shasta County. I reviewed the Daniel Fire CAL FIRE Report (CAL FIRE Case Number 20CASHU0007456). The Daniel Fire occurred near Daniels Lane and Bear Mountain Road, Jones Valley, California. The date of ignition was 07/28/2020. I reviewed four photos displaying the evidence of the fire. I noticed a Fire Apparatus Engineer conducted the investigation and determined the cause to be "Electrical Power". The Engineer indicated an oak tree, with rotten wood near the base, fell into the powerlines and caused the fire. Based on the Engineer's report and photographs, I believe Pacific Gas and Electric is in violation of sections 452(c) Penal Code, 13001 Health and Safety Code, 2110 Public Utilities Code, 4293 Public Resource Code, 4421 Public Resource Code and 4435 Public Resource Code.

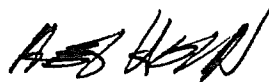
I reviewed the Ponder Fire CAL FIRE Report (CAL FIRE Case Number 20CASHU0010829). The Ponder Fire occurred on Ponder Way, West Valley, California. The date of ignition was 10/19/2020. I reviewed four photos and a sketch, displaying the evidence of the fire. I noticed a Fire Apparatus Engineer conducted the investigation and determined the cause to be "Electrical Power". The Engineer listed factors contributing to the ignition to be "Arc from faulty contact, broken conductor". The Engineer indicated there was obvious evidence of a damaged power pole. The Engineer determined the fire to be caused by damaged electrical equipment contacting the power pole support cable. Based on the Engineer's report, sketch, and photographs, I believe Pacific Gas and Electric is in violation of sections 452(c) Penal Code, 13001 Health and Safety Code, 2110 Public Utilities Code, 4421 Public Resource Code and 4435 Public Resource Code.

On 08/19/2021, at approximately 2052 hours, Chief Zulliger notified me of the Woody Fire (CAL FIRE Case Number 21CASHU0008911). Chief Zulliger said he was investigating the Woody Fire that ignited earlier that day, off Woody Lane in Jones Valley, California. Chief Zulliger said a gray pine, that was marked for removal, failed, struck a PG&E conductor, and caused the Woody Fire. On 08/20/2021, I responded to the Woody Fire origin. I observed the gray pine that was marked for removal. I observed the burn scar and a damage outbuilding. Based on CAL FIRE's investigation I believe Pacific Gas and Electric is in violation of sections 452(c) Penal Code, 13001 Health and Safety Code, 2110 Public Utilities Code, 4293 Public Resource Code, 4421 Public Resource Code and 4435 Public Resource Code.

Disposition:

Forward to the District Attorney for consideration.

Investigator:



Alex Houston #143

Date:

09/24/2021