

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Concerning
Energy Efficiency Rolling Portfolios, Policies,
Programs, Evaluation, and Related Issues.

Rulemaking 13-11-005
(Filed November 14, 2013)

**MOTION OF SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) TO
MOVE REBUTTAL DOCUMENTARY EVIDENCE INTO THE RECORD**

HOLLY A. JONES
ERIC A. GRESSLER

Attorneys for
SOUTHERN CALIFORNIA GAS COMPANY
555 West Fifth Street, Suite 1400
Los Angeles, California 90013
Telephone: (213) 244-2232
Facsimile: (213) 629-9620
E-mail: HAJones@socalgas.com

September 25, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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MOVE REBUTTAL DOCUMENTARY EVIDENCE INTO THE RECORD**

In accordance with Rule 11.1 of the Commission’s Rules of Practice and Procedure and consistent with the March 2, 2020 *Assigned Commissioner's Ruling Setting the Scope and Schedule for the Order to Show Cause Against Southern California Gas Company*¹, the March 25, 2020 Email Ruling by Administrative Law Judge (“ALJ”) Valerie Kao clarifying scope for order to show cause and providing further instructions for hearing, and the August 31, 2020 Email Ruling by ALJ Valerie Kao revising schedules for orders to show cause, Southern California Gas Company (“SoCalGas”) respectfully moves for identification of the following rebuttal exhibits and to move these exhibits into the record of the above-captioned proceeding.

EXHIBIT	TITLE
SCG-34	Public Advocates Office’s Response to SoCalGas Data Request Set 1, Q1-Q9, Submitted May 6, 2020
SCG-35	Public Advocates Office’s Response to SoCalGas Data Request Set 1, Q10-Q28 Submitted May 14, 2020
SCG-36	Public Advocates Office’s Response to SoCalGas Data Request Set 1, Q1-3, 7-11, and 13-16 Submitted July 23, 2020
SCG-37	Public Advocates Office’s Response to SoCalGas Data Request Set 2, Q5, 6, and 12 Submitted July 28, 2020

¹ The scoping memo pertained to the order to show cause directing SoCalGas to address shareholder incentives and costs for 2016-2017 codes and standards advocacy, issued December 17, 2019.

EXHIBIT	TITLE
SCG-38	Public Advocates Office's Response to SoCalGas Data Request Set 2, Q4 Submitted July 30, 2020
SCG-39	Sierra Club Objections and Responses to SoCalGas Data Request Set 1, Submitted April 22, 2020
SCG-40	Sierra Club Objections and Responses to SoCalGas Data Request Set 2, Submitted July 16, 2020
SCG-41	SoCalGas Response to Cal Advocates-HB-SCG-2019-12RR, Submitted January 28, 2020
SCG-42	SoCalGas Response to Cal Advocates-SK-SCG-2020-01, Submitted February 7, 2020
SCG-43	SoCalGas Response to Cal Advocates-HB-SCG-2019-13, Submitted February 7, 2020
SCG-44	SoCalGas Response to Sierra Club-02, Submitted June 16, 2020
SCG-45	SoCalGas Response to Sierra Club-SoCalGas-08, Submitted September 25, 2020
SCG-46	SoCalGas Response to ORA's Motion to Deem as Public Materials Marked as Confidential Filed December 28, 2017
SCG-47	ALJ Kao's Email Ruling Denying December 13, 2017 Motion to File Under Seal Filed February 27, 2018
SCG-48	ALJ's Ruling Denying ORA's Motion for Reconsideration Filed April 9, 2018
SCG-49	AB 1966 Sempra Energy Support Letter Dated April 21, 2006
SCG-50	AB 811 Sempra Energy Support Letter Dated January 25, 2008
SCG-51	SB 375 Sempra Energy Support Letter Dated September 22, 2008
SCG-52	Senate Rules Committee Office of the Senate Floor Analysis Amended August 19, 2016

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-34

SOCALGAS EXHIBIT

**Public Advocates Office's Response to SoCalGas Data Request Set 1, Q1-Q9,
Submitted May 6, 2020**



Public Advocates Office

Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

PUBLIC ADVOCATES OFFICE

Data Request Responses to Q1-Q9 of
SoCalGas Data Request Set 1
Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios,
Policies, Programs, Evaluation, and Related Issues

R.13-11-005

Received: April 22, 2020

Submitted: May 6, 2020

To: **Holly Jones**

Attorney for SoCalGas

Email: HAJones@socalgas.com

Eric Gressler

Attorney for SoCalGas

Email: EGressle@socalgas.com

From: **Diana Lee**

Attorney for Public Advocates Office

Email: diana.lee@cpuc.ca.gov

Tovah Trimming

Attorney for Public Advocates Office

Email: tovah.trimming@cpuc.ca.gov

Re: Data Request No. SCG-Cal PA-2020-01

DATA REQUESTS

1. Since January 1, 2019, please identify any Data Request submitted to SoCalGas outside of a proceeding for which input on the questions was provided and/or the questions were reviewed by Sierra Club.

RESPONSE:

The Public Advocates Office objects to this question because it is, on its face, not relevant to the issues scoped in the instant proceeding. The question is clearly not within the scope of this proceeding because it literally seeks “any Data Request submitted to SoCalGas *outside of a proceeding* for which input on the questions was provided and/or the questions were reviewed by Sierra Club.” (Emphasis added). See Rule 10.1 of the Commission’s Rules of Practice and Procedure (Rules) which provides that “a party may obtain discovery from any other party regarding any matter, not privileged, *that is relevant to the subject matter involved in the pending proceeding.*” (Emphasis added.)

The Public Advocates Office also objects to this question to extent the requested documents relate to issues scoped in R.13-11-005, including the two ongoing orders to show cause against SoCalGas. In the orders to show cause against SoCalGas, the Commission will determine (1) whether SoCalGas violated D.18-05-041 and (2) whether SoCalGas used ratepayer funds authorized for energy efficiency to advocate against more stringent codes and standards and local adoption of reach codes. Whether Sierra Club provided input and/or reviewed data requests propounded on SoCalGas by the Public Advocates Office is not relevant to any issue in R.13-11-005 and not reasonably calculated to lead to admissible evidence.

2. Please provide all email correspondence between personnel at the Public Advocates Office and personnel at Sierra Club concerning your response to Question 1.

RESPONSE:

See response to question 1.

3. Since January 1, 2019, please identify each Data Request response provided to the Public Advocates Office by SoCalGas to a Data Request inquiry issued outside of a proceeding and which was subsequently provided to Sierra Club.

RESPONSE:

The Public Advocates Office objects to this question because it is, on its face, not relevant to the issues scoped in the instant proceeding. The question is clearly not within the scope of this proceeding because it literally seeks “any Data Request submitted to SoCalGas *outside of a proceeding* for which input on the questions was provided and/or the questions were reviewed by Sierra Club.” (Emphasis added). See Rule 10.1 of the Commission’s Rules of Practice and Procedure (Rules) which provides that “a party may obtain discovery from any other party regarding any matter, not privileged, *that is relevant to the subject matter involved in the pending proceeding.*” (Emphasis added.)

The Public Advocates Office also objects to this question to extent the requested documents relate to issues scoped in R.13-11-005. Whether the Public Advocates Office provided Sierra Club SoCalGas’s responses to data request is not relevant to any issue in R.13-11-005 and not reasonably calculated to lead to the discovery of admissible evidence. Specifically, whether the Public Advocates Office shared SoCalGas’s non-confidential data request responses has no bearing on whether SoCalGas violated D.18-05-041 or misused ratepayer funds to advocate against stricter codes and standards or whether SoCalGas opposed the adoption of local reach codes.

Without waiving its objections, the Public Advocates Office notes that the following data requests issued outside of a proceeding and SoCalGas’s responses since January 1, 2019 are part of the Public Advocates Office’s publicly filed *Response to the Order to Show Cause Directing SoCalGas to Address Shareholder Incentives for Codes and Standards Advocacy Expenditures* (Attachment 3), and that Sierra Club is an active party to that order to show cause:

- HB-SCG-2019-09
- HB-SCG-2019-09R
- HB-SCG-2019-12
- HB-SCG-2019-13

4. Please provide all email correspondence between personnel for the Public Advocates Office and personnel at Sierra Club concerning your response to Question 3.

RESPONSE:

The Public Advocates Office objects to this question because it is, on its face, not relevant to the issues scoped in the instant proceeding. The question is clearly not within the scope of this proceeding because it literally seeks “any Data Request submitted to SoCalGas *outside of a proceeding* for which input on the questions was provided and/or the questions were reviewed by Sierra Club.” (Emphasis added). See Rule 10.1 of the Commission’s Rules of Practice and Procedure (Rules) which provides that “a party may obtain discovery from any other party regarding any matter, not privileged, *that is relevant to the subject matter involved in the pending proceeding.*” (Emphasis added.)

The Public Advocates Office also objects to this question to the extent the requested communications relate to documents and communications that occurred in the context of R.13-11-005, including the two ongoing orders to show cause against SoCalGas. In the orders directing SoCalGas to show cause, the Commission will determine (1) whether SoCalGas violated D.18-05-041 and (2) whether SoCalGas used ratepayer funds authorized for energy efficiency to advocate against more stringent codes and standards and local adoption of reach codes. Communications between the Public Advocates Office and Sierra Club related to sharing SoCalGas’s data requests responses are not relevant to any issue in R.13-11-005 and are not reasonably calculated to lead to the discovery of admissible evidence.

5. Please identify each conversation the Public Advocates Office has had with Sierra Club regarding the applicability of the codes and standards prohibition in D.18-05-041.

RESPONSE:

The Public Advocates Office objects to this question as seeking information that is not relevant to the issues R.13-11-005 and not reasonably calculated to lead to the discovery of admissible evidence. Whether or not the Public Advocates Office and Sierra Club made off the record statements about the applicability of the codes and standards prohibition in D.18-05-041 is not relevant to the Commission's determination of this issue in the proceeding. The Public Advocates Office further objects to this question as seeking legal opinions, legal conclusions, and attorneys' mental impressions. Finally, the Public Advocates Office objects to this question as calling for speculation about Sierra Club's interpretation of the applicability of the codes and standards prohibition in D.18-05-041.

Notwithstanding and without waiving these objections, the Public Advocates Office responds that the Public Advocates Office and Sierra Club made public statements on this matter during the October 22, 2019 prehearing conference. (Available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M318/K612/318612535.PDF>.)

6. For each conversation identified in question 5, please explain any differences of opinion between the Public Advocates Office and Sierra Club that arose.

RESPONSE:

See objections and response to question 5 above.

For question 7 through 18, please refer to page 46 of the Public Advocates Office 2019 Annual Report, available at https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/2019_pao_annual_report.pdf

7. Please provide the basis for the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards”

RESPONSE:

The statement is on page 40 of the report and the full paragraph reads:

In 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards, subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy, and repeatedly violated CPUC rules by providing false and misleading statements about its activities. As a result, the CPUC announced that it is considering what penalties or sanctions may be appropriate in light of the allegations that SoCalGas undermined the state’s energy efficiency goals by misusing ratepayer funds intended for promoting higher energy efficiency standards.

The basis of the statement in question 7 is the evidence presented by the Public Advocates Office that led to the Commission’s December 17, 2019 Order to Show Cause in this proceeding (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M322/K134/322134227.PDF>). The evidence is included in the following public filings by the Public Advocates Office:

- The Public Advocates Office’s *Final Comments on Energy Efficiency Program Administrators’ Business Plan Applications* and Appendix C, filed in A.17-01-013 on September 25, 2017. D.18-05-041 summarizes this evidence and make findings related to the evidence.
- The Public Advocates Office’s *Comments on Alternate Draft Resolution E-5007 approving, with adjustments, Energy Efficiency Savings and Performance Incentive awards for the four Major California investor-owned utilities for program years 2016 and 2017* (served Sept. 24, 2019) (citing to D.18-05-041 and referencing the evidence the Public Advocates Office provided to the Commission in A.17-01-013). Resolution E-5007 is available at <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M317/K672/317672918.PDF> (Oct. 10, 2019).

8. Please provide all evidence supporting the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards”

RESPONSE:

The statement quoted is on page 40 of the report and the full paragraph reads:

In 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards, subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy, and repeatedly violated CPUC rules by providing false and misleading statements about its activities. As a result, the CPUC announced that it is considering what penalties or sanctions may be appropriate in light of the allegations that SoCalGas undermined the state’s energy efficiency goals by misusing ratepayer funds intended for promoting higher energy efficiency standards.

The evidence supporting this statement is provided in the Public Advocates Office’s *Final Comments on Energy Efficiency Program Administrators’ Business Plan Applications* and Appendix C, filed in A.17-01-013 on September 25, 2017. D.18-05-041 summarizes this evidence and make findings related to the evidence.

9. Please provide the sources of all evidence for question 8.

RESPONSE:

The sources of the evidence are identified in the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications* and Appendix C, filed in A.17-01-013 on September 25, 2017.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-35

SOCALGAS EXHIBIT

**Public Advocates Office's Response to SoCalGas Data Request Set 1, Q10-Q28
Submitted May 14, 2020**



Public Advocates Office

at the
California Public Utilities Commission

505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-2544
Fax: (415) 703-2057

[https://www.publicadvocates.
cpuc.ca.gov/](https://www.publicadvocates.cpuc.ca.gov/)

PUBLIC ADVOCATES OFFICE

DATA REQUEST RESPONSE

SoCalGas Data Request Set 1 Q10-28

**Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs,
Evaluation, and Related Issues**

R.13-11-005

Received: April 22, 2020

Extensions granted until May 15, 2020

Submitted: May 14, 2020

To: Holly Jones

Attorney for SoCalGas

Email: HAJones@socalgas.com

Eric Gressler

Attorney for SoCalGas

Email: EGressle@socalgas.com

From: Diana Lee

Attorney for Public Advocates Office

Email: diana.lee@cpuc.ca.gov

Tovah Trimming

Attorney for Public Advocates Office

Email: tovah.trimming@cpuc.ca.gov

Re: Data Request No. SCG-Cal PA-2020-01

DATA REQUESTS

10. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 8.

RESPONSE:

As identified in the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications*, Appendix C, Exhibits 19, 23, and 24 (filed in A.17-01-013 on September 25, 2017), PG&E and SDG&E provided evidence related to responses 8 and 9. The Public Advocates Office objects to providing written communications related to PG&E's and SDG&E's DRs as not relevant and not reasonably calculated to lead to admissible evidence. To the extent the question seeks oral communications between the Public Advocates Office and PG&E and SDG&E, the Public Advocates Office objects as unduly burdensome. The investigation goes back to at least 2017. In addition, the question is not reasonably calculated to lead to admissible evidence. Recalling oral communications from PG&E and SDG&E from 2017 or even earlier calls for speculation and would be inadmissible hearsay.

Beyond the response provided above, the Public Advocates Office objects to this question as vague and ambiguous as to "soliciting." To the extent that the request seeks communications with individuals or entities (other than SoCalGas) that may have provided or asked for the evidence included in the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications* and Appendix C, filed in A.17-03-013 on September 25, 2017, the evidence in the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications* and Appendix C served as the basis for the Public Advocates Office's statement in question 7, not undocumented statements or allegations from unidentified sources. Whether an individual or entity other than SoCalGas provided or asked for the evidence in the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications* and Appendix C is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to admissible evidence.

The Public Advocates Office also generally objects to providing communications from sources asking for or providing evidence in furtherance of a public entity's investigation. Revealing the identities of any individual or entities that may have provided or asked for evidence and their communications in a Commission investigation or order to show cause could have a chilling effect on a public agency's ability obtain information about potential misconduct for the entities it regulates. Moreover, revealing any individual or entity that may have provided or asked for evidence and their communications could also lead to harassment, embarrassment, intimidation or other adverse consequences for the any individual or entity that may have provided or asked for evidence.

11. Please provide the basis for the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas . . . subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy”

RESPONSE:

The statement is on page 40 of the report and the full paragraph reads:

In 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards, subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy, and repeatedly violated CPUC rules by providing false and misleading statements about its activities. As a result, the CPUC announced that it is considering what penalties or sanctions may be appropriate in light of the allegations that SoCalGas undermined the state’s energy efficiency goals by misusing ratepayer funds intended for promoting higher energy efficiency standards.

The basis of the statement in question 11 is the evidence presented by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019), which led to the Commission’s October 3, 2019 *Ruling Granting the Motion of the Public Advocates Office and Directing Southern California Gas Company to Show Cause Why it Should not be Sanctioned by the Commission for Violation of California Public Utilities Code Sections 702, 2107 or 2108 or Rule 1.1 of the Commission’s Rules of Practice and Procedure* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M316/K460/316460552.PDF>) and the related the *Assigned Commissioner’s Amended Scoping Memo and Ruling for Oder to Show Cause Against Southern California Gas Company* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M320/K909/320909779.PDF>).

12. Please provide all evidence supporting the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas . . . subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy”

RESPONSE:

The evidence supporting the statement in question 11 is the evidence presented by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019)

13. Please provide the sources of all evidence for question 12.

RESPONSE:

The sources of the evidence supporting the statement in question 11 are identified by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission's Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019).

14. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 12.

RESPONSE:

The Public Advocates Office objects to this question as vague and ambiguous as to the term “soliciting.” To the extent that the request seeks communications with individuals or entities (other than SoCalGas) that may have provided or asked for the evidence, the *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments identifies that the evidence provided by PG&E.

The Public Advocates Office objects to providing written communications related to PG&E’s DRs as not relevant and not reasonably calculated to lead to admissible evidence. To the extent the question seeks oral communications between the Public Advocates Office and PG&E, the Public Advocates Office objects to this question is not reasonably calculated to lead to admissible evidence. Recalling oral communications from PG&E calls for speculation about what PG&E said and would be inadmissible hearsay.

Beyond the response provided above, the Public Advocates Office objects to this question to the extent it seeks communications with individuals or entities other than SoCalGas that may have provided or asked for the evidence included in the Public Advocates Office’s *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments. The evidence in the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments served as the basis for the Public Advocates Office’s statement in question 11, not undocumented statements or allegations from unidentified sources. Whether an individual or entity other than SoCalGas provided or asked for the evidence in the above document is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to admissible evidence.

The Public Advocates Office also generally objects to providing communications from sources asking for or providing evidence in furtherance of a public entity’s investigation. Revealing the identities of any individual or entities that may have provided or asked for evidence and their communications in a Commission investigation or order to show cause could have a chilling effect on a public agency’s ability obtain information about potential misconduct for the entities it regulates. Moreover, revealing any individual or entity that may have provided or asked for evidence and their communications could also lead to harassment, embarrassment, intimidation or other adverse consequences for the any individual or entity that may have provided or asked for evidence.

15. Please provide the basis for the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas . . . repeatedly violated CPUC rules by providing false and misleading statements about its activities.”

RESPONSE:

The statement is found on page 40 of the report and the full paragraph reads:

In 2019, the Public Advocates Office presented evidence that SoCalGas actively pursued strategies to undermine improvements in energy efficiency codes and standards, subsequently flouted a CPUC order prohibiting SoCalGas from participating in efficiency codes and standards advocacy, and repeatedly violated CPUC rules by providing false and misleading statements about its activities. As a result, the CPUC announced that it is considering what penalties or sanctions may be appropriate in light of the allegations that SoCalGas undermined the state’s energy efficiency goals by misusing ratepayer funds intended for promoting higher energy efficiency standards.

The basis of the statement in question 15 is the evidence presented by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019), which led to the Commission’s October 3, 2019 *Ruling Granting the Motion of the Public Advocates Office and Directing Southern California Gas Company to Show Cause Why it Should not be Sanctioned by the Commission for Violation of California Public Utilities Code Sections 702, 2107 or 2108 or Rule 1.1 of the Commission’s Rules of Practice and Procedure* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M316/K460/316460552.PDF>) and the related the *Assigned Commissioner’s Amended Scoping Memo and Ruling for Oder to Show Cause Against Southern California Gas Company* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M320/K909/320909779.PDF>).

16. Please provide all evidence supporting the statement “in 2019, the Public Advocates Office presented evidence that SoCalGas . . . repeatedly violated CPUC rules by providing false and misleading statements about its activities.”

RESPONSE:

The evidence supporting the statement in question 16 is the evidence presented by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019), which led to the Commission’s October 3, 2019 *Ruling Granting the Motion of the Public Advocates Office and Directing Southern California Gas Company to Show Cause Why it Should not be Sanctioned by the Commission for Violation of California Public Utilities Code Sections 702, 2107 or 2108 or Rule 1.1 of the Commission’s Rules of Practice and Procedure* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M316/K460/316460552.PDF>) and the related *Assigned Commissioner’s Amended Scoping Memo and Ruling for Oder to Show Cause Against Southern California Gas Company* (available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M320/K909/320909779.PDF>).

17. Please provide the sources of all evidence for question 16.

RESPONSE:

The sources of the evidence supporting the statement in question 16 are identified by the Public Advocates Office in its *Motion for an Order to Show Cause Why Southern California Gas Company Should not be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission's Rules of Practice and Procedure* and related attachments (available at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=312060052>) (filed July 15, 2019).

18. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 16.

RESPONSE:

See response to question 14.

For question 19 through 22, please refer to the July 31, 2019 Article “SoCalGas Admits Funding ‘Front’ Group in Fight for Its Future”, available at <https://www.kqed.org/science/1945910/socalgasadmits-funding-front-group-in-fight-for-its-future>

19. Please provide the basis for Mike Campbell’s statement that: “We have evidence that they continued to work to undermine codes and standards even after the commission said you shouldn’t do that . . . And they kept charging those costs to ratepayers.”

RESPONSE:

The basis of the statement is the evidence from out of proceeding data requests regarding SoCalGas’s codes and standards activities and public documents. This evidence was filed in R.13-11-005 in the below document and related attachment:

The Public Advocates Office’s *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020), Attachment 3:

- Joint Letter to the California Energy Commission
- SoCalGas response to data requests CalAdvocates-HB-SCG-2019-09
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-09R.
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-13
- News articles about San Louis Obispo’s reach codes
- SoCalGas letter opposing San Louis Obispo’s reach codes
- Report: California’s Clean Energy Future
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-12

20. Please provide all evidence supporting Mike Campbell's statement that: "We have evidence that they continued to work to undermine codes and standards even after the commission said you shouldn't do that . . . And they kept charging those costs to ratepayers."

RESPONSE:

The evidence supporting this statement was out of proceeding data requests regarding SoCalGas's codes and standards activities and public documents. This evidence was filed in R.13-11-005 in the below document and related attachment:

The Public Advocates Office's *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020), Attachment 3:

- Joint Letter to the California Energy Commission
- SoCalGas response to data requests CalAdvocates-HB-SCG-2019-09
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-09R.
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-13
- News articles about San Louis Obispo's reach codes
- SoCalGas letter opposing San Louis Obispo's reach codes
- Report: California's Clean Energy Future
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-12

21. Please provide the sources of all evidence for question 20.

RESPONSE:

The sources of the evidence supporting the statement in question 20 are included in the Public Advocates Office's *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020), Attachment 3.

22. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 20.

RESPONSE:

The Public Advocates Office objects to this question as vague and ambiguous as to the term “soliciting”. The Public Advocates Office objects to this question to the extent it seeks communications with individuals or entities other than SoCalGas that may have provided or asked for the evidence included in the Public Advocates Office’s *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020), Attachment 3. The evidence included in the above documents served as the basis for the Public Advocates Office’s statement in question 20, not undocumented statements or allegations from unidentified sources. Whether an individual or entity other than SoCalGas provided or asked for the evidence in the above documents is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to admissible evidence.

The Public Advocates Office also generally objects to providing communications from sources asking for or providing evidence in furtherance of a public entity’s investigation. Revealing the identities of any individual or entities that may have provided or asked for evidence and their communications in a Commission investigation or order to show cause could have a chilling effect on a public agency’s ability obtain information about potential misconduct for the entities it regulates. Moreover, revealing any individual or entity that may have provided or asked for evidence and their communications could also lead to harassment, embarrassment, intimidation or other adverse consequences for the any individual or entity that may have provided or asked for evidence.

23. Please provide all evidence in the Public Advocates Office's possession that SoCalGas's relationship with the American Gas Association's Building Energy Codes & Standards Committee is relevant to issues in either of the Orders to Show Cause.

RESPONSE:

The Public Advocates Office objects to this question to the extent it calls for legal opinions, legal conclusions, and attorneys' mental impressions about the relevance of evidence that is not a matter of public record. Further, production of a privilege log is unnecessary and unduly burdensome because the request is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, the Public Advocates Office responds that it has submitted the public documents listed below in R.13-11-005, which present evidence and arguments related to the relevance of SoCalGas's relationship with the AGA and the AGA's Building Energy Codes & Standards Committee.

- *Joint Response of the Public Advocates Office and Sierra Club to Southern California Gas Company's Motion to Strike Attachment 3 to the Response of the Public Advocates Office and Attachment 4 of the Response of Sierra Club to the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed April 1, 2020)
- *The Public Advocates Office and Sierra Club Joint Comments on the Assigned Commissioner's Ruling Setting the Scope and Schedule for the Order to Show Cause Against SoCalGas* (March 13, 2020)
- *The Public Advocates Office's Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020) (referring to the Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications* and related and attachments, filed in A.17-01-013 on September 25, 2017).

24. Please provide the sources of all evidence for question 23.

RESPONSE:

- The Public Advocates Office and Sierra Club *Joint Comments on the Assigned Commissioner's Ruling Setting the Scope and Schedule for the Order to Show Cause Against SoCalGas* (March 13, 2020) pp. 4-5 and footnotes 20 and 21, citing
 - AGA Committee Scopebook (January 2018), available at <https://www.documentcloud.org/documents/6768601-AGA-CommitteeScopebook-2018.html>)
- *Joint Response of the Public Advocates Office and Sierra Club to Southern California Gas Company's Motion to Strike Attachment 3 to the Response of the Public Advocates Office and Attachment 4 of the Response of Sierra Club to the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed April 1, 2020), pp. 5, footnotes 14 and 16:
 - AGA Committee Scopebook (January 2018), available at <https://www.documentcloud.org/documents/6768601-AGA-CommitteeScopebook-2018.html>)
 - SoCalGas responses to data requests CalAdvocates-HB-SCG-2019-09 and CalAdvocatesHB-SCG-2019-09R (included in Attachment 3 of the Public Advocates Office's *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020))
- The Public Advocates Office's *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020), Attachment 3:
 - Data requests CalAdvocates-HB-SCG-2019-09
 - Data requests CalAdvocatesHB-SCG-2019-09R
- Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications*, pp. 7-10 and footnotes referring to evidence in Appendix C (A.17-01-013 et al., filed Sept. 25, 2017):
 - Page 7, fn. 20: Appendix C, Exhibit 1(SoCalGas DR responses)
 - Page 8, fn. 24: Appendix C, Exhibits 8 and 9(SoCalGas DR responses)
 - Page 9, fn. 26; Appendix C, Exhibits 11, 12, 13, and 14 (SoCalGas DR response)
 - Page 10, fns 28, 29, and 30: Appendix C, Exhibits 14, 15, and 16 (SoCalGas DR response)

25. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 23.

RESPONSE:

The Public Advocates Office objects to this question as vague and ambiguous as to “soliciting”. To the extent that the request seeks communications with individuals or entities (other than SoCalGas) that may have provided or asked for the evidence identified in question 23, the only evidence that was not provided by SoCalGas is a publicly available AGA document. (AGA Committee Scopebook (January 2018), available at <https://www.documentcloud.org/documents/6768601-AGA-CommitteeScopebook-2018.html>).

The Public Advocates Office objects to this question to the extent it seeks communications with individuals or entities other than SoCalGas that may have provided or asked for the AGA Committee Scopebook (January 2018) included in the Public Advocates Office’s public filings identified in question 24. Whether an individual or entity other than SoCalGas provided or asked for this evidence is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to admissible evidence.

The Public Advocates Office also generally objects to providing communications from sources asking for or providing evidence in furtherance of a public entity’s investigation. Revealing the identities of any individual or entities that may have provided or asked for evidence and their communications in a Commission investigation or order to show cause could have a chilling effect on a public agency’s ability obtain information about potential misconduct for the entities it regulates. Moreover, revealing any individual or entity that may have provided or asked for evidence and their communications could also lead to harassment, embarrassment, intimidation or other adverse consequences for the any individual or entity that may have provided or asked for evidence.

Notwithstanding and without waiving this objection, this reference and citation was included as part of the joint filings of the Public Advocates Office and Sierra Club, identified in the response to question 24. The Public Advocates Office recalls that Sierra Club drafted that portion of the joint public filings. The Public Advocates Office objects to this question to the extent that it seeks communications between the Public Advocates Office and Sierra Club regarding the drafting of the document as it seeks the mental impressions of the attorneys covered by the work product doctrine. Further, production of a privilege log is unnecessary and unduly burdensome because the request is not reasonably calculated to lead to the discovery of admissible evidence.

26. Please provide all evidence in the Public Advocates Office's possession that SoCalGas' relationship with the American Public Gas Association's Direct Use Task Group is relevant to issues in either of the Orders to Show Cause.

RESPONSE:

The Public Advocates Office objects to this question to the extent it seeks attorney mental impressions covered by the work product doctrine and/or confidential attorney-client communications. Whether the Public Advocates Office deems evidence that SoCalGas' relationship with the American Public Gas Association's Direct Use Task Group relevant to issues in either of the Orders to Show Cause seeks inadmissible privileged information about our legal strategy. Further, production of a privilege log is unnecessary and unduly burdensome because the request is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, the Public Advocates Office responds that it has publicly submitted the below evidence related to the APGA:

- Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications*, pp. 9-10, 12 and footnotes referring to evidence in Appendix C (A.17-01-013 et al., filed Sept. 25, 2017):
 - Page 10, fns. 29 and 30: Appendix C, Exhibits 15 and 16 (SoCalGas DR responses)
 - Page 12, fn. 38: Appendix C, Exhibits 21 and 22 (SoCalGas DR responses)

27. Please provide the sources of all evidence for question 26.

RESPONSE:

Public Advocates Office's *Final Comments on Energy Efficiency Program Administrators' Business Plan Applications*, pp. 9-10, 12 and footnotes referring to evidence in Appendix C (A.17-01-013 et al., filed Sept. 25, 2017):

- Page 10, fns. 29 and 30: Appendix C, Exhibits 15 and 16 (SoCalGas DR responses)
- Page 12, fn. 38: Appendix C, Exhibits 21 and 22 (SoCalGas DR responses)

28. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 26.

RESPONSE:

As identified above in response to question 27, the source of the evidence is SoCalGas.

END OF RESPONSES

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-36

SOCALGAS EXHIBIT

**Public Advocates Office's Response to SoCalGas Data Request Set 1 Q1-3, 7-11, and 13-16
Submitted July 23, 2020**



Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-1584
www.publicadvocates.cpuc.ca.gov

**PUBLIC ADVOCATES OFFICE
DATA REQUEST RESPONSE**

**SoCalGas Data Request Set 2
Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies,
Programs, Evaluation, and Related Issues**

**R.13-11-005
Received: July 14, 2020
Response requested July 28, 2020**

Response Data for Questions 1-3, 7-11, and 13-16: July 23, 2020

To: Holly Jones
Attorney for SoCalGas

Email: HAJones@socalgas.com

Eric Gressler
Attorney for SoCalGas

Email: EGressle@socalgas.com

From: Diana Lee
Attorney for Public Advocates Office

Email: diana.lee@cpuc.ca.gov

Tovah Trimming
Attorney for Public Advocates Office

Email: tovah.trimming@cpuc.ca.gov

Re: Data Request No. SCG-Cal PA-2020-02

DATA REQUESTS

1. All documents related to the Public Advocates Office’s investigation of SoCalGas’s codes and standards advocacy work from January 1, 2014 to present, other than any documents provided to the Public Advocates Office by SoCalGas.

RESPONSE

This data request appears to request the same information as requested in questions 7, 8, 9, 11, 12, 13, 15, 16, 17, 19, 20, and 21 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office’s previous responses.

To the extent that the Public Advocates Office’s previous responses did not address this request, the Public Advocates Office objects to this request as overly broad and unduly burdensome. As a result of being overly broad, not all requested documents are likely to be relevant. In particular, “documents related to the Public Advocates Office’s investigation” that are relevant would be documents that the Public Advocates Office plans to use as evidence in the orders to show cause.

The Public Advocates Office also notes the that for the “Decision OSC”, the Public Advocates Office submitted testimony that includes all relevant documents related to that OSC, with the exception of the possibility that additional evidence may be presented at evidentiary hearings. At this time, the Public Advocates Office has not identified any additional documents that it may use at evidentiary hearings. Assuming the Public Advocates Office does identify documents for use in evidentiary hearings, those documents would be used for cross-examination and generally are not required to be shared prior to the cross-examination unless an ALJ ruling orders parties to serve the exhibits beforehand. This is especially true for cross exhibits used for the purpose of impeachment.

Additionally, related to the post-Decision OSC (sometimes referred to as OSC 2 by SoCalGas), the relevant documents are to be submitted via motion. The Public Advocates Office has expressed an interest in working with Sierra Club and SoCalGas on the timing of this motion. SoCalGas recently presented a proposal to this end, which the Public Advocates Office is considering and plans to respond to next week. Submission of the motion or motions to move evidence would provide SoCalGas with the relevant documents related to this OSC – i.e., evidence that the Public Advocates Office would use to argue that violations of statutes and/or Commission authorities and remedies are warranted.

2. For each document identified in response to question 1, please provide the source of the document (i.e. who provided the document to the Public Advocates Office) and the date it was provided.

RESPONSE

This data request appears to request the same information as requested in questions 9, 10, 13, 14, 17, 18, 21, and 22 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses.

3. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the documents identified in response to question 1.

RESPONSE

This data request appears to request the same information as requested in questions 10, 14, 18, and 22 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses.

4. Documents reflecting a common interest agreement and/or a joint defense agreement between the Public Advocates Office and Earthjustice or Sierra Club.

RESPONSE

The Public Advocates Office will respond to this question by the requested deadline of July 28, 2020.

5. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to reach codes and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

The Public Advocates Office will respond to this question by the requested deadline of July 28, 2020.

6. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office will respond to this question by the requested deadline of July 28, 2020.

7. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office provided SoCalGas with the documents it has determined so far constitute documents related to reach codes activities in response to SoCalGas Data Request No. SCG-Cal PA-2020- 01 questions 19, 20, and 21. These documents were included in the Public Advocates Office's Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures (filed Jan. 17, 2020), Attachment 3. These documents include the following:

- Joint Letter to the California Energy Commission
- SoCalGas response to data requests CalAdvocates-HB-SCG-2019-09
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-09R
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-13
- News articles about San Louis Obispo's reach codes
- SoCalGas letter opposing San Louis Obispo's reach codes
- Report: California's Clean Energy Future
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-12

8. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

See response to request 7 above.

9. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

This data request appears to request the same information as requested in question 21 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses.

10. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 7 and 8.

RESPONSE

This data request appears to request the same information as requested in question 22 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous response.

11. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to SoCalGas's relationship with the American Gas Association (AGA) or the American Public Gas Association (APGA) and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

This data request appears to request the same information as requested in questions 23, 24, 26 and 27 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses.

12. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office will respond to this question by the requested deadline of July 28, 2020.

13. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

See response to request 11 above.

14. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

See response to request 11 above.

15. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

This data request appears to request the same information as requested in questions 24 and 27 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses.

16. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 13 and 14.

RESPONSE

This data request appears to request the same information as requested in questions 25 and 28 of SoCalGas Data Request No. SCG-Cal PA-2020- 01. Please refer to the Public Advocates Office's previous responses

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-37

SOCALGAS EXHIBIT

**Public Advocates Office's Response to SoCalGas Data Request Set 2, Q5, 6, and 12
Submitted July 28, 2020**



Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-1584
www.publicadvocates.cpuc.ca.gov

**PUBLIC ADVOCATES OFFICE
DATA REQUEST RESPONSE**

**SoCalGas Data Request Set 2
Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies,
Programs, Evaluation, and Related Issues**

**R.13-11-005
Received: July 14, 2020
Response requested July 28, 2020**

Response Data for Questions 5, 6, and 12: July 28, 2020

To: Holly Jones
Attorney for SoCalGas

Email: HAJones@socalgas.com

Eric Gressler
Attorney for SoCalGas

Email: EGressle@socalgas.com

From: Diana Lee
Attorney for Public Advocates Office

Email: diana.lee@cpuc.ca.gov

Tovah Trimming
Attorney for Public Advocates Office

Email: tovah.trimming@cpuc.ca.gov

Re: Data Request No. SCG-Cal PA-2020-02

DATA REQUESTS

1. All documents related to the Public Advocates Office's investigation of SoCalGas's codes and standards advocacy work from January 1, 2014 to present, other than any documents provided to the Public Advocates Office by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

2. For each document identified in response to question 1, please provide the source of the document (i.e. who provided the document to the Public Advocates Office) and the date it was provided.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

3. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the documents identified in response to question 1.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

4. Documents reflecting a common interest agreement and/or a joint defense agreement between the Public Advocates Office and Earthjustice or Sierra Club.

RESPONSE

SoCalGas agreed to extend the deadline for the Public Advocates Office's response to this question until July 31, 2020.¹

¹ SoCalGas's attorney Ms. Jones agreed to the requested extension in an email sent July 28, 2020 at approximately 1:30 p.m.

5. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to reach codes and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

The Public Advocates Office identified documents related to SoCalGas's reach codes actions and/or activities in response to SoCalGas Data Request No. SCG-Cal PA-2020- 01 questions 19 and 20, which were included in the Public Advocates Office's *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020) (Response), Attachment 3. These documents include the following:

- Joint Letter to the California Energy Commission (CEC)
- SoCalGas response to data requests CalAdvocates-HB-SCG-2019-09
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-09R
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-13
- News articles about San Louis Obispo's reach codes
- SoCalGas letter opposing San Louis Obispo's reach codes
- Report: California's Clean Energy Future
- SoCalGas response to data requests CalAdvocatesHB-SCG-2019-12

As identified in some of the documents themselves, there are instances when SoCalGas either opposed reach codes (e.g., SoCalGas August 9, 2019 opposing San Louis Obispo's reach code) or asked to set aside consideration of reach codes (e.g., Joint Letter to the CEC). The Public Advocates Office's review of documents related to SoCalGas's reach codes actions and/or activities is ongoing, so the list above may expand.

6. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office objects to this request to the extent it seeks attorney work product and/or attorney-client communications. Notwithstanding and without waiving this objection, the Public Advocates Office respond as follows:

The Public Advocates Office's evaluation of legal theories related to allegations that SoCalGas's actions and/or activities violated any statutes, CPUC orders, and or CPUC decisions is ongoing. Below is the current list of potential Commission decisions that are responsive to question 5, which were included in its publicly filed *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020):

- D.05-09-043
- D.14-10-046
- D.18-05-041

7. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

8. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

9. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

10. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 7 and 8.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

11. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to SoCalGas's relationship with the American Gas Association (AGA) or the American Public Gas Association (APGA) and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

12. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office objects to this request to the extent it seeks attorney work product and/or attorney-client communications. Notwithstanding and without waiving this objection, the Public Advocates Office respond as follows: The Public Advocates Office's evaluation of legal theories related to allegations that SoCalGas's actions and/or activities violated any statutes, CPUC orders, and or CPUC decisions is ongoing. Below is the current list of potential Commission decisions that are responsive to question 12, which were included in the Public Advocates Office's publicly filed *Response the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentive for Codes and Standards Advocacy Expenditures* (filed Jan. 17, 2020):

- D.05-09-043
- D.14-10-046
- D.18-05-041

13. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

14. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

15. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

16. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 13 and 14.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-38

SOCALGAS EXHIBIT

**Public Advocates Office's Response to SoCalGas Data Request Set 2, Q4
Submitted July 30, 2020**



Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-1584
www.publicadvocates.cpuc.ca.gov

**PUBLIC ADVOCATES OFFICE
DATA REQUEST RESPONSE**

**SoCalGas Data Request Set 2
Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies,
Programs, Evaluation, and Related Issues**

**R.13-11-005
Received: July 14, 2020
Response requested July 28, 2020
Response to Question 4: July 30, 2020**

To: Holly Jones
Attorney for SoCalGas

Email: HAJones@socalgas.com

Eric Gressler
Attorney for SoCalGas

Email: EGressle@socalgas.com

From: Diana Lee
Attorney for Public Advocates Office

Email: diana.lee@cpuc.ca.gov

Tovah Trimming
Attorney for Public Advocates Office

Email: tovah.trimming@cpuc.ca.gov

Re: Data Request No. SCG-Cal PA-2020-02

DATA REQUESTS

1. All documents related to the Public Advocates Office's investigation of SoCalGas's codes and standards advocacy work from January 1, 2014 to present, other than any documents provided to the Public Advocates Office by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

2. For each document identified in response to question 1, please provide the source of the document (i.e. who provided the document to the Public Advocates Office) and the date it was provided.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

3. Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the documents identified in response to question 1.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

4. Documents reflecting a common interest agreement and/or a joint defense agreement between the Public Advocates Office and Earthjustice or Sierra Club.

RESPONSE.¹

See attached Common Interest, Joint Prosecution, and Confidentiality Agreement between the Public Advocates Office and the Sierra Club (Agreement). Please note that the Agreement contains a header that states "Confidential Legal Materials, Subject to Joint Prosecution Privilege, Attorney-Client Privilege and Attorney Work Product." The Public Advocates Office has determined that the Agreement is neither privileged nor subject to attorney work product protection; in producing the Agreement, the Public Advocates Office does not intend to waive any valid claim of privilege and/or work product protection.

¹ SoCalGas's attorney Ms. Jones agreed to the Public Advocates Office's request for an extension of time to respond to question 4 in an email sent July 28, 2020 at approximately 1:30 p.m.

5. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to reach codes and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

The Public Advocates Office responded to this request on July 28, 2020.

6. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 28, 2020.

7. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

8. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

9. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

10. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 5, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 7 and 8.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

11. Identify and describe in detail all actions and/or activities by SoCalGas which the Public Advocates Office contends were related to SoCalGas's relationship with the American Gas Association (AGA) or the American Public Gas Association (APGA) and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

12. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 28, 2020

13. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify with specificity all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

14. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

15. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, identify where the Public Advocates Office acquired each of the documents supporting each alleged violation by SoCalGas.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

16. For each of those actions and/or activities identified by the Public Advocates Office in its response to Question 11, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 13 and 14.

RESPONSE

The Public Advocates Office responded to this request on July 23, 2020.

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

**COMMON INTEREST, JOINT PROSECUTION,
AND CONFIDENTIALITY AGREEMENT**

This Common Interest, Joint Prosecution, and Confidentiality Agreement (“Agreement”) is made and effective as of the 30th day of August 2019, by and among the following entities: the Public Advocates Office and the Sierra Club (“Party” individually and “Parties” collectively).

WHEREAS, the Public Advocates Office and Sierra Club are investigating tactics by Southern California Gas Company (“SoCalGas”) to perpetuate reliance on gas in buildings and whether these the costs of these activities are borne by SoCalGas customers.

WHEREAS, each Party has been granted party status in the California Public Utilities Commission’s (CPUC) Rulemaking Regarding Decarbonization (R. 19-01-011), wherein both the Public Advocates Office and Sierra Club have investigated SoCalGas’s role in the creation of Californians for Balanced Energy Solutions, an entity that also intervened in R.19-01-011 with no disclosure in its Motion for Party Status of its relationship with SoCalGas.

WHEREAS, the Public Advocates Office has investigated and continues to investigate SoCalGas’s activities related to undermining efficiency codes and standards in CPUC Rulemaking Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues (R.13-11-005).

WHEREAS, Sierra Club has investigated SoCalGas’s use of customer funds for a range of anti-electrification activities in SoCalGas’s Application for Authority, Among Other Things, to Update its General Revenue Requirement and Base Rates Effective on January 1, 2019 (A.17-10-008).

WHEREAS, each Party is in agreement that there are many unanswered questions regarding the full scope of SoCalGas’s activities to obstruct progress on the transition from gas to electric end uses in buildings and the extent to which SoCalGas has passed the cost of these activities to its customers.

NOW, THEREFORE, in consideration of the mutual representations, covenants, and agreements hereinafter set forth, including the foregoing paragraphs, which are part of this Agreement and not mere recitals, the Parties hereto agree as follows:

1. The Parties acknowledge that they have a common interest in connection with R.19-01-011 before the CPUC, as noted above, as well as further investigations into SoCalGas use of customer funds for anti-electrification activities, as noted above, and that they will cooperate in the joint pursuit of their common interests to the extent permitted by law pursuant to the common interest doctrines recognized by the various state and federal courts.
2. To that end, the Parties recognize that facts and information known by one Party may assist the other in development of discovery that will assist in obtaining relief in

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

currently pending proceedings as well as the development of future actions, such as a Motion for an Order to Show Cause. The Parties acknowledge and agree that their interests will be best served if the Parties can exchange information subject to the continued protection of any applicable privileges. In sharing information, documents, strategies, and resources with each other, the Parties expressly preserve and retain the privilege conferred by the work-product doctrine, the attorney-client privilege, rules of protection from disclosure, and all other privileges during any proceeding that may arise in relation to those matters listed in the recitals. Nothing contained herein, however, will obligate a Party to provide any confidential information to any other Party.

3. The Parties agree that they intend to, and will, maintain the confidentiality of the shared materials unless authorized by the other Party. Each Party agrees that it will protect confidential information from disclosure to non-Parties, other than counsel or consultants to any of the Parties, using the same degree of care used to protect its own confidential or proprietary information of like importance. Moreover, each Party will, on a best efforts basis, mark hard copies and e-mails or other electronic data containing confidential information provided to any other Party with some or all of the following words: "Confidential Legal Materials, Subject To Common Interest Privilege, Attorney-Client Privilege and Attorney Work Product." Failure to so mark the materials, however, will not be treated as waiving the common interest privilege. The inadvertent disclosure of such information or materials contrary to this provision shall not waive any privilege or confidentiality of such information or materials relative to any person or entity not a Party to this Agreement, *i.e.*, such disclosure shall not be considered a public or privilege-waiving disclosure of the information or materials
4. Confidential information shared in furtherance of this agreement shall not be used by any receiving Party(ies) against the Party(ies) sharing the information. Upon termination of this agreement the Parties will return or destroy any confidential information received in accordance with this Agreement if so requested by the original sharing Party.
5. Each Party shall bear its own costs, and no Party shall have authority to incur costs on behalf of any other.
6. Nothing contained in this Agreement is intended to create an attorney-client relationship for the purposes of conflicts or otherwise, and the fact that any counsel has entered into this Agreement shall not in any way preclude the counsel from representing any interest that may be construed to be adverse to any other Party to this Agreement, during the term hereof or after expiration or any earlier termination of the Agreement. The terms and conditions contained herein, and the fact that any counsel has entered into this Agreement, shall not in any way be used as a basis for seeking to disqualify any counsel from representing any other Party in the above identified discussions.

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

7. Any Party may provide written notice to the other Parties of its intent to withdraw from this Agreement. Subsequent to such withdrawal, this Agreement shall continue to protect all shared materials disclosed by the Parties prior to the withdrawal. All Parties will continue to be bound by this Agreement with regard to any shared materials provided, disclosed, received, learned, or obtained through this Agreement. Moreover, a withdrawing Party shall not disclose to any third-party information pertaining to legal strategies developed in furtherance of this Agreement. Regardless of whether a Party withdraws from the Agreement, should any Party cease to have a common interest with the other Parties to this Agreement, it is the intent of the Parties that the Agreement will remain in effect as to those Parties who continue to have a common interest.
8. No Party acting alone may waive the Common Interest/Joint Prosecution Privilege; the Common/Interest/Joint Prosecution Privilege may be waived only by the unanimous consent of all the Parties as expressed in writing.
9. This Agreement may be amended or modified only by a written instrument executed by all Parties that states specifically that it is intended to amend or modify this Agreement.
10. This Agreement supersedes any other agreement, whether written or oral, that may have been made or entered into collectively by and between all of the Parties relating to the matters contemplated hereby. This Agreement constitutes the entire agreement by and among all of the Parties and there are no agreements or commitments except as expressly set forth herein. However, this provision does not in any way supersede any previous agreements between individual Parties or any subgroups of the Parties.
11. If any person or entity, requests or demands, by subpoena or otherwise, any materials subject to this Agreement, the Party who received (or whose attorneys received) the request or demand will advise the person or entity seeking the materials that such materials are privileged and may not be disclosed without the consent of the Party(ies) who furnished them, unless ordered by a court of competent jurisdiction or the CPUC. Unless and until written notice is received from the affected Party(ies) that all applicable rights and privileges are waived, the recipient of the request or demand will take all reasonable steps to permit the assertion of all applicable rights and privileges with respect to the materials and will cooperate fully with the affected Party(ies) and its (their) attorneys in any judicial or administrative proceeding relating to the disclosure of such materials.
12. If, at any time, the Commission, or any other federal, state, or local governmental authority, or any court or arbitration tribunal having jurisdiction determines that any provision of this Agreement is illegal, void, invalid, or unenforceable, in any respect, then the terms of this Agreement will, if possible, be modified, and this Agreement will be reformulated to the extent necessary to be deemed valid or enforceable in compliance with all Commission or other rules, regulations, order, and policies, and to preserve each Party's privilege, benefits, and equities hereunder.

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

13. This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together will constitute one and the same instrument.
14. The validity and enforceability of the terms of this Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, counsel to the Parties have executed this Agreement as of the date first above written.

s/ MATTHEW VESPA

MATTHEW VESPA
Attorney for Sierra Club
50 California St., Suite 500
San Francisco, CA 94111
mvespa@earthjustice.org
Office: (415) 217-2123
Cell: (415) 310-1549

/s/ DIANA L. LEE

DIANA L. LEE
Attorney for Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703.4342
E-mail: diana.lee@cpuc.ca.gov

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-39

SOCALGAS EXHIBIT

**Sierra Club Objections and Responses to SoCalGas Data Request. Set 1
Submitted April 22, 2020**

California Public Utilities Commission Docket No. R.13-11-005

**Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs,
Evaluation, and Related Issues.**

Sierra Club Objections and Responses to SoCalGas Data Request Set 1

To: Holly Jones
Eric Gressle
Pamela Wu

From: Sara Gersen, Earthjustice, on behalf of Sierra Club

Date Sent: April 22, 2020

Response Due: May 20, 2020

SPECIFIC OBJECTIONS TO INSTRUCTIONS

Assertions of Privilege:

If you assert any privilege for documents responsive to this data request, please provide within ten (10) business days to the people listed above a privilege log identifying each withheld document, and: (a) a summary description of the document; (b) the date of the document; (c) the name of each author or preparer; (d) the name of each person who received the document; and (e) the legal basis for withholding the document.

Objection to Assertion of Privilege Instruction:

Sierra Club objects to this instruction on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Additionally, Sierra Club objects to this instruction to the extent it call for the production of a privilege log for internal documents of Sierra Club's counsel Earthjustice.

SPECIFIC OBJECTIONS TO DEFINITIONS

Definition B:

As used herein, the terms "Sierra Club" means any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf, including EarthJustice [sic].

Objection to Definition B:

Sierra Club objects to SoCalGas' definition of "Sierra Club" to include its "former employees," "agents," "consultants," "attorneys," and "officials." In addition, the terms "agents" and "officials" are vague, ambiguous, and overly broad. Further, Sierra Club objects to this definition on the grounds it specifically seeks information protected by and/or documents subject to the attorney-client privilege, the attorney work product doctrine, and other applicable privileges or protections. Additionally, Sierra Club objects to this definition to the extent it calls for the production of internal documents of Sierra Club's outside counsel Earthjustice, including communications to Earthjustice by non-testifying experts and other communications to Sierra Club's outside counsel that are reasonably necessary to further Sierra Club's legal interests. To the extent this definition seek

information and documents that include expert material, Sierra Club objects on the grounds this is premature. Sierra Club will respond on its own behalf only.

Definition G:

“Concerning” or “concern,” and similar terms and phrases shall mean consist of, refer to, reflect, comprise, discuss, underlie, comment upon, form the basis for, analyze, mention, or be connected with, in any way, the subject of these Data Requests.

Objection to Definition G:

Sierra Club objects to this definition on the grounds it is overly board, not reasonably calculated to lead to admissible evidence, vague, ambiguous, and unintelligible. In responding to these Data Requests, Sierra Club will interpret the terms “concerning” or “concern” as pertaining to the subject matter of this proceeding on its face.

GENERAL OBJECTIONS

1. Sierra Club objects to instructions, definitions and requests on the grounds they seek to impose on Sierra Club obligations and burdens beyond those required by applicable rules of procedure.
2. Sierra Club objects to requests on the grounds they seek information that is not relevant to the subject matter involved in this proceeding. California Public Utilities Commission Rules of Practice and Procedure, Rule 10.1 (“CPUC Rule 10.1”).
3. Sierra Club objects to requests on the grounds they are not reasonably calculated to lead to the discovery of admissible evidence. CPUC Rule 10.1.
4. Sierra Club objects to the requests to the extent they call for a legal conclusion.
5. Sierra Club objects to requests on the grounds they are overly broad, vague, ambiguous, unduly burdensome, oppressive, and/or are calculated to take Sierra Club and its staff away from normal work activities, and require them to expend significant resources to provide complete and accurate answers to SoCalGas’s requests when taking in account the needs of the case.
6. Sierra Club objects to requests on the grounds they seek information protected by and/or documents subject to the attorney-client privilege, the doctrine protecting attorney work product, the common interest doctrine, and any other applicable privilege or protection. CPUC Rule 10.1.
7. Sierra Club objects to SoCalGas Data Request Set 1 to the extent that the documents or information sought is obtainable from some other source, *i.e.*, SoCalGas itself that is more convenient, less burdensome, or less expensive. CPUC Rule 10.1.
8. Sierra Club objects to the requests to the extent they seek information and documents that include expert material, Sierra Club objects on the grounds this is premature.
9. Sierra Club objects to requests on the grounds they seek information protected by Article I, Section 1 of the California Constitution and the First Amendment to the United States Constitution.
10. Sierra Club reserves all of its evidentiary objections or other objections to the introduction or use of any response at any hearing in this action.
11. Sierra Club does not, by any response to any discovery request, waive any objections to that request.
12. Sierra Club does not admit to the validity of any legal or factual contention asserted or assumed in the text of any Request. Sierra Club reserves the right to assert additional objections as appropriate, and to amend or supplement these objections and responses as appropriate.
13. Sierra Club incorporates the foregoing General Objections into each and every response set forth below, and into each and every amendment, supplement, or modification to these responses hereinafter provided

to the requests. Subject to and without waiving any of the foregoing general objections, Sierra Club responds as follows:

SPECIFIC OBJECTIONS AND RESPONSES TO SOCALGAS DATA REQUEST SET 1

QUESTION 1-1

Since January 1, 2019, please identify any Data Request submitted to SoCalGas by the Public Advocates Office outside of a proceeding for which input on the questions was provided and/or the questions were reviewed by Sierra Club.

OBJECTIONS AND RESPONSE TO QUESTION 1-1

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Whether Sierra Club reviewed data requests that the Public Advocates Office served on SoCalGas is “so remote from the subject matter of” this proceeding that it is “of little or no practical benefit to” SoCalGas in litigating this case. *Columbia Broad. Sys., Inc. v. Superior Court for Los Angeles Cty.*, 263 Cal. App. 2d 12, 19 (1968). The only potential benefit to SoCalGas of this request is to chill cooperation between Sierra Club and the Public Advocates Office and to probe Sierra Club’s strategy. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request because any responsive information or materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this instruction to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice.

QUESTION 1-2

Please provide all email correspondence between personnel at the Public Advocates Office and personnel at Sierra Club concerning your response to Question 1.

OBJECTIONS AND RESPONSE TO QUESTION 1-2

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Whether Sierra Club reviewed data requests that the Public Advocates Office served on SoCalGas is “so remote

from the subject matter of” this proceeding that it is “of little or no practical benefit to” SoCalGas in litigating this case. *Columbia Broad. Sys., Inc. v. Superior Court for Los Angeles Cty.*, 263 Cal. App. 2d 12, 19 (1968). The only potential benefit to SoCalGas of this request is to chill cooperation between Sierra Club and the Public Advocates Office and to probe Sierra Club’s strategy. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request because any responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this instruction to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice.

QUESTION 1-3

Since January 1, 2019, please identify each Data Request response provided to the Public Advocates Office by SoCalGas to a Data Request inquiry issued outside of a proceeding and which was subsequently provided to Sierra Club.

OBJECTIONS TO QUESTION 1-3

Sierra Club objects to this request on the ground does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. Additionally, Sierra Club request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Whether the Public Advocates Office provided Data Request responses to Sierra Club is “so remote from the subject matter of” this proceeding that it is “of little or no practical benefit to” SoCalGas in litigating this case. *Columbia Broad. Sys., Inc. v. Superior Court for Los Angeles Cty.*, 263 Cal. App. 2d 12, 19 (1968). The only potential benefit to SoCalGas of this request is to chill cooperation between Sierra Club and the Public Advocates Office and to probe Sierra Club’s strategy. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Sierra Club also objects to this request because it seeks SoCalGas’ own responses to data requests, which are already in SoCalGas’ possession. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request because any responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in

CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this instruction to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice.

QUESTION 1-4

Please provide all email correspondence between personnel for the Public Advocates Office and personnel at Sierra Club concerning your response to Question 3.

OBJECTIONS TO QUESTION 1-4

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Whether the Public Advocates Office provided Data Request responses to Sierra Club is “so remote from the subject matter of” this proceeding that it is “of little or no practical benefit to” SoCalGas in litigating this case. *Columbia Broad. Sys., Inc. v. Superior Court for Los Angeles Cty.*, 263 Cal. App. 2d 12, 19 (1968). The only potential benefit to SoCalGas of this request is to chill cooperation between Sierra Club and the Public Advocates Office and to probe Sierra Club’s strategy. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. Cal. Civ. Proc. Code § 2018.030; Cal. Evid. Code §§ 952, 954. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this instruction to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice.

QUESTION 1-5

Please identify each conversation the Public Advocates Office has had with Sierra Club regarding the applicability of the codes and standards prohibition in D.18-05-041.

OBJECTIONS TO QUESTION 1-5

Sierra Club objects to requests on the grounds it is unduly burdensome and oppressive. This request seeks an expansive amount of information, most of which is not relevant and would be impossible, expensive, and time consuming to compile. Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to chill cooperation between

Sierra Club and the Public Advocates Office and to gain insight into the legal conclusions of SoCalGas' opposing counsel, which is not admissible evidence. Therefore, "the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." *Id.*

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and/or the work product doctrine. "A writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances." Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954.

QUESTION 1-6

For each conversation identified in question 5, please explain any differences of opinion between the Public Advocates Office and Sierra Club that arose.

OBJECTIONS TO QUESTION 1-6

Sierra Club objects to requests on the grounds it is unduly burdensome and oppressive. This request seeks an expansive amount of information, which is not relevant or reasonably calculated to lead to admissible evidence and would be impossible, expensive, and time consuming to compile. Sierra Club objects to this request because it does not seek information "that is relevant to the subject matter involved in the pending proceeding." CPUC Rule 10.1. The request does not seek information that is "admissible in evidence," nor is it "reasonably calculated to lead to the discovery of admissible evidence." *Id.* The only potential benefit to SoCalGas of this request is to chill cooperation between Sierra Club and the Public Advocates Office and to gain insight into the legal conclusions of SoCalGas' opposing counsel, which is not admissible evidence. Therefore, "the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product. "A writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances." Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive information or materials in its possession is subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954.

For question 7 through 10, please refer to the January 17, 2020 Response of Sierra Club to Southern California Gas Company Regarding the Order to Show Cause Directing the Company to Address Shareholder Incentives for Codes and Standards Advocacy Expenses.

QUESTION 1-7

Please provide the basis for the statement "In contrast to the other investor-owned utilities ('IOUs') who have sided with the State of California to support and uphold stringent efficiency standards, SoCalGas worked with the Trump administration to undermine them."

OBJECTIONS AND RESPONSE TO QUESTION 1-7

Sierra Club objects to the extent responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. "A writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances." Cal. Civ. Proc. Code § 2018.030(a).

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

The citations in footnotes 15 to 22 of the filing provide the basis for the statement.

QUESTION 1-8

Please provide all evidence supporting the statement “In contrast to the other investor-owned utilities (‘IOUs’) who have sided with the State of California to support and uphold stringent efficiency standards, SoCalGas worked with the Trump administration to undermine them.”

OBJECTIONS AND RESPONSE TO QUESTION 1-8

Sierra Club objects that this request is vague, ambiguous and overly broad as to the term “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request to the extent it seeks information is not “relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. This request appears calculated to seek information about Sierra Club’s legal strategies and conclusions, not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club objects to this request to the extent it seeks information and materials already in its possession, or equally available to Sierra Club and SoCalGas through public sources, and therefore unreasonably burdensome and intrusive.

Sierra Club also objects to this request to the extent it seeks protected attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent it seeks privileged attorney-client communications and/or matter protected by the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

See response to SoCalGas Data Request 1-7.

QUESTION 1-9

Please provide the sources of all evidence for question 8.

OBJECTIONS TO QUESTION 1-9

Sierra Club objects on the grounds this request is vague, ambiguous and overly broad as to the term “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and/or the work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive information or materials in its possession is subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 1-10

Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 8.

OBJECTIONS TO QUESTION 1-10

Sierra Club objects on the grounds this request is vague, ambiguous and overly broad as to the term “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and/or the attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family

members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

For question 11 through 14, please refer to the September 24, 2019 Earthjustice and Sierra Club’s Comments in Support of Alternate Draft Resolution E-5007.

QUESTION 1-11

Please provide the basis for the statement that: “From an initial investigation, it appears that SoCalGas has continued to actively work to undermine federal efficiency standards through direct participation in trade groups such as the American Public Gas Association (‘APGA’).”

OBJECTIONS AND RESPONSE TO QUESTION 1-11

Sierra Club objects to the extent responsive information is protected attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request on the grounds responsive materials in its possession would have been transmitted via privileged attorney-client communications. Cal. Evid. Code §§ 952, 954. Sierra Club also objects to this request to the extent it seeks matter protected by the common interest doctrine. *Id.*

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

Sierra Club cited the documents providing the basis for the statement on pages 2-3 of its Comments in Support of Alternate Draft Resolution E-5007, which is available at https://earthjustice.org/sites/default/files/files/R1311005_Earthjustice_and_Sierra%20Club_Comments_on_Alt_Resolution_E-5007_2019-09-24_w-Attachments.pdf.

QUESTION 1-12

Please provide all evidence supporting the statement that: “From an initial investigation, it appears that SoCalGas has continued to actively work to undermine federal efficiency standards through direct participation in trade groups such as the American Public Gas Association (‘APGA’).”

OBJECTIONS AND RESPONSE TO QUESTION 1-12

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request to the extent it seeks information is not “relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. This request appears calculated to seek information about Sierra Club’s legal strategies and conclusions, not admissible evidence. Therefore, “the burden, expense, [and]

intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club objects to this request to the extent it seeks information and materials already in its possession, or equally available to Sierra Club and SoCalGas through public sources, and therefore unreasonably burdensome and intrusive.

Sierra Club also objects to this request to the extent it seeks protected attorney- work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent it seeks privileged attorney-client communications and/or matter protected by the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

See response to SoCalGas Data Request 1-11.

QUESTION 1-13

Please provide the sources of all evidence for question 12.

OBJECTIONS TO QUESTION 1-13

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive information and materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.”

Zurich Am. Ins. Co. v. Superior Court, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 1-14

Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 12.

OBJECTIONS TO QUESTION 1-14

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 1-15

Please provide all evidence in the Sierra Club’s possession that SoCalGas’ relationship with the American Gas Association’s Building Energy Codes & Standards Committee is relevant to issues in either of the Orders to Show Cause.

OBJECTIONS AND RESPONSE TO QUESTION 1-15

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request to the extent it seeks information is not “relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. This request appears calculated to seek information about Sierra Club’s legal strategies and conclusions, not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club objects to this request to the extent it seeks information and materials already in its possession, or equally available to Sierra Club and SoCalGas through public sources, and therefore unreasonably burdensome and intrusive.

Sierra Club also objects to this request to the extent it seeks protected attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent it seeks privileged attorney-client communications and/or matter protected by the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

In multiple proceedings, PAO has filed materials that show SoCalGas has coordinated with the American Gas Association (“AGA”) since at least 2014 to advocate against stringent energy efficiency codes and standards. For instance, in an August 2014 email marked “Confidential,” SoCalGas emailed AGA draft versions of the Codes and Standards Enhancement (“CASE”) team’s report on proposed California Energy Commission standards for water heaters.¹ In addition, a SoCalGas campaign document dated September 2014 addressed SoCalGas’ concerns with the CASE study’s recommendations and the actions SoCalGas, AGA, and APGA could take to obtain the “**GOAL: Prevent California Energy Commission from accelerating the minimum standard for Energy Efficiency level of storage water heaters from .62 EF to .82 EF until further study is completed.**”² Another SoCalGas strategy document explained that “We are developing a coalition to counter the CASE recommendations. We have been in contact with the AGA, the APGA,” and other industry groups.³

Codes and standards advocacy is central to the mission of the Building Energy Codes and Standards Committee. According to the AGA’s description of the committee, it “represents the interests of the gas industry in the national codes and standards process . . . to promote the continued use and marketability of natural gas” and its #1 focus is “Federal Building, Appliance and Equipment Efficiency Codes and Standards.”⁴ Further, the first-

¹ A.17-01-013 *et al.*, Office of Ratepayer Advocates, *Motion of the Office of Ratepayer Advocates to Deem as Public the Materials that Southern California Gas Company Improperly Marked as Confidential or Redacted (Public Version)*, *Attach. B*, at pdf pp. 17–19 (Dec. 13, 2017).

² *Id.* at pdf pp. 82–88 (emphasis in original).

³ *Id.* at pdf pp. 109–112.

⁴ American Gas Association, *Committee Scope Book*, Building Energy Codes and Standards Committee, at 8 (Jan. 2018) (Attached as “Attachment A SCG-SC 1-15”).

listed benefit of committee membership is “Opportunity to ease local code compliance difficulties by having the BECS Committee sponsor code changes to modify the technical coverage in the model codes.”⁵

A SoCalGas representative participates in the Building Energy Codes and Standards Committee as a “member.”⁶ The committee also has “corresponding members,” a role on various AGA committees that allows subject matter experts to receive email alerts and access information that keeps them updated on issues.⁷ This is the level of membership that could be appropriate for entities who were solely using the Building Energy Codes and Standards Committee for informational purposes.

While SoCalGas characterizes one of the employees who has attended Building Energy Codes and Standards Committee meetings as “operations based,”⁸ SoCalGas’ representative on the committee was Dan Rendler as recently as 2019.⁹ Mr. Rendler is SoCalGas’ Director of Customer Programs and Assistance. He played an active role in efforts against stringent energy efficiency that PAO has documented elsewhere.¹⁰

QUESTION 1-16

Please provide the sources of all evidence for question 15.

OBJECTIONS TO QUESTION 1-16

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when

⁵ *Id.*

⁶ American Gas Association, *Committee Roster*, Building Energy Codes & Standards Committee at pdf pp. 177–78 (May 2, 2019) (produced by SoCalGas in this proceeding in response to Sierra Club Data Request 1-03 in “ATTACHMENT A Sierra Club-01_03 Emails”) (“Committee Roster”).

⁷ *Id.*; Attachment A SCG-SC 1-15 at 11.

⁸ SoCalGas Motion to Strike at 9 (Feb. 21, 2020).

⁹ Committee Roster at 180–81.

¹⁰ For instance, Mr. Rendler was responsible for briefing a Senior Vice President at SoCalGas on the proposed DOE furnace rule and how draft AGA comments to the DOE took a “hardline approach reinforcing our position.” A.17-01-013 *et al.*, Office of the Public Advocate, *Response of the Public Advocates Office to the Order to Show Cause Directing Southern California Gas Company to Address Shareholder Incentives for Codes and Standards Advocacy Expenditures (Public Version)*, Attach. 2, at pdf p. 140 (Jan. 17, 2020). Mr. Rendler also explained to PG&E that it took a different approach to the furnace rule than PG&E partly because “[t]he AGA is opposed to this rulemaking and has been trying to introduce legislation that would suspend the rulemaking.” *Id.* at pdf p. 286.

disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 1-17

Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 15.

OBJECTIONS TO QUESTION 1-17

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or the attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 1-18

Please provide all evidence in the Sierra Club’s possession that SoCalGas’ relationship with the American Public Gas Association’s Direct Use Task Group is relevant to issues in either of the Orders to Show Cause.

OBJECTIONS AND RESPONSE TO QUESTION 1-18

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects that this request is ambiguous as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club also objects to this request to the extent it seeks protected attorney work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent it seeks privileged attorney-client communications and/or matter protected by the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

Subject to and without waiving the foregoing objections, Sierra Club responds as follows:

In multiple proceedings, PAO has filed materials that show SoCalGas has coordinated with the American Public Gas Association (“APGA”) since at least 2014 to advocate against stringent energy efficiency codes and standards. For instance, a SoCalGas campaign document dated September 2014 addressed SoCalGas’ concerns with the CASE study’s recommendations and the actions SoCalGas, AGA, and APGA could take to obtain the **“GOAL: Prevent California Energy Commission from accelerating the minimum standard for Energy Efficiency level of storage water heaters from .62 EF to .82 EF until further study is completed.”**¹¹ Another SoCalGas strategy document explained that “We are developing a coalition to counter the CASE recommendations. We have been in contact with the AGA, the APGA,” and other industry groups.¹²

The agendas for APGA’s Direct-Use Task Group (“DUTG”) meetings confirm that the group is active in APGA’s advocacy on codes and standards. The agendas include a standing item for regulatory priorities. For instance, the regulatory priorities on the agenda for the August 2018 meeting included a “Petition on Separate Product Classes” to the DOE and federal “Energy conservation standards for manufactured housing.”¹³ Two SoCalGas employees, Deanna Haines and Dan Rendler, received invitations and the agenda for this meeting.¹⁴ As another example, the regulatory priorities on the agenda for the February 2019 meeting were “Commenting on the [DOE] Petition on Separate Product Classes” and “DOEs Process Rule NOPR.”¹⁵ Deanna Haines and Dan Rendler also received invitations and the agenda for that meeting.¹⁶

The Board Books for meetings of the APGA Board of Directors include a regular Update on the DUTG, which also provide information about DUTG’s codes and standards advocacy and the participation of SoCalGas. For

¹¹ A.17-01-013 *et al.*, Office of Ratepayer Advocates, *Motion of the Office of Ratepayer Advocates to Deem as Public the Materials that Southern California Gas Company Improperly Marked as Confidential or Redacted (Public Version)*, Attach. B, at pdf pp. 82-88 (Dec. 13, 2017).

¹² *Id.* at 109–112.

¹³ Agenda for the August 15, 2018 Direct-Use Task Group Conference Call (Aug. 15, 2018) (attached as “Attachment A SCG-SC 1-18”).

¹⁴ *Id.*

¹⁵ Agenda for the February 20, 2019 Direct-Use Task Group Conference Call (attached as “Attachment B SCG-SC 1-18”).

¹⁶ *Id.*

instance, the update in the July 2019 Board Book stated that the U.S. Department of Energy released a proposed legal interpretation of the Energy Policy and Conservation Act in response to a petition APGA submitted with other gas industry stakeholders.¹⁷ The documents states: “APGA, through the DUTG, has long maintained that the establishment of two separate product classes can achieve the best approach towards improving energy efficiency, maintaining consumer choice, and ensuring affordable energy costs.”¹⁸ The same update states that an initiative team whose members include Deanna Haines continues to meet and is “looking at efforts to push back against the challenge to electrification.”¹⁹

The Board Book for the October 2017 meeting states “On October 3rd, George Minter (SoCal) made a presentation to the Energy Solutions Center regarding the activities of the DUTG.”²⁰ This suggests that George Minter, SoCalGas Vice President of External Affairs and Environmental Policy, promoted the work of the DUTG.

The update on the DUTG in the Board Book for the July 2017 meeting describes a petition to the DOE that would prevent an efficiency standard for Gas-Fired Hot Water Commercial Packaged Boilers from taking effect, a meeting with DOE on “flaws in DOE’s modeling of appliance efficiency standards and DOE’s furnace rule,” and a request that DOE interpret the Energy Policy and Conservation Act to not authorize efficiency standards that would limit the market for “fuel gas vented appliances or equipment to condensing products.”²¹ The DUTG update also states: “the DUTG received word that SoCal Gas gave the okay for Sue Kristjansson to help lead the DUTG’s Communication efforts.”²² SoCalGas Codes and Standards Manager Sue Kristjansson was active in the advocacy against stringent codes and standards that led the Commission to remove SoCalGas from an active role in the statewide codes and standards program.²³

QUESTION 1-19

Please provide the sources of all evidence for question 18.

OBJECTIONS TO QUESTION 1-19

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request to the extent it calls for a legal conclusion.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible

¹⁷ Board Book for the APGA Board of Directors Meeting at 48 (July 30, 2019) (attached as “Attachment C SCG-SC 1-18”).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Board Book for the APGA Board of Directors Meeting at 46 (Oct. 30, 2017) (attached as “Attachment D SCG-SC 1-18”).

²¹ Board Book APGA Board of Directors Meeting at 30–31 (July 25, 2017) (attached as “Attachment E SCG-SC 1-18”).

²² *Id.* at 31.

²³ A.17-01-13, Office of Ratepayer Advocates, *Final Comments of the Office of Ratepayer Advocates on Energy Efficiency Program Administrators’ Business Plan Applications (Public Version)*, at 9–11 (Sept. 25, 2017) (quoting several emails from Sue Kristjansson).

evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

QUESTION 20

Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in question 18.

OBJECTIONS TO QUESTION 1-20

Sierra Club objects that this request is vague, ambiguous, and overly broad as to the meaning of “evidence.” Sierra Club understand the term “evidence” to refer to facts in the evidentiary record of a proceeding. At this time, the Commission has not yet developed an evidentiary record in this proceeding.

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The only potential benefit to SoCalGas of this request is to probe Sierra Club’s strategy, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Sierra Club also objects to this request because any responsive information is protected by the attorney-client privilege and/or work product. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). Moreover, Sierra Club objects to this request to the extent responsive materials in its possession are subject to the common interest doctrine. Cal. Evid. Code §§ 952, 954. The attorney-client privilege “extends to communications which are intended to be confidential, if they are made to attorneys, to family members, business associates, or agents of the party or his attorneys on matters of joint concern, when disclosure of the communication is reasonably necessary to further the interest of the litigant.” *Zurich Am. Ins. Co. v. Superior Court*, 155 Cal. App. 4th 1485, 1495–96 (2007) (emphasis and quotation omitted). Sierra Club objects to this request on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings to the extent SoCalGas seeks a privilege log. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s counsel Earthjustice. As explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-40

SOCALGAS EXHIBIT

**Sierra Club Objections and Responses to SoCalGas Data Request Set 2
Submitted July 16, 2020**

California Public Utilities Commission Docket No. R.13-11-005

Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues

Sierra Club Objections and Responses to SoCalGas Data Request Set 2

To: Holly Jones
Eric Gressler
Pamela Wu

From: Sara Gersen and Rebecca Barker, Earthjustice, on behalf of Sierra Club

Date Sent: July 16, 2020

Response Due: July 30, 2020

SPECIFIC OBJECTIONS TO INSTRUCTIONS

Assertions of Privilege:

If you assert any privilege for documents responsive to this data request, please provide within ten (10) business days to the people listed above a privilege log identifying each withheld document, and: (a) a summary description of the document; (b) the date of the document; (c) the name of each author or preparer; (d) the name of each person who received the document; and (e) the legal basis for withholding the document.

Objection to Assertion of Privilege Instruction:

Sierra Club objects to this instruction on the grounds it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Additionally, Sierra Club objects to this instruction to the extent it calls for the production of a privilege log for internal documents of Sierra Club's counsel Earthjustice.

SPECIFIC OBJECTIONS TO DEFINITIONS

Definition B:

As used herein, the terms "Sierra Club" means any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf, including EarthJustice [sic].

Objection to Definition B:

Sierra Club objects to SoCalGas' definition of "Sierra Club" to include its "former employees," "agents," "consultants," "attorneys," and "officials." In addition, the terms "agents" and "officials" are vague, ambiguous, and overly broad. Further, Sierra Club objects to this definition on the grounds it specifically seeks information protected by and/or documents subject to the attorney-client privilege, the attorney work product doctrine, and other applicable privileges or protections. Additionally, Sierra Club objects to this definition to the extent it calls for the production of internal documents of Sierra Club's outside counsel Earthjustice, including communications to Earthjustice by non-testifying experts and other communications to Sierra Club's outside counsel that are reasonably necessary to further Sierra Club's legal interests. To the extent this definition seeks information and documents that include expert material, Sierra Club objects on the grounds that this is premature. Sierra Club will respond on its own behalf only.

Definition G:

"Concerning" or "concern," and similar terms and phrases shall mean consist of, refer to, reflect, comprise, discuss, underlie, comment upon, form the basis for, analyze, mention, or be connected with, in any way, the subject of these Data Requests.

Objection to Definition G:

Sierra Club objects to this definition on the grounds it is overly broad, not reasonably calculated to lead to admissible evidence, vague, ambiguous, and unintelligible. In responding to these Data Requests, Sierra Club will interpret the terms "concerning" or "concern" as pertaining to the subject matter of this proceeding on its face.

GENERAL OBJECTIONS

1. Sierra Club objects to instructions, definitions and requests on the grounds they seek to impose on Sierra Club obligations and burdens beyond those required by applicable rules of procedure.
2. Sierra Club objects to requests on the grounds they seek information that is not relevant to the subject matter involved in this proceeding. California Public Utilities Commission Rules of Practice and Procedure, Rule 10.1 ("CPUC Rule 10.1").
3. Sierra Club objects to requests on the grounds they are not reasonably calculated to lead to the discovery of admissible evidence. CPUC Rule 10.1.
4. Sierra Club objects to the requests to the extent they call for a legal conclusion.
5. Sierra Club objects to requests on the grounds they are overly broad, vague, ambiguous, unduly burdensome, oppressive, and/or are calculated to take Sierra Club and its staff away from normal work activities, and require them to expend significant resources to provide complete and accurate answers to SoCalGas' requests when taking into account the needs of the case.

6. Sierra Club objects to requests on the grounds they seek information protected by and/or documents subject to the attorney-client privilege, the doctrine protecting attorney work product, the common interest doctrine, and any other applicable privilege or protection. CPUC Rule 10.1.
7. Sierra Club objects to SoCalGas Data Request Set 2 to the extent that the documents or information sought is obtainable from some other source, *i.e.*, SoCalGas itself, that is more convenient, less burdensome, or less expensive. CPUC Rule 10.1.
8. Sierra Club objects to the requests to the extent they seek information and documents that include expert material, because such requests are premature.
9. Sierra Club objects to requests on the grounds they seek information protected by Article I, Section 1 of the California Constitution and the First Amendment to the United States Constitution.
10. Sierra Club reserves all of its evidentiary objections or other objections to the introduction or use of any response at any hearing in this action.
11. Sierra Club does not, by any response to any discovery request, waive any objections to that request.
12. Sierra Club does not admit to the validity of any legal or factual contention asserted or assumed in the text of any request. Sierra Club reserves the right to assert additional objections as appropriate, and to amend or supplement these objections and responses as appropriate.
13. Sierra Club incorporates the foregoing General Objections into each and every response set forth below, and into each and every amendment, supplement, or modification to these responses hereinafter provided to the requests. Subject to and without waiving any of the foregoing general objections, Sierra Club responds as follows:

SPECIFIC OBJECTIONS AND RESPONSES TO SOCALGAS DATA REQUEST SET 2

QUESTION 2-1

All documents related to Sierra Club's investigation of SoCalGas's codes and standards advocacy work from January 1, 2014 to present, other than any documents provided to Sierra Club by SoCalGas.

OBJECTIONS TO QUESTION 2-1

Sierra Club objects to this request because it does not seek information "that is relevant to the subject matter involved in the pending proceeding." CPUC Rule 10.1. The request does not seek information that is "admissible in evidence," nor is it "reasonably calculated to lead to the discovery of admissible evidence." *Id.* What is at issue in this proceeding is SoCalGas' misconduct, not Sierra Club's investigation. The only potential benefit to SoCalGas of this request is to probe and preview Sierra Club's legal strategy. Therefore, "the burden, expense,

[and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Sierra Club further objects to this request because it is unduly burdensome. CPUC Rule 10.1. Specifically, this request is unduly burdensome to the extent it asks Sierra Club to produce documents that are readily available to SoCalGas within its own records.

Sierra Club also objects to this request because any responsive information would be protected by the attorney-client privilege and/or the attorney work product doctrine. “A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Cal. Civ. Proc. Code § 2018.030(a). The policy underlying the attorney work product doctrine is to “preserve the rights of attorneys to prepare cases for trial with that degree of privacy necessary” to do so thoroughly, and to “[p]revent attorneys from taking undue advantage of their adversary’s industry and efforts.” Cal. Civ. Proc. Code § 2018.020; *People v. Miles*, 9 Cal.5th 513, 590-91 (2020). Documentation of SoCalGas’ misconduct inherently originates from or reflects SoCalGas’ activity; this request asks Sierra Club to reveal which documents its attorneys have identified and retained in their case file. To disclose all documentation related to Sierra Club’s investigation of that misconduct would allow SoCalGas to take undue advantage of Sierra Club’s “industry and efforts” in identifying relevant and material documents reflecting activity of which SoCalGas is inherently already aware.

The attorney work product doctrine also extends to protect the identity of non-testifying experts retained by Sierra Club or Earthjustice. Cal. Civ. Proc. Code § 2018.030. *See Hernandez v. Superior Court*, 112 Cal. App. 4th 285, 297 (2003) (“The opinions of experts who have not been designated as trial witnesses are protected by the attorney work product rule. Their identity also remains privileged until they are designated as trial witnesses.”); *People v. Superior Court*, 34 Cal. App. 5th 75, 81 (2019) (the “core work product” of attorneys protected by the attorney work product doctrine “includes materials compiled by investigators and other agents in preparation for trial.”).

Additionally, Sierra Club objects to this request to the extent that any responsive information or materials in its possession may be subject to the common interest doctrine. Cal Evid. Code §§ 952, 954.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club

objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club's outside counsel Earthjustice.

QUESTION 2-2

For each document identified in response to question 1, please provide the source of the document (i.e. who provided the document to Sierra Club) and the date it was provided.

OBJECTIONS TO QUESTION 2-2

See Sierra Club's Objections to Question 2-1, which are incorporated by reference.

QUESTION 2-3

Please provide all communications with individuals or entities (other than SoCalGas) either soliciting or providing the documents identified in response to question 1.

OBJECTIONS TO QUESTION 2-3

See Sierra Club's Objections to Questions 2-1, which are incorporated by reference.

QUESTION 2-4

Documents reflecting a common interest agreement and/or a joint defense agreement between the Public Advocates Office and Sierra Club.

OBJECTIONS AND RESPONSE TO QUESTION 2-4

Sierra Club objects to this request because it does not seek information "that is relevant to the subject matter involved in the pending proceeding," does not seek information that is "admissible in evidence," and is not "reasonably calculated to lead to the discovery of admissible evidence." CPUC Rule 10.1.

Notwithstanding these objections, please see Attachment 2-4. Although the Common Interest, Joint Prosecution, and Confidentiality Agreement ("Agreement") contains a header that states "Confidential Legal Materials, Subject to Joint Prosecution Privilege, Attorney-Client Privilege and Attorney Work Product", Sierra Club has determined the Agreement is not privileged or subject to attorney work product protection. In producing the Agreement, Sierra Club does not waive any valid claim of privilege and/or work product protection.

QUESTION 2-5

Identify and describe in detail all actions and/or activities by SoCalGas which Sierra Club contends were related to reach codes and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

OBJECTIONS TO QUESTION 2-5

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1 The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Rather, the request seeks to gain insight into the legal conclusions of SoCalGas’ opposing counsel, which is not admissible evidence. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” *Id.*

Question 2-5 is not reasonably calculated to lead to the discovery of admissible evidence. Rather, it improperly seeks to preview Sierra Club’s case as it is being built. To the extent SoCalGas seeks access to the thought processes and legal theories of Sierra Club or its outside counsel Earthjustice, such requests are inappropriate under both CPUC Rule 10.1 and the attorney work product doctrine. Cal. Civ. Proc. Code § 2018.030 (“A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.”); *Fireman’s Fund Ins. Co. v. Superior Court*, 196 Cal. App. 4th 1263, 1281 (2011) (“Unwritten opinion work product is entitled to the protection of the absolute work product privilege in California.”).

The purpose of the investigations taking place pursuant to the Orders to Show Cause against SoCalGas in R.13-11-005 is precisely to identify the actions and/or activities by SoCalGas encompassed within the scope of the Orders. To the extent SoCalGas justifies this request as a means to understand what Sierra Club considers in scope for the Orders, it is inappropriate, as the March 2, 2020 Scoping Ruling and the March 25, 2020 Email Ruling Clarifying Scope properly define the scope of the proceeding. The suggestion that SoCalGas cannot figure out what is properly in- and out-of-scope based on the Commission rulings without requiring Sierra Club attorneys to preview their case in discovery directly contravenes the policies underlying the attorney work product doctrine: to “preserve the rights of attorneys to prepare cases for trial with that degree of privacy necessary” to do so thoroughly, and to “[p]revent attorneys from taking undue advantage of their adversary’s industry and efforts.” Cal. Civ. Proc. Code § 2018.020. SoCalGas should not rely on outside interveners to identify its own actions and activities.

Further, the attorney work product protection extends to protect the identity of non-testifying experts retained by Sierra Club or Earthjustice. Cal. Civ. Proc. Code § 2018.030. *See Hernandez*

v. Superior Court, 112 Cal. App. 4th 285, 297 (2003) (“The opinions of experts who have not been designated as trial witnesses are protected by the attorney work product rule. Their identity also remains privileged until they are designated as trial witnesses.”); *People v. Superior Court*, 34 Cal. App. 5th 75, 81 (2019) (the “core work product” of attorneys protected by the attorney work product doctrine “includes materials compiled by investigators and other agents in preparation for trial.”).

Additionally, Sierra Club objects to this request to the extent that any responsive information or materials in its possession may be subject to the common interest doctrine. Cal Evid. Code §§ 952, 954.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s outside counsel Earthjustice.

Sierra Club also objects to this request because it is unduly burdensome and overly broad. CPUC Rule 10.1. The plain meaning of the request would require Sierra Club to identify with specificity every single action of a SoCalGas employee since 2014 that falls within the scope of the Commission’s Orders to Show Cause. This request is unreasonably burdensome because of its extraordinary breadth and because it seeks information that is in SoCalGas’ own files and records.

QUESTION 2-6

For each of those actions and/or activities identified by Sierra Club in its response to Question 5, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

OBJECTIONS AND RESPONSE TO QUESTION 2-6

See Sierra Club’s objections to Question 2-5, which are incorporated by reference.

Sierra Club specifically objects to this request on the grounds it calls for legal conclusions. This request seeks attorney work product in the form of legal opinions and legal conclusions regarding statutes, orders, and decisions, and/or attorney-client communications regarding the same.

Notwithstanding these objections, see Sierra Club’s public filings in this proceeding.

QUESTION 2-7

For each of those actions and/or activities identified by Sierra Club in its response to Question 5, identify with specificity all documents supporting each alleged violation by SoCalGas.

OBJECTIONS TO QUESTION 2-7

Sierra Club objects to this request because it does not seek information “that is relevant to the subject matter involved in the pending proceeding.” CPUC Rule 10.1. The request does not seek information that is “admissible in evidence,” nor is it “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* What is at issue in this proceeding is SoCalGas’ misconduct, not Sierra Club’s investigation. The only potential benefit to SoCalGas of this request is to probe Sierras Club’s legal strategy. Therefore, “the burden, expense, [and] intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.” CPUC Rule 10.1.

Question 2-7 is not reasonably calculated to lead to the discovery of admissible evidence. Rather, it improperly seeks to preview Sierra Club’s case as it is being built. To the extent SoCalGas seeks access to the thought processes and legal theories of Sierra Club or its outside counsel Earthjustice, such requests are inappropriate under both CPUC Rule 10.1 and the attorney work product doctrine. Cal. Civ. Proc. Code § 2018.030 (“A writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.”); *Fireman’s Fund Ins. Co. v. Superior Court*, 196 Cal. App. 4th 1263, 1281 (2011) (“Unwritten opinion work product is entitled to the protection of the absolute work product privilege in California.”).

Further, the attorney work product protection extends to protect the identity and the work product, including “materials compiled,” of non-testifying experts retained by Sierra Club or Earthjustice. Cal. Civ. Proc. Code § 2018.030. *See Hernandez v. Superior Court*, 112 Cal. App. 4th 285, 297 (2003) (“The opinions of experts who have not been designated as trial witnesses are protected by the attorney work product rule. Their identity also remains privileged until they are designated as trial witnesses.”); *People v. Superior Court*, 34 Cal. App. 5th 75, 81 (2019) (the “core work product” of attorneys protected by the attorney work product doctrine “includes materials compiled by investigators and other agents in preparation for trial.”).

Additionally, Sierra Club objects to this request to the extent that any responsive information or materials in its possession may be subject to the common interest doctrine. Cal Evid. Code §§ 952, 954.

Sierra Club also objects to Question 2-7 because it is vague and ambiguous regarding the term “alleged violation.” To the extent SoCalGas seeks documents supporting Sierra Club’s legal conclusions regarding the Company’s activities, these materials are protected by the attorney work product doctrine and attorney-client privilege.

To the extent this request seeks a privilege log, Sierra Club objects on the grounds that it imposes on Sierra Club obligations and burdens beyond those required by applicable CPUC rules of procedure and general practice in CPUC proceedings. Sierra Club objects that the production of a privilege log would be unreasonably burdensome because this request is objectionable regardless of the privileged status of the materials sought; as explained above, this request seeks irrelevant information and is unreasonably burdensome and intrusive. Additionally, Sierra Club objects to this request to the extent it calls for the production of a privilege log for internal documents of Sierra Club’s outside counsel Earthjustice.

Sierra Club further objects to this request because it is unduly burdensome. CPUC Rule 10.1. Specifically, this request is unduly burdensome to the extent it asks Sierra Club to produce documents that are readily available to SoCalGas within its own records.

QUESTION 2-8

For each of those actions and/or activities identified by Sierra Club in its response to Question 5, provide to SoCalGas all documents supporting each alleged violation by SoCalGas.

OBJECTIONS TO QUESTION 2-8

See Sierra Club’s objections to Question 2-7, which are incorporated by reference.

QUESTION 2-9

For each of those actions and/or activities identified by Sierra Club in its response to Question 5, identify where Sierra Club acquired each of the documents supporting each alleged violation by SoCalGas.

OBJECTIONS TO QUESTION 2-9

See Sierra Club’s objections to Question 2-7, which are incorporated by reference. Sierra Club reiterates that its methods of investigating SoCalGas’ misconduct are not at issue in this proceeding; the sources from which it has gained SoCalGas documents are wholly irrelevant to whether SoCalGas’ misconduct violated Commission Rules and what appropriate remedies should be if the Commission finds that to be the case.

QUESTION 2-10

For each of those actions and/or activities identified by Sierra Club in its response to Question 5, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 7 and 8.

OBJECTIONS TO QUESTION 2-10

See Sierra Club's Objections to Question 2-5, which are incorporated by reference.

QUESTION 2-11

Identify and describe in detail all actions and/or activities by SoCalGas which Sierra Club contends were related to SoCalGas's relationship with the American Gas Association (AGA) or the American Public Gas Association (APGA) and is encompassed within the scope of either of the Orders to Show Cause against SoCalGas in R.13-11-005.

OBJECTIONS TO QUESTION 2-11

See Sierra Club's Objections to Question 2-5 and Question 2-7, which are incorporated by reference.

Sierra Club also objects to Question 2-11 because it is a misuse of the discovery process, in contravention of California Code of Civil Procedure Section 2023.010(a). Question 2-11 repeats the same inappropriate requests for information that SoCalGas made in its Questions 1-15 and 1-18, with only superficial rephrasing. Sierra Club objected to these requests on May 20, 2020. In Question 2-11, SoCalGas is "[p]ersisting, over objection and without substantial justification, in an attempt to obtain information or materials that are outside the scope of permissible discovery." Cal. Civ. Proc. Code § 2023.010(a).

QUESTION 2-12

For each of those actions and/or activities identified by Sierra Club in its response to Question 11, identify any statutes, CPUC orders, and or CPUC decisions which you contend were violated by SoCalGas.

OBJECTIONS TO QUESTION 2-12

See Sierra Club's Objections to Question 2-6, which are incorporated by reference.

QUESTION 2-13

For each of those actions and/or activities identified by Sierra Club in its response to Question 11, identify with specificity all documents supporting each alleged violation by SoCalGas.

OBJECTIONS TO QUESTION 2-13

See Sierra Club's Objections to Questions 2-7 and 2-11, which are incorporated by reference.

QUESTION 2-14

For each of those actions and/or activities identified by Sierra Club in its response to Question 11, provide to SoCalGas all documents supporting each alleged violation by SoCalGas

OBJECTIONS TO QUESTION 2-14

See Sierra Club's Objections to Questions 2-7 and 2-11, which are incorporated by reference.

QUESTION 2-15

For each of those actions and/or activities identified by Sierra Club in its response to Question 11, identify where Sierra Club acquired each of the documents supporting each alleged violation by SoCalGas.

OBJECTIONS TO QUESTION 2-15

See Sierra Club's Objections to Question 2-9, which are incorporated by reference.

Sierra Club also objects to Question 2-15 because it is a misuse of the discovery process, in contravention of California Code of Civil Procedure Section 2023.010(a). Question 2-15 repeats the same inappropriate requests for information that SoCalGas made in its Questions 1-16 and 1-19, with only superficial rephrasing. Sierra Club objected to these requests on May 20, 2020. In Question 2-15, SoCalGas is "[p]ersisting, over objection and without substantial justification, in an attempt to obtain information or materials that are outside the scope of permissible discovery." Cal. Civ. Proc. Code § 2023.010(a).

QUESTION 2-16

For each of those actions and/or activities identified by Sierra Club in its response to Question 11, provide SoCalGas all communications with individuals or entities (other than SoCalGas) either soliciting or providing the evidence identified in Questions 13 and 14.

OBJECTIONS TO QUESTION 2-16

See Sierra Club's Objections to Questions 2-5 and 2-7, which are incorporated by reference.

Sierra Club also objects to Question 2-16 because it is a misuse of the discovery process, in contravention of California Code of Civil Procedure Section 2023.010(a). Question 2-16 repeats the same inappropriate requests for information that SoCalGas made in its Questions 1-17 and 1-20, with only superficial rephrasing. Sierra Club objected to these requests on May 20, 2020. In Question 2-16, SoCalGas is "[p]ersisting, over objection and without substantial justification, in an attempt to obtain information or materials that are outside the scope of permissible discovery." Cal. Civ. Proc. Code § 2023.010(a).

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

**COMMON INTEREST, JOINT PROSECUTION,
AND CONFIDENTIALITY AGREEMENT**

This Common Interest, Joint Prosecution, and Confidentiality Agreement (“Agreement”) is made and effective as of the 30th day of August 2019, by and among the following entities: the Public Advocates Office and the Sierra Club (“Party” individually and “Parties” collectively).

WHEREAS, the Public Advocates Office and Sierra Club are investigating tactics by Southern California Gas Company (“SoCalGas”) to perpetuate reliance on gas in buildings and whether these the costs of these activities are borne by SoCalGas customers.

WHEREAS, each Party has been granted party status in the California Public Utilities Commission’s (CPUC) Rulemaking Regarding Decarbonization (R. 19-01-011), wherein both the Public Advocates Office and Sierra Club have investigated SoCalGas’s role in the creation of Californians for Balanced Energy Solutions, an entity that also intervened in R.19-01-011 with no disclosure in its Motion for Party Status of its relationship with SoCalGas.

WHEREAS, the Public Advocates Office has investigated and continues to investigate SoCalGas’s activities related to undermining efficiency codes and standards in CPUC Rulemaking Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues (R.13-11-005).

WHEREAS, Sierra Club has investigated SoCalGas’s use of customer funds for a range of anti-electrification activities in SoCalGas’s Application for Authority, Among Other Things, to Update its General Revenue Requirement and Base Rates Effective on January 1, 2019 (A.17-10-008).

WHEREAS, each Party is in agreement that there are many unanswered questions regarding the full scope of SoCalGas’s activities to obstruct progress on the transition from gas to electric end uses in buildings and the extent to which SoCalGas has passed the cost of these activities to its customers.

NOW, THEREFORE, in consideration of the mutual representations, covenants, and agreements hereinafter set forth, including the foregoing paragraphs, which are part of this Agreement and not mere recitals, the Parties hereto agree as follows:

1. The Parties acknowledge that they have a common interest in connection with R.19-01-011 before the CPUC, as noted above, as well as further investigations into SoCalGas use of customer funds for anti-electrification activities, as noted above, and that they will cooperate in the joint pursuit of their common interests to the extent permitted by law pursuant to the common interest doctrines recognized by the various state and federal courts.
2. To that end, the Parties recognize that facts and information known by one Party may assist the other in development of discovery that will assist in obtaining relief in

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

currently pending proceedings as well as the development of future actions, such as a Motion for an Order to Show Cause. The Parties acknowledge and agree that their interests will be best served if the Parties can exchange information subject to the continued protection of any applicable privileges. In sharing information, documents, strategies, and resources with each other, the Parties expressly preserve and retain the privilege conferred by the work-product doctrine, the attorney-client privilege, rules of protection from disclosure, and all other privileges during any proceeding that may arise in relation to those matters listed in the recitals. Nothing contained herein, however, will obligate a Party to provide any confidential information to any other Party.

3. The Parties agree that they intend to, and will, maintain the confidentiality of the shared materials unless authorized by the other Party. Each Party agrees that it will protect confidential information from disclosure to non-Parties, other than counsel or consultants to any of the Parties, using the same degree of care used to protect its own confidential or proprietary information of like importance. Moreover, each Party will, on a best efforts basis, mark hard copies and e-mails or other electronic data containing confidential information provided to any other Party with some or all of the following words: "Confidential Legal Materials, Subject To Common Interest Privilege, Attorney-Client Privilege and Attorney Work Product." Failure to so mark the materials, however, will not be treated as waiving the common interest privilege. The inadvertent disclosure of such information or materials contrary to this provision shall not waive any privilege or confidentiality of such information or materials relative to any person or entity not a Party to this Agreement, *i.e.*, such disclosure shall not be considered a public or privilege-waiving disclosure of the information or materials
4. Confidential information shared in furtherance of this agreement shall not be used by any receiving Party(ies) against the Party(ies) sharing the information. Upon termination of this agreement the Parties will return or destroy any confidential information received in accordance with this Agreement if so requested by the original sharing Party.
5. Each Party shall bear its own costs, and no Party shall have authority to incur costs on behalf of any other.
6. Nothing contained in this Agreement is intended to create an attorney-client relationship for the purposes of conflicts or otherwise, and the fact that any counsel has entered into this Agreement shall not in any way preclude the counsel from representing any interest that may be construed to be adverse to any other Party to this Agreement, during the term hereof or after expiration or any earlier termination of the Agreement. The terms and conditions contained herein, and the fact that any counsel has entered into this Agreement, shall not in any way be used as a basis for seeking to disqualify any counsel from representing any other Party in the above identified discussions.

**Confidential Legal Materials, Subject To Joint Prosecution Privilege,
Attorney-Client Privilege and Attorney Work Product**

7. Any Party may provide written notice to the other Parties of its intent to withdraw from this Agreement. Subsequent to such withdrawal, this Agreement shall continue to protect all shared materials disclosed by the Parties prior to the withdrawal. All Parties will continue to be bound by this Agreement with regard to any shared materials provided, disclosed, received, learned, or obtained through this Agreement. Moreover, a withdrawing Party shall not disclose to any third-party information pertaining to legal strategies developed in furtherance of this Agreement. Regardless of whether a Party withdraws from the Agreement, should any Party cease to have a common interest with the other Parties to this Agreement, it is the intent of the Parties that the Agreement will remain in effect as to those Parties who continue to have a common interest.
8. No Party acting alone may waive the Common Interest/Joint Prosecution Privilege; the Common/Interest/Joint Prosecution Privilege may be waived only by the unanimous consent of all the Parties as expressed in writing.
9. This Agreement may be amended or modified only by a written instrument executed by all Parties that states specifically that it is intended to amend or modify this Agreement.
10. This Agreement supersedes any other agreement, whether written or oral, that may have been made or entered into collectively by and between all of the Parties relating to the matters contemplated hereby. This Agreement constitutes the entire agreement by and among all of the Parties and there are no agreements or commitments except as expressly set forth herein. However, this provision does not in any way supersede any previous agreements between individual Parties or any subgroups of the Parties.
11. If any person or entity, requests or demands, by subpoena or otherwise, any materials subject to this Agreement, the Party who received (or whose attorneys received) the request or demand will advise the person or entity seeking the materials that such materials are privileged and may not be disclosed without the consent of the Party(ies) who furnished them, unless ordered by a court of competent jurisdiction or the CPUC. Unless and until written notice is received from the affected Party(ies) that all applicable rights and privileges are waived, the recipient of the request or demand will take all reasonable steps to permit the assertion of all applicable rights and privileges with respect to the materials and will cooperate fully with the affected Party(ies) and its (their) attorneys in any judicial or administrative proceeding relating to the disclosure of such materials.
12. If, at any time, the Commission, or any other federal, state, or local governmental authority, or any court or arbitration tribunal having jurisdiction determines that any provision of this Agreement is illegal, void, invalid, or unenforceable, in any respect, then the terms of this Agreement will, if possible, be modified, and this Agreement will be reformulated to the extent necessary to be deemed valid or enforceable in compliance with all Commission or other rules, regulations, order, and policies, and to preserve each Party's privilege, benefits, and equities hereunder.

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13. This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together will constitute one and the same instrument.
14. The validity and enforceability of the terms of this Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, counsel to the Parties have executed this Agreement as of the date first above written.

s/ MATTHEW VESPA

MATTHEW VESPA
Attorney for Sierra Club
50 California St., Suite 500
San Francisco, CA 94111
mvespa@earthjustice.org
Office: (415) 217-2123
Cell: (415) 310-1549

/s/ DIANA L. LEE

DIANA L. LEE
Attorney for Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703.4342
E-mail: diana.lee@cpuc.ca.gov

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-41

SOCALGAS EXHIBIT

**SoCalGas Response to Cal Advocates-HB-SCG-2019-12RR
Submitted January 28, 2020**

SOUTHERN CALIFORNIA GAS COMPANY
ENERGY EFFICIENCY
(DATA REQUEST CALADVOCATES-HB-SCG-2019-12RR)
RECEIVED: SEPTEMBER 6, 2019
SUBMITTED: OCTOBER 11, 2019
REVISED DATE RECEIVED: OCTOBER 30, 2019
REVISED DATE SUBMITTED: JANUARY 17, 2019
REVISED DATE SUBMITTED (Q7 d) : JANUARY 28, 2020

QUESTION 1:

The San Luis Obispo Tribune reports that SoCalGas sent the City of San Luis Obispo a letter opposing proposed building code changes that would encourage all-electric new construction.¹

- a. Please provide a copy of this letter.
- b. Who authorized sending this letter?

RESPONSE 1:



- a. C. Read SLO Local Amendments to 2019
- b. Sharon Tomkins, Vice President, Strategy and Engagement, was SoCalGas' signatory on the letter.

¹ *San Luis Obispo Tribune*, "Should all houses in SLO switch to electric appliances? These experts think so," August 24, 2019, <https://www.sanluisobispo.com/news/local/environment/article234312802.html>. See Attachment 1.

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QUESTION 2:

Was SoCalGas' advocacy to the City of San Luis Obispo on building codes associated with the Reach Codes program in SoCalGas' energy efficiency portfolio (program ID: SCG 3727).

RESPONSE 2:

SoCalGas' letter to the City of San Luis Obispo regarding its proposed Draft Local Amendments to the 2019 California Building Code ("Reach Code") (See Response 1) and follow-up communications related to that letter (See Response 6) were not associated with the Reach Codes program in SoCalGas' energy efficiency portfolio.

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QUESTION 3:

Was SoCalGas' advocacy to the City of San Luis Obispo on building codes associated with any ratepayer-funded program other than the Reach Codes program?

RESPONSE 3:

SoCalGas objects to the term "ratepayer-funded program" as vague and ambiguous. Notwithstanding its objection, SoCalGas responds as follows: SoCalGas' letter to the City of San Luis Obispo regarding its proposed Reach Code (See Response 1) and follow-up communications related to that letter (See Response 6) were prepared by employees whose time is generally recorded to ratepayer funded cost centers. See Response 7.

QUESTION 3RR:

Was SoCalGas' advocacy to the City of San Luis Obispo on building codes associated with any ratepayer-funded account other than the Reach Codes program?

RESPONSE 3RR:

Yes. SoCalGas' letter to the City of San Luis Obispo regarding its proposed Reach Code (See Response 1) and follow-up communications related to that letter (See Response 6) were prepared by employees whose time is generally recorded to ratepayer funded accounts. See Response 7.

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QUESTION 4:

Did any SoCalGas employees attend the event hosted by the SLO Climate Coalition that is discussed in the Tribune article (Attachment 1)? If so, please provide the name and job title of each SoCalGas employees who attended.

RESPONSE 4:

No.

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QUESTION 5:

Please list all telephone communications that (a) were between SoCalGas personnel and personnel or elected officials of the City of San Luis Obispo, (b) occurred since January 1, 2018, and (c) related to potential building code changes. For each such communication, list the date, participants, and subject matter.

RESPONSE 5:

SoCalGas objects to the question as overbroad and nonspecific. These responses are limited to the initial letter and two follow-up communications related to the City of San Luis Obispo's proposed Reach Code.

A SoCalGas Regional Public Affairs representative spoke with a City of San Luis Obispo representative (Chris Read) by telephone on several occasions regarding the city's proposed Reach Code. While the exact dates are not recalled, the phone calls took place between February and September 2019. The phone calls are recalled to have each lasted less than 5 minutes and were limited to seeking clarifications about the process the Reach Code Amendments would go through for adoption. The specific content of SoCalGas' initial letter and two follow-up communications were not discussed.

QUESTION 5RR:

Please list all telephone communications that (a) were between SoCalGas personnel and personnel or elected officials of the City of San Luis Obispo, (b) occurred since January 1, 2019, and (c) related to potential changes in building codes concerning energy efficiency or electrification. For each such communication, list the date, participants, and subject matter.

RESPONSE 5RR:

A SoCalGas Regional Public Affairs representative spoke with a City of San Luis Obispo representative (Chris Read) by telephone on several occasions regarding the city's proposed Reach Code. While the exact dates are not recalled, the phone calls

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took place between February and September 2019. The phone calls are recalled to have each lasted less than 5 minutes and were limited to seeking clarifications about the process the Reach Code Amendments would go through for adoption. The specific content of SoCalGas' initial letter and two follow-up communications were not discussed.

The SoCalGas Regional Public Affairs representative covering the City of San Louis Obispo does not recall any additional telephone communications since January 1, 2019 that were related to potential changes in building codes concerning energy efficiency or electrification.

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QUESTION 6:

Please provide all written or electronic communications that (a) were between SoCalGas personnel and personnel or elected officials of the City of San Luis Obispo, (b) occurred since January 1, 2018, and (c) related to potential building code changes.

RESPONSE 6:

SoCalGas objects to the question as overbroad and nonspecific. These responses are limited to the initial letter and two follow-up communications related to the City of San Luis Obispo's proposed Reach Code.

As it relates to the City of San Luis Obispo's proposed Reach Code, in addition to the letter provided in Response 1 SoCalGas provided two follow-up electronic communications in response to direct inquiries from the city. These communications are attached.

Attachments contain confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.



Confidentiality
Declaration HB-SCG-2



SoCalGas Letter -
City of SLO Building C



[EXTERNAL] RE_
SoCalGas Letter - City

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Response to Your
Data Request.pdf



RE_ Response to
Your Data Request.pd

QUESTION 6RR:

Please provide all written or electronic communications that (a) were between SoCalGas personnel and personnel or elected officials of the City of San Luis Obispo, (b) occurred since January 1, 2019, and (c) related to potential changes in building codes concerning energy efficiency or electrification.

RESPONSE 6RR:

As it relates to the City of San Louis Obispo's proposed Reach Code, in addition to the letter provided in Response 1 SoCalGas provided two follow-up electronic communications in response to direct inquiries from the city. These communications are attached. The SoCalGas Regional Public Affairs representative covering the City of San Louis Obispo does not recall any additional written or electronic communications since January 1, 2019 that were related to potential changes in building codes concerning energy efficiency or electrification.

Attachments contain confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.



Confidentiality
Declaration HB-SCG-2

SOUTHERN CALIFORNIA GAS COMPANY

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SoCalGas Letter -
City of SLO Building C



[EXTERNAL] RE_
SoCalGas Letter - City



Response to Your
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QUESTION 7:

Please provide the following information about SoCalGas' labor costs for activities related to proposed building code changes in the City of San Luis Obispo.

- a. Since January 1, 2018, how many hours have SoCalGas personnel spent on activities related to proposed building code changes in the City of San Luis Obispo?
- b. Name and title of each employee who has worked on activities related to proposed building code changes in the City of San Luis Obispo since January 1, 2018.
- c. Funding source(s) (specific account and cost center) to which you have charged the employees' time, as of September 5, 2019. If you have charged costs to more than one funding source, state the amount charged to each one.
- d. Documentation (including, but not limited to, executed journal entries) showing that the time was charged to the account and cost center specified.

RESPONSE 7 (Revised):

Information highlighted in yellow is confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.



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Declaration HB-SCG-2

SoCalGas objects to the question as overbroad and nonspecific. These responses are limited to the initial letter and two follow-up communications related to the City of San

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Louis Obispo's proposed Reach Code. [Please see SoCalGas' responses to Data Request CalAdvocates-HB-SCG-2019-13 regarding employee attendance at a City of San Louis Obispo city council meeting concerning the city's proposed Reach Code.](#)

SoCalGas employees typically work on a variety of projects and issues and do not track their time each day with the intent of reporting out an hourly log of activities. For the purposes of providing a response, SoCalGas has made a good faith effort to compile estimates of the amount of time spent by principal contributors. SoCalGas does not include in the response personnel who only provided review of the various documents (generally amounting to less than one hour of time).

- a. The principal author of the initial letter spent approximately 36 hours doing so. The principal preparers of the follow-up communications spent approximately 37 hours doing so. Other employees reviewing either the initial letter or follow-up communications spent less than one hour of their time doing so and are not included in the above time estimates. Further, as noted in Response 5, a SoCalGas Regional Public Affairs representative engaged the city of San Louis Obispo seeking clarifications about the process the Reach Code Amendments would go through for adoption. These brief phone calls are not included in the above time estimates, nor in the following responses.
- b. Pursuant to a September 5, 2019 meeting between SoCalGas (Dan Skopec, Vice President – Regulatory Affairs and Brian Prusnek, Director – Regulatory Affairs), and Cal Advocates (Mike Campbell, Program Manager), names of employees will not be provided. The principal author of the initial letter was an [REDACTED]. The principal preparers of the follow-up communications included a [REDACTED]
[REDACTED]
- c. 72 of the 73 total hours identified were attributable to the [REDACTED]
[REDACTED] who share the same cost center (2200-2504) and I/O account (FG9200002200). This I/O is funded as O&M in SoCalGas' General Rate Case. The [REDACTED]

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██████████ spent 1 hour assisting on the second follow-up communication (cost center 2200-2519). In a typical pay period, this employee charges 40% of time to an O&M ratepayer funded I/O (FG9080002200), and 60% of time to a series of I/Os funded by Energy Efficiency (300794320, 300794236, 300794233, 300794304, 300794301, 300794317, 300794153, and 300794165).

- d. **No journal entries were executed.**

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QUESTION 8:

Please itemize every non-labor cost that SoCalGas incurred, since January 1, 2018, for activities related to proposed building code changes in the City of San Luis Obispo. For each item, please provide the following information:

- a. Expense type or purpose (e.g., "airfare" or "meal reimbursement")
- b. Vendor/supplier
- c. Date of expenditure
- d. Employee who was reimbursed for the expense, if applicable.
- e. A receipt or invoice for the transaction
- f. Funding source (specific account and cost center) to which SoCalGas charged this cost, as of September 5, 2019.

Documentation (including, but not limited to, executed journal entries) showing that the cost was charged to the account and cost center specified.

RESPONSE 8:

SoCalGas objects to the question as overbroad and nonspecific. These responses are limited to the initial letter and two follow-up communications related to the City of San Luis Obispo's proposed Reach Code.

The employees identified in Response 7 as being the principal author of the initial letter and principal preparers of the follow-up communications incurred no non-labor costs as part of their efforts. Please see SoCalGas' responses to Data Request CalAdvocates-HB-SCG-2019-13 regarding employee attendance at a City of San Luis Obispo city council meeting concerning the city's proposed Reach Code.

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QUESTION 9:

Since January 1, 2016, has SoCalGas contacted other governmental entities to oppose, express concerns about, or raise doubts about potential changes in building codes? If so, please identify each such governmental entity, and provide the following information for each such governmental entity:

- a. Identify the time period (month and year) in which SoCalGas communicated with the governmental entity.
- b. Describe the nature of the proposed code changes at issue for the governmental entity.
- c. Provide any written communications from SoCalGas to the governmental entity that oppose, express concerns about, or raise doubts about potential changes in building codes.

RESPONSE 9:

SoCalGas objects to the question as overbroad, nonspecific, and unduly burdensome.

QUESTION 9RR:

Since January 1, 2018, has SoCalGas lobbied (see definition and note below) governmental entities, other than the City of San Luis Obispo, to oppose or express concerns about proposed changes in building codes concerning energy efficiency or electrification? If so, please identify each such governmental entity, and provide the following information for each such governmental entity:

- a. Identify the time period (month(s) and year(s)) in which SoCalGas communicated with the governmental entity.
- b. Describe the nature of the proposed code changes at issue for the governmental entity.

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-
- c. Provide any written communications from SoCalGas to the governmental entity that oppose or express concerns about the proposed changes in building codes.
- d. Identify the SoCalGas departments that were involved in this lobbying, either by making contact with the governmental entity or by helping develop the content of SoCalGas' recommendations.

"Lobbying" may be understood as it is defined in Sempra Energy Utilities' Political Activities policy guidance document (revised 7/23/2018), which can be found on UtiliNet on Sempra Utilities' internal website.

For the purposes of this question, the Public Advocates Office is concerned *only* with the following types of lobbying activities:

- Written letters from SoCalGas to a governmental entity that are signed by a SoCalGas employee *at the Director level or higher*;
- Phone calls meetings between a SoCalGas employee *at the Director level or higher* and one or more elected officials or employees of the governmental entity;
- In-person meetings between a SoCalGas employee *at the Director level or higher* and one or more elected officials or employees of the governmental entity;
- In-person meetings between any SoCalGas employee from the Public Affairs Department and one or more elected officials or employees of the governmental entity; and
- Appearances by any SoCalGas employee from the Public Affairs Department at an official meeting of a governmental policy-making body (such as a city council, county board of supervisors, or local planning commission).

RESPONSE 9RR:

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SoCalGas objects to the question as overbroad, nonspecific, and unduly burdensome. SoCalGas objects to the term “appearance” as vague and ambiguous. In addition, SoCalGas, objects to the use of the terms “lobbied” and “lobbying” in this request, especially to the extent the phrase “lobbied” refers to activities generally excluded from “lobbying” definitions, such as attendance at public meetings. SoCalGas understands this question to be seeking information on activities that are similar to the activities Cal Advocates sought information on in questions 1 through 8 above and in Data Request CalAdvocates-HB-SCG-2019-13. Without agreeing that any of the activity identified is “lobbying”, SoCalGas responds as follows:

SoCalGas’ response was compiled by querying the employees and groups most likely to have responsive communications.

- a. Identify the time period (month(s) and year(s)) in which SoCalGas communicated with the governmental entity.

None, see SoCalGas’ response to d.

- b. Describe the nature of the proposed code changes at issue for the governmental entity.

At a November 18, 2019 Culver City city council meeting, the council introduced an Ordinance on the Adoption of State Building Codes, with local amendments, which was on its consent calendar.

- c. Provide any written communications from SoCalGas to the governmental entity that oppose or express concerns about the proposed changes in building codes.

None.

- d. Identify the SoCalGas departments that were involved in this lobbying, either by making contact with the governmental entity or by helping develop the content of SoCalGas’ recommendations.

Three (3) members of SoCalGas’ Regional Public Affairs Department attended Culver City’s city council meeting on November 18, 2019. These employees did not speak at the meeting or otherwise provide recommendations or comments, either before, after, or during the meeting on building code(s) concerning energy efficiency or electrification.

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These employees attended this meeting for the purposes of observing any governmental actions that have the potential to impact SoCalGas' business or operations. It is not uncommon for SoCalGas employees to attend such events where they have the potential to impact safety, operations, one of SoCalGas' franchises, or the affordability of customers' energy service.

SoCalGas is also aware that several hourly employees of SoCalGas who live in and around Culver City were in attendance at the meeting. These individuals were not "on the clock" during the meeting and did not attend the meeting in any official job capacity. Further, SoCalGas did not collect the names of those in attendance who may happen to be SoCalGas employees, but who did not attend in any official job capacity.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-42

SOCALGAS EXHIBIT

**SoCalGas Response to Cal Advocates-SK-SCG-2020-01
Submitted February 7, 2020**

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

In response to Questions 1 and 2 of SK-SCG-2019-01, SoCalGas states “[t]he consultant’s work is shareholder funded.” The “consultant’s work” is in reference to the approximately \$10,000 in consultant charges identified in SoCalGas’ response to Questions 3 and 4 of HB-SCG-2019-13.

QUESTION 1:

1. Has the referenced “consultant’s work” always been booked to shareholder funded accounts?
 - a. Please provide all journal entries for the referenced consultant contract showing the account charged and any transfers of charges between accounts.

RESPONSE 1:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant’s work is shareholder funded. The information requested would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas’ and other’s constitutional rights. See *e.g., NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. Subject to the above, and without waiving its objection, SoCalGas responds as follows:

Although the consultant charges have always been charged to the Balanced Energy internal order (IO) and the intent in setting up that IO was that it be shareholder funded, due to an inadvertent accounting error, the balanced energy IO was not initially properly designated as a shareholder account. That error was identified and fixed. See the response to question 4.

Journal entries related to the consultant charges are below. There were \$474.16 in expenses paid to the consultant related to the same scope of work. Through an inadvertent error, the consultant was paid two \$10,000 payments. SoCalGas is endeavoring to recover the second \$10,000 payment from the vendor and the amount has been removed to a receivable account. Pursuant to its objection, SoCalGas has not provided the vendor name in the first screenshot.

Posting Date	Ref. document number	Order	Cost Element	Cost element name	Val/COArea Crcy	Aux. acct assignment_1	Offsetting acct no.
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SOUTHERN CALIFORNIA GAS COMPANY
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DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

9/5/2019	1901415826	300796601	6220600	SRV-CONSULTING-OTHER	10,000.00	CTR 2200-2204	
10/1/2019	1901419493	300796601	6220600	SRV-CONSULTING-OTHER	474.16	CTR 2200-2204	
10/1/2019	1901419500	300796601	6220600	SRV-CONSULTING-OTHER	10,000.00	CTR 2200-2204	

Posting Date	Ref. document number	Order	Cost Element	Cost element name	Val/COArea Crcy	Aux. acct assignment_1	Offsetting acct no.	Name
2/5/2020	10015014	300796601	6220600	SRV-CONSULTING-OTHEI	-10,000.00	CTR 2200-2204	4999969	Transfer to Correct Acct.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

Question 2 of SK-SCG-2019-01 requests SoCalGas to provide any and all documentary evidence that the above referenced consultant costs were charged to shareholders. In response to Question 2 of SK-SCG-2019-01, SoCalGas provides a screenshot of a table labeled “Display Invoice 1766820 (1/3),” and SoCalGas states “The consultant charges were charged to IO 30076601, Balanced Energy, which is shareholder funded.”¹

QUESTION 2:

Please provide any and all documentary evidence that the cost of the \$10,000 were charged to shareholders.

RESPONSE 2:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant’s work is shareholder funded. The information requested would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas’ and other’s constitutional rights. See *e.g.*, *NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. SoCalGas objects to this request as overbroad in seeking “any and all documentary evidence.” Subject to the above, and without waiving its objection, SoCalGas responds as follows:

Please see SoCalGas’ Response to Question 2 of SK-SCG-2019-01. In addition, please see the below regarding the \$474.16 in expenses, which were charged to the Balanced Energy IO. The second \$10,000 was also charged to the Balanced Energy IO and SoCalGas is seeking repayment of that amount by the vendor. Pursuant to its objection, SoCalGas has redacted the vendor name, vendor ID, and the description of the activity.



¹ The correct IO is 300796601. (Emphasis added.)

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

G/L Account	6220600	<input type="checkbox"/> V-CONSULTING-OTHER
Company Code	2200	Southern California Gas
		Doc. no. 1901419500
Line Item 2 / Debit entry / 40		
Amount	10,000.00	USD
Tax Code	I0	
Tax Jur.	CALOSCNTYLOS	
Additional Account Assignments		
Business Area	3000	
Cost Center	2200-2204	
	Order	300796601
	Plant	
Purchasing Doc.		0
Quantity	0.000	
Assignment	20191001	
Text		Long text

G/L Account	6220600	<input type="checkbox"/> V-CONSULTING-OTHER
Company Code	2200	Southern California Gas
		Doc. no. 1901419493
Line Item 2 / Debit entry / 40		
Amount	474.16	USD
Tax Code	I0	
Tax Jur.	CALOSCNTYLOS	
Additional Account Assignments		
Business Area	3000	
Cost Center	2200-2204	
	Order	300796601
	Plant	
Purchasing Doc.		0
Quantity	0.000	
Assignment	20191001	
Text		Long text

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

G/L Account	6220600	<input type="checkbox"/> V-CONSULTING-OTHER
Company Code	2200	Southern California Gas
		Doc. no. 1901415826
Line Item 2 / Debit entry / 40		
Amount	10,000.00	USD
Tax Code	I0	
Tax Jur.	CALOSCNTYCNT	
Additional Account Assignments		
Business Area	3000	
Cost Center	2200-2204	Order 300796601
		Plant <input type="text"/> 
Purchasing Doc.	<input type="text"/> 0	
Quantity	0.000	
Assignment	20190905	
Text		

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 3:

Please provide any and all documentary evidence that the \$10,000 was the full amount of the charges associated with the consultant's work.

RESPONSE 3:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant's work is shareholder funded. The information requested would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas' and other's constitutional rights. See e.g., *NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. SoCalGas objects to this request as overbroad in seeking "any and all documentary evidence." Subject to the above, and without waiving its objection, SoCalGas responds as follows:

Through an inadvertent error, the consultant was paid two \$10,000 payments. SoCalGas is endeavoring to recover the second \$10,000 payment from the vendor. There were also \$474.16 in expenses paid to the consultant related to the same scope of work.

Vendor	[REDACTED]															
Company Code	2200															
Name	[REDACTED]															
City	[REDACTED]															
St	Account	CoCd	Type	DocumentNo	Reference	Doc..Date	Amount in local cur.	PBk	Assignment	Pstng Date	Entry Date	Check number	PayT	Blinc Date	Pmnt date	Date
		2200	KR	1901415826	INV-000062	08/28/2019	10,000.00-		[REDACTED]	09/05/2019	09/05/2019	2008386	ND00	08/28/2019	08/28/2019	09/11
		2200	KS	1901419493	INV-000064	09/04/2019	474.16-		[REDACTED]	10/01/2019	10/01/2019	2020703	ND30	09/27/2019	10/27/2019	11/04
		2200	KS	1901419500	000062	08/28/2019	10,000.00-		[REDACTED]	10/01/2019	10/01/2019	2020703	ND30	09/27/2019	10/27/2019	11/04
		2200					20,474.16-									
		2200					20,474.16-									
Vendor	*															
Company Code	*															
Name	*															
City	*															
St	Account	CoCd	Type	DocumentNo	Reference	Doc..Date	Amount in local cur.	PBk	Assignment	Pstng Date	Entry Date	Check number	PayT	Blinc Date	Pmnt date	Date
***							20,474.16-									

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 4:

Please provide any and all documentary evidence that charges to IO 30076601 are shareholder funded.

RESPONSE 4:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant's work is shareholder funded. The information requested would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas' and other's constitutional rights. See *e.g., NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. SoCalGas objects to this request as overbroad in seeking "any and all documentary evidence." Subject to the above, and without waiving its objection, SoCalGas responds as follows:

See response to question 5. The Balanced Energy internal order (IO) 300796601 was created in March 2019 for tracking all costs associated with Balanced Energy activities and the intent was to make it a shareholder funded IO. However, an incorrect settlement rule was set up for this IO to FERC 920.0 A&G Salaries, consequently, the costs initially settled to the incorrect FERC account. On September 21, 2019, the SoCalGas Accounting Controller and Accounting Director met with the Strategy, Engagement & Chief Environmental Officer, and confirmed that the Balanced Energy activities should be classified as FERC 426.4 - Expenditures-Civic & Related Activities/Lobbying Costs.

The settlement rule was corrected on October 30, 2019 with an effective date of November 1, 2019. Accounting booked retroactive adjustments in November and December 2019 to correct the FERC account balances.

Order	300796601	BALANCED ENERGY										
Plan settlement			Version	2	Plan version 2 - FERC Dist							
Plan - Settlement Rules												
Cat	Settlement Receiver	Receiver Short Text	%	Equivalence no.	Sett...	No.	From...	From ...		First Used	Last Used	
CTR	F920000G	A&G SALARIES	100.00	0	PER	1	3	2019		09/2019	009/2019	
CTR	F426400G	EXP-CIVIC & RELATED	100.00	0	PER	2		6	9999	012/2019	012/2019	

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

Order	300796601		BALANCED ENERGY								
Plan settlement			Version	2	Plan version 2 - FERC Dist						
Plan - Settlement Rules											
Cat	Settlement Receiver	Receiver Short Text	%	Equivalence no.	Sett...	No.	From...	From ...		First Used	Last Used
CTR	F92000G	A&G SALARIES	100.00	0	PER	1	3	2019		09/2019	009/2019
CTR	F42640G	EXP-CIVIC & RELATED	100.00	0	PER	2			6 9999	012/2019	012/2019

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 5:

Please describe in narrative form how SoCalGas accounts for, tracks, and distinguishes shareholder funded IOs and ratepayer funded IOs.

RESPONSE 5:

During the development of the general rate case (GRC) forecasts, it is sometimes necessary to remove incurred costs so that ratepayers are not funding activities that should be borne by shareholders. There are three main ways that SoCalGas is able to do this for internal orders. The first way is the FERC account that the internal order settles to. Certain FERC accounts such as 426.4 are automatically excluded from the financial information provided to the GRC teams for analysis. Secondly, all internal orders associated with a regulatory account are assigned a unique refundable code. For example, non-GRC refundable programs such as Energy Efficiency are assigned a unique refundable code so that it may be automatically excluded from the financial information provided to the GRC teams for analysis. Third, specific internal orders associated with activities that should be excluded from the GRC may be separately identified by specific internal order number as in the case of the Aliso Incident related expenses that were removed from the TY2019 GRC as ordered by the TY2016 GRC Final Decision (D.) 16-06-054, Ordering Paragraph (OP) 12.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 6:

Please provide any and all documentary evidence that shows SoCalGas will not seek to recover charges made to IO 30076601 in the next General Rate Case.

RESPONSE 6:

SoCalGas objects to this request as overbroad in seeking “any and all documentary evidence.” Subject to the above, and without waiving its objection, SoCalGas responds as follows:

See responses to questions 4 and question 5. The Balanced Energy IO has a FERC designation that will result in its automatic exclusion from the financial information provided to the GRC teams for analysis in its next General Rate Case. SoCalGas will not seek to recover charges made to IO 300796601 in the next General Rate Case.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 7:

Was the invoice for the “consultant’s work” matched to a purchase order?
a. If yes, please provide the purchase order.

RESPONSE 7:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant’s work is shareholder funded. The information requested would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas’ and other’s constitutional rights. See e.g., *NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. Subject to the above and without waiving its objections, SoCalGas responds as follows:

No, the invoice for the consultant’s work was not matched to a purchase order.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SK-SCG-2020-01)
DATE RECEIVED: JANUARY 24, 2020
DATE SUBMITTED: FEBRUARY 7, 2020

QUESTION 8:

Please provide the name(s) and title(s) of the SoCalGas employee who signed the contract with the consultant on SoCalGas' behalf.

RESPONSE 8:

SoCalGas objects to this request as seeking information that is outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code §§ 309.5 and 314. The consultant's work is shareholder funded. Subject to the above, and without waiving its objections, SoCalGas responds as follows:

There was not a written contract between SoCalGas and the consultant.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-43

SOCALGAS EXHIBIT

**SoCalGas Response to Cal Advocates-HB-SCG-2019-13
Submitted February 7, 2020**

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

For questions related to cost accounting, please respond based on your accounting as of October 23, 2019. San Luis Obispo reach codes:



Attachment-1.pdf

QUESTION 1:

On September 3, 2019, the San Luis Obispo (SLO) city council adopted a local building code (a “reach code”) that encourages all-electric new construction. Did any SoCalGas employees attend the SLO city council meeting on September 3, 2019?

RESPONSE 1:

Yes.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 2:

If any SoCalGas employees attended the SLO city council meeting on September 3, 2019, please provide the name and job title of each SoCalGas employee who attended.

RESPONSE 2:

Information highlighted in yellow is confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.

- Alan Caldwell, Director Energy Policy and Strategy

Mr. Caldwell was 100% shareholder funded at the time of the meeting and he attended in his capacity as lead of the advocacy effort for SoCalGas' balanced energy vision.

- Maryam Brown, President
- Andy Carrasco, Director Regional Public Affairs
- Regional Public Affairs Representative
- [REDACTED]

These employees attended this meeting for the purposes of observing any governmental actions that have the potential to impact SoCalGas' business or operations. It is not uncommon for SoCalGas employees to attend such events where they have the potential to impact safety, operations, one of SoCalGas' franchises, or the affordability of customers' energy service.

SoCalGas is also aware that several hourly employees of SoCalGas who live in and around the city of San Louis Obispo were in attendance at the meeting. These individuals were not "on the clock" during the meeting and did not attend the meeting in any official job capacity. Further, SoCalGas did not collect the names of those in attendance who may happen to be SoCalGas employees, but who did not attend in any official job capacity.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 3:

If any SoCalGas employees attended the SLO city council meeting on September 3, 2019, please state the total costs that SoCalGas incurred for employees' attendance at or participation in this meeting (including, but not limited to: preparation for the meeting; participation in the meeting; follow-up actions from the meeting; transportation; lodging; meals; per diem; and other expenses).

RESPONSE 3:

Information highlighted in yellow is confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.

Response revised on February 7, 2020. Changes are noted in red and deletions are noted in red strikethrough.

SoCalGas objects to this question as overbroad and unduly burdensome. Subject to and without waiving its objection, SoCalGas responds as follows:

Of the employees who attended in the course of their official job capacity at SoCalGas, those individuals are all salaried employees and do not track their time each day with the intent of reporting out an hourly log of activities. The meeting occurred during the evening, after normal business hours, and SoCalGas estimates that the meeting was approximately 6 hours long. SoCalGas has not attempted to calculate labor hours for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day.

Alan Caldwell is no longer with the company and because salaried employees do not track their time by hour or task, SoCalGas is not able to identify the time, if any, that Mr. Caldwell may have spent on either preparation time for the meeting or on follow up activities.

The [REDACTED] and the Regional Public Affairs Representative spent approximately 1 hour each preparing for the meeting (total 2 hours). Andy Carrasco spent approximately 2 hours preparing for the meeting. There are no known labor hours associated with follow-up actions from the meeting.

SoCalGas incurred ~~approximately \$10,000~~ \$20,474.16 in consultant charges associated with preparation time for the meeting. ~~Through an inadvertent error, the consultant was~~

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

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REVISED: FEBRUARY 7, 2020

paid two \$10,000 payments. SoCalGas is endeavoring to recover the second \$10,000 payment from the vendor. There were also \$474.16 in expenses paid to the consultant related to the same scope of work.

SoCalGas incurred approximately \$647.37 in nonlabor expenses associated with Alan Caldwell's and the [REDACTED] attendance at the meeting.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 4:

Please disaggregate the costs identified in question 3 into the following categories:

- a. Labor
- b. Travel, lodging, meals, and incidental travel expenses
- c. Consultant costs
- d. Other

RESPONSE 4:

Response revised on February 7, 2020. Changes are noted in red and deletions are noted in red strikethrough.

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate labor hours for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Subject to and without waiving its objection, SoCalGas responds as follows:

- a) Labor: The employees who attended the meeting in their official job capacity are all salaried employees. Salaried employees are responsible for a myriad of tasks and do not track their time by activity or event. Thus, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Salaried employees often go above and beyond the normal 40 hour work week.
- b) Travel, lodging meals, and incidental travel expenses: **\$647.37**
- c) Consultant costs: ~~\$10,000~~ **\$20,474.16**. Through an inadvertent error, the consultant was paid two \$10,000 payments. SoCalGas is endeavoring to recover the second \$10,000 payment from the vendor.
- d) Other: **\$0**

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 5:

For each account to which any portion of the costs identified in question 3 were charged, please provide the following information:

- a. The name, number and description of the general ledger (G/L).
- b. The name, number and description of the invoice order (IO)
- c. The name, number and description of the cost center.
- d. Whether the account is ratepayer funded.
- e. How much of the costs identified in question 3 were charged to the account.

RESPONSE 5:

Response revised on February 7, 2020. Changes are noted in red and deletions are noted in red strikethrough.

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate any labor hours for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Further, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Subject to and without waiving its objection, SoCalGas responds as follows:

- a) GL 6130012, Employee Travel – Mileage
GL 6130014, Employee Travel-Parking
GL 6130015, Meals, Tips, and Entertainment
GL 6130016, Employee Travel-Car Rental
GL 6130017, Employee Travel-Taxi/Shuttle
GL 6130020, Employee Travel-Hotel/Lodging
GL 6220600, Service Consulting – Other
- b) Although this asks for the “invoice order”, SoCalGas has provided the “internal order”:
(1) FG9200002200 IO, Administrative and General Salaries

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

(2) Mr. Caldwell's expenses were originally charged, due to his departure, to FG9200002200 IO, Administrative and General Salaries, through an inadvertent error, but will be moved to ~~FG~~300796601 IO, Balanced Energy. The consultant charges were also charged to ~~FG~~300796601.

- c) (1) 2200-2504 cost center, Public Policy and Planning.
(2) 2200-2204 cost center, Energy Policy and Strategy
- d) The FG200002200 IO is funded as O&M in SoCalGas' General Rate Case. The ~~FG~~300796601 IO is funded by shareholders.
- e) \$256.03 in charges were charged to the 2200-2504 cost center and FG9200002200 IO and ~~\$10,391.34~~ \$20,865.50 in charges has been or will be charged to the 2200-2204 cost center and ~~FG~~300796601 IO. A second \$10,000 payment was inadvertently made by SoCalGas to the vendor which SoCalGas is endeavoring to recover. That second \$10,000 had been charged to the 2200-2204 cost center and 300796601 IO but has subsequently been removed to a receivable account.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 6:

State how SoCalGas determined the appropriate account(s) in which to record the costs identified in question 3.

RESPONSE 6:

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate labor hours associated for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Further, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Subject to and without waiving its objection, SoCalGas responds as follows:

See response to question 5(b). Costs associated with Alan Caldwell’s attendance at the meeting will be charged to a shareholder funded IO because Mr. Caldwell was 100% shareholder funded at the time of the meeting and attended in his capacity as lead of the advocacy effort for SoCalGas’ balanced energy vision. Costs associated with the use of the consultant have already been charged to a shareholder funded IO.

Employees who attended the meeting as part of their normal job duties to be aware of and observe governmental decisions that have the potential to affect safety, operations, one of SoCalGas’ franchises, or the affordability of customers’ energy service had the costs identified above associated with their attendance at the meeting charged to IOs that are ratepayer funded.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

Santa Monica reach codes



Attachment-2.pdf

QUESTION 7:

On September 10, 2019, the Santa Monica city council adopted a local building code (a “reach code”) that encourages all-electric new construction. At any time, has SoCalGas lobbied the City of Santa Monica regarding this proposed reach code?

RESPONSE 7:

SoCalGas objects to the term “lobbied” as vague, ambiguous, and nonspecific. Subject to and without waiving its objection, SoCalGas responds as follows:

SoCalGas did not engage in any lobbying efforts regarding Santa Monica’s proposed reach code. Three SoCalGas employees made public comments during the City Council meeting in Santa Monica on September 10, 2019. These brief comments were informational in nature and concerned the importance of energy system resiliency for local climate adaptation efforts, the benefits and availability of renewable natural gas, and the emission reduction potential for projects that capture methane. SoCalGas had no engagement with the City of Santa Monica on the reach code prior to the meeting and had no engagement after the meeting with the City of Santa Monica.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 8:

If the answer to question 7 is yes:

- a. What were SoCalGas' recommendations to the City of Santa Monica regarding the proposed reach code?
- b. Who authorized such lobbying?
- c. When did such lobbying occur?
- d. Please provide the name and title of each SoCalGas employee who was involved in such lobbying.

RESPONSE 8:

See response to question 7 and question 10.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 9:

Did any SoCalGas employees attend the Santa Monica city council meeting on September 10, 2019?

RESPONSE 9:

Yes.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 10:

If any SoCalGas employees attended the Santa Monica city council meeting on September 10, 2019, please provide the name and job title of each SoCalGas employees who attended.

RESPONSE 10:

Information highlighted in yellow is confidential and protected material pursuant to PUC Section 583, GO 66-D, and D.17-09-023. Please see accompanying confidentiality declaration.

A Senior Public Affairs Manager, an [REDACTED], and a [REDACTED] [REDACTED] attended the meeting.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 11:

If any SoCalGas employees attended the Santa Monica city council meeting on September 10, 2019, please state the total costs that SoCalGas incurred for employees' attendance at or participation in this meeting (including, but not limited to: preparation for the meeting; participation in the meeting; follow-up actions from the meeting; transportation; lodging; meals; per diem; and other expenses).

RESPONSE 11:

SoCalGas objects to this question as overbroad and unduly burdensome. Subject to and without waiving its objection, SoCalGas responds as follows:

The individuals who attended the meeting are all salaried employees and do not track their time each day with the intent of reporting out an hourly log of activities. The meeting occurred during the evening, after normal business hours, and SoCalGas estimates that the meeting was approximately 5 hours long. SoCalGas has not attempted to calculate labor hours for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day.

SoCalGas employees spent approximately 11 hours in preparation for the meeting and approximately 2 hours in follow-up actions after the meeting.

SoCalGas incurred approximately \$47.14 in nonlabor expenses associated with the meeting.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 12:

Please disaggregate the costs identified in question 11 into the following categories:

- a. Labor
- b. Travel, lodging, meals, and incidental travel expenses
- c. Consultant costs
- d. Other

RESPONSE 12:

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate labor hours associated for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Subject to and without waiving its objection, SoCalGas responds as follows:

- a) Labor: The employees who attended the meeting in their official job capacity are all salaried employees. Salaried employees are responsible for a myriad of tasks and do not track their time by activity or event. Thus, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Salaried employees often go above and beyond the normal 40 hour work week.
- b) Travel, lodging, meals, and incidental travel expenses: **\$47.14**
- c) Consultant costs: **\$0**
- d) Other: **\$0**

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 13:

For each account to which any portion of the costs identified in question 11 were charged, please provide the following information:

- a. The name, number and description of the general ledger (G/L).
- b. The name, number and description of the invoice order (IO)
- c. The name, number and description of the cost center.
- d. Whether the account is ratepayer funded.
- e. How much of the costs identified in question 11 were charged to the account.

RESPONSE 13:

Response revised on February 7, 2020. Changes are noted in red and deletions are noted in red strikethrough.

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate labor hours associated for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Further, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Subject to and without waiving its objection, SoCalGas responds as follows:

- a) GL 6130012, Employee Travel-Mileage and GL 6130014, Employee Travel-Parking
- b) Although this asks for the “invoice order”, SoCalGas has provided the “internal order”:
 - (1) FG9200002200, Administrative and General Salaries
 - (2) FG9215632200, Public Affairs Administration-NonLabor
- c) (1) 2200-2504 cost center, Public Policy and Planning
(2) 2200-0811 cost center, Public Affairs Manager - LA

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

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- d) These IOs are funded as O&M in SoCalGas' General Rate Case.
 - e) \$14 in charges were charged to the 2200-2504 cost center and FG9200002200 IO and \$33.14 in charges were charged to the 2200-0811 cost center and FG9215632200 IO.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 14:

State how SoCalGas determined the appropriate account(s) in which to record the costs identified in question 11.

RESPONSE 14:

SoCalGas objects to this question as overbroad and unduly burdensome. SoCalGas has not attempted to calculate labor hours associated for the attendance at the meeting of salaried employees given that this was an after hours meeting occurring after the employees had already put in an 8 hour (or more) work day. Further, SoCalGas is unable to identify any labor “costs that SoCalGas incurred.” The salaried employees would have been paid the same amount regardless of whether they attended the meeting or not and their normal workload did not go away during the timing of the meeting. Subject to and without waiving its objection, SoCalGas responds as follows:

Employees who attended the meeting as part of their normal job duties to be aware of and observe governmental decisions that have the potential to affect safety, operations, one of SoCalGas’ franchises, or the affordability of customers’ energy service had the costs identified above associated with their attendance at the meeting charged to IOs that are ratepayer funded.

**SOUTHERN CALIFORNIA GAS COMPANY
REACH CODES**

(DATA REQUEST CALADVOCATES-HB-SCG-2019-13)

DATE RECEIVED: OCTOBER 24, 2019

DATE SUBMITTED: NOVEMBER 25, 2019

REVISED: FEBRUARY 7, 2020

QUESTION 15:

Please provide all written or electronic communications that (a) were between SoCalGas personnel and personnel or elected officials of the City of Santa Monica, (b) occurred since January 1, 2019, and (c) related to potential changes in building codes concerning energy efficiency or electrification.

RESPONSE 15:

SoCalGas objects to this question as overbroad and unduly burdensome. Subject to and without waiving its objection, SoCalGas responds as follows:

In responding to this request, the business units most likely to come into contact with the City of Santa Monica were provided with Cal Advocates' question. This response relies, at least in part, on the memories of individuals and thus may not capture every communication.

See attachment, which includes the documents provided to the City of Santa Monica at the meeting. Note that "ICF – Re-Assessment of Renewable Natural Gas Study" may have been inadvertently left out of the materials provided to the City of Santa Monica, but is included here.

In addition, the Senior Public Affairs Manager emailed the City Clerk prior to the meeting to ask for a copy of the proposed language for the reach code in question. The City Clerk replied back that the proposed language would be available when the agenda for the meeting was posted. SoCalGas no longer has a copy of this communication.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-44

SOCALGAS EXHIBIT

**SoCalGas Response to Sierra Club-02
Submitted June 16, 2020**

**ORDER INSTITUTING RULEMAKING CONCERNING ENERGY EFFICIENCY ROLLING
PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

SoCalGas objects to Sierra Club's definition of "SoCalGas" as overbroad, specifically SoCalGas objects to SoCalGas's parent company Sempra Energy being included within the definition of SoCalGas. Sempra Energy is a separate entity and, unlike SoCalGas, is not a party to either Order to Show Cause ("OSC") in the Energy Efficiency proceeding. Sempra Energy's activities are outside of the scope of either OSC and further are neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. Thus, SoCalGas's responses do not include information on Sempra Energy or its activities.

Data requests related to the January 10, 2020 pre-filed testimony of Deanna Haines

QUESTION 1:

Refer to page 12, lines 8-14. Please explain why SoCalGas charged non-labor costs associated with the December 2018, May 2019, November 2019, and August 2020 DUTG meetings to a ratepayer-funded account, but charged non-labor expenses associated with the December 2018 DUTG meeting to a shareholder-funded account

RESPONSE 1:

SoCalGas objects to this question as not accurately reflecting SoCalGas's January 10, 2020 testimony of Deanna Haines. That testimony provides:

Since June 1, 2018, I have attended three meetings of the DUTG: on December 12, 2018, May 8, 2019, and August 20, 2019.²⁶ Nonlabor costs (e.g., travel and meal expenses) of \$877.43 associated with the December 2018 DUTG meeting and \$957.35 associated with the May 2019 DUTG meeting were charged to accounts which are funded by ratepayers in the GRC. Nonlabor costs of \$1,121.45 associated with the August 2019 DUTG meeting were charged to an account which is shareholder funded. As the historical costs for the 2018-2019 period are part of the next GRC that has not yet been filed, accounting can be subject to future adjustments during that cycle.

FN 26: Another SoCalGas employee attended a November 13-14, 2019 AGPA DUTG meeting as my proxy. The employee does not remember any discussion of energy efficiency codes and standards advocacy topics at the meeting. The non-labor

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

expenses (\$1,846.55) for the employee's attendance at this meeting were charged to accounts that are ratepayer funded through the GRC. The employee is a salaried employee whose labor costs are also charged to accounts that are ratepayer funded through the GRC (and not funded through the DSMBA).¹

The travel expenses associated with Deanna Haines attendance at the May 2019 DUTG meeting were originally recorded to accounts which are designated as funded by ratepayers in the GRC. The May 2019 DUTG meeting expenses have since been transferred to an account which is designated as being funded by shareholders. As stated in SoCalGas's testimony: "As the historical costs for the 2018-2019 period are part of the next GRC that has not yet been filed, accounting can be subject to future adjustments during that cycle."

¹ Prepared Direct Testimony of Deanna R. Haines on Behalf of Southern California Gas Company, Docket No. R.13-11-005 (January 10, 2020), p. 12.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 2:

Refer to page 13, lines 10-12. Please explain how SoCalGas “participate[s] as a dues-paying member” in APGA activities when the organization’s website at <https://www.apga.org/aboutus/membership> lists membership opportunities only for municipal gas systems and “organizations that provide products and/or services for publicly owned natural gas distribution systems.” If SoCalGas falls into the latter category, please explain what specific products and/or services it provides to publicly owned gas distribution systems.

RESPONSE 2:

SoCalGas’s annual contribution is for the APGA’s Direct Use Task Group, of which it is a participant. SoCalGas is not a voting member of the APGA organization.

**ORDER INSTITUTING RULEMAKING CONCERNING ENERGY EFFICIENCY ROLLING
PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 3:

Refer to page 14, lines 7-9.

- a. Please confirm that the portion of dues that AGA identifies as allocable to lobbying only include expenses for “lobbying” activities as defined by the federal Budget Reconciliation Act of 1993.
- b. Please confirm that the portion of dues that AGA identifies as allocable to lobbying do not include any of the following activities: (1) advocacy in a U.S. Department of Energy rulemaking proceeding; (2) advocacy before state agencies, such as the California Energy Commission; (3) advocacy before municipal and other local governments.

RESPONSE 3:

- a. AGA’s invoice provides: “Dues payments, contributions or gifts to the American Gas Association are not tax deductible as charitable contributions for federal income tax purposes. However, they may be deductible as ordinary and necessary business expenses subject to restrictions imposed as a result of AGA’s lobbying activities as defined by the Budget Reconciliation Act of 1993.”
- b. SoCalGas does not have further insight into how AGA identifies the portion of dues as allocable to lobbying activities on its invoices.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

General questions related to statewide advocacy

QUESTION 4:

Please provide full list of draft CASE reports that you forwarded to anyone outside the joint utilities working on the CASE team since January 1, 2014. For each draft CASE report you forwarded, please identify who you sent it to, the date you sent it, and all emails between you and the recipient about the draft.

RESPONSE 4:

Please see corresponding document production.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

Questions related to reach codes

QUESTION 5:

Please see the comment letter to the Culver City city council attached to this set of data requests as Attachment A.

- a. Please provide all communications between SoCalGas and Californians for Balanced Energy Solutions (C4BES) Executive Director Jon Switalski and/or Chair Eric Hofmann related to developing and publicizing this letter.
- b. Please provide all communications between SoCalGas and contractors providing services to C4BES related to developing or publicizing this letter.
- c. Did SoCalGas all or in part fund the development or efforts to publicize this letter?
- d. If the answer to (b) is yes, please state the amount of funding SoCalGas provided and what portion of these funds SoCalGas charged to ratepayer-funded accounts. Please also provide any contract or memorandum of understanding that SoCalGas entered related to this work.
- e. Please provide all other comment letters to other city councils or council members that SoCalGas has participated in developing and/or publicizing.

RESPONSE 5:

- a. In responding to this question, the business units most likely to come into contact with C4BES were provided with Sierra Club's question. SoCalGas has not identified any communications responsive to this question.
- b. In responding to this question, the business units most likely to come into contact with C4BES were provided with Sierra Club's question. SoCalGas has not identified any communications responsive to this question.
- c. SoCalGas has contributed funding to C4BES, but has not identified any evidence to date that it directed C4BES on how to use those funds in relation to Attachment A.
- d. SoCalGas's contributions to C4BES are recorded to accounts that are designated as 100% shareholder funded.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

-
- e. SoCalGas objects to this request as overly broad and unduly burdensome. SoCalGas further objects on the basis that as drafted this request is not limited to issues either relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. SoCalGas will not be providing a response to this question, but is willing to meet and confer with Sierra Club.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 6:

Please see the screenshot of the C4BES website attached to this set of data requests as Attachment B.

- a. Please provide all communications between SoCalGas and C4BES Executive Director Jon Switalski and/or Chair Eric Hofmannor and/or contractors providing services to C4BES related to attendance at Culver City's public meetings on its proposed reach code.
- b. Did SoCalGas all or in part fund the development of this web content
- c. If the answer to (b) is yes, please state the amount of funding SoCalGas provided and what portion of these funds SoCalGas charged to ratepayer-funded accounts. Please also provide any contract or memorandum of understanding that SoCalGas entered related to this work.

RESPONSE 6:

- a. In responding to this question, the business units most likely to come into contact with C4BES were provided with Sierra Club's question. This response relies, at least in part, on the memories of individuals and thus may not capture every communication. SoCalGas objects to the request for "all communications" as overbroad and unduly burdensome and neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. SoCalGas has provided the communications identified as between SoCalGas and C4BES related to attendance at Culver City's public meetings on its proposed reach code. Subject to the above and without waiving its objection, SoCalGas responds as follows:

Please see corresponding document production.

- b. SoCalGas has contributed funding to C4BES, but has not identified any evidence to date that it directed C4BES on how to use those funds in relation to Attachment B.
- c. SoCalGas's contributions to C4BES are recorded to accounts that are designated as 100% shareholder funded.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 7:

Please provide all communications between SoCalGas to the City of San Luis Obispo (“SLO”) from October 1, 2019 to the present related to SLO’s proposed reach code.

RESPONSE 7:

In responding to this question, the business units most likely to come into contact with the City of San Luis Obispo were provided with Sierra Club’s question. This response relies, at least in part, on the memories of individuals and thus may not capture every communication. SoCalGas objects to the request for “all communications” as overbroad and unduly burdensome and neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. SoCalGas has provided the communications identified as between SoCalGas and the City of San Luis Obispo from October 1, 2019 to the present related to SLO’s proposed reach code. Subject to the above and without waiving its objections, SoCalGas responds as follows:

Please see corresponding document production, as well as the below.

10/9/19: SoCalGas Public Affairs Manager, SLO City Sustainability Manager and SLO Community Development Director discuss reach codes at Builder Association Breakfast.

1/6/20: SoCalGas Public Affairs Manager phone call to city hall scheduler/admin requesting meetings with mayor and council.

1/8/20: Response call from city hall scheduler/admin indicating mayor and council not interested in meeting.

2/20/20: SoCalGas Public Affairs Manager phone call to SLO City Sustainability Manager confirming discussion topics for meeting on 2/26/20. Also discussed temporary incentives for all electric buildings on Planning Commission Agenda 2/26/20.

2/26/2020: SoCalGas Public Affairs Manager, Policy Advisor, and Planning Manager had a meeting with SLO City Sustainability Manager and SLO Community Development Director to discuss reach code and Clean Energy Ordinance returning to the City Council Agenda on April 7, 2020, as well as to discuss renewable natural gas and energy efficiency.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 8:

Please provide all communications between SoCalGas and C4BES Board Chair Eric Hofmann from October 1, 2019 to the present related to SLO's proposed reach code.

RESPONSE 8:

In responding to this question, the business units most likely to come into contact with C4BES were provided with Sierra Club's question. SoCalGas has not identified any communications responsive to this question.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 9:

Please provide all communications between SoCalGas and employees of Marathon Communications, including, but not limited to Brian Lewis, Media Relations Director, from October 1, 2019 to the present related to SLO's proposed reach code.

RESPONSE 9:

In responding to this question, the business units most likely to come into contact with Marathon Communications were provided with Sierra Club's question. SoCalGas has not identified any communications responsive to this question.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 10:

Please provide all communications between SoCalGas and staff, council members, or supervisors of the following cities and counties about reach codes since January 1, 2014:

- Artesia, including any email regarding potential reach codes to @cityofartesia.us accounts
- Avalon, including any email regarding potential reach codes to @cityofavalon.com accounts
- Claremont, including any email regarding potential reach codes to @ci.claremont.ca.us accounts
- Costa Mesa, including any email regarding potential reach codes to @costamesaca.gov accounts
- Culver City, including any email regarding potential reach codes to @culvercity.org accounts
- Encinitas, including any email regarding potential reach codes to @encinitasca.gov accounts
- Los Angeles County, including any email regarding potential reach codes to @lacounty.gov accounts
- Manhattan Beach, including any email regarding potential reach codes to @citymb.info accounts
- Redlands, including any email regarding potential reach codes to @cityofredlands.org accounts
- Santa Barbara, including any email regarding potential reach codes to @santabarbaraca.gov accounts
- Santa Monica, including any email regarding potential reach codes to @smgov.net accounts
- South Pasadena, including any email regarding potential reach codes to @southpasadenaca.gov accounts
- Ventura County, including any email regarding potential reach codes to @ventura.org accounts

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SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

RESPONSE 10:

In responding to this question, the business units most likely to come into contact with the identified cities were provided with Sierra Club's question. This response relies, at least in part, on the memories of individuals and thus may not capture every communication. SoCalGas objects to the request for "all communications" as overbroad and unduly burdensome and neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. SoCalGas has provided the communications identified as between SoCalGas and staff, council members, or supervisors of the identified cities and counties about reach codes or potential reach codes since January 1, 2014. SoCalGas also understands "reach codes" to mean the process identified on the CEC website at <https://ww2.energy.ca.gov/title24/2016standards/ordinances/>. Subject to the above and without waiving its objections, SoCalGas responds as follows:

Please see corresponding document production, as well as the below.

Culver City

1/21/20 and 2/4/20: SoCalGas Policy Advisor and Public Affairs Manager attended public informational meetings on reach codes. The Policy Advisor asked questions to the city's consultant who attended. The same advisor also emailed the consultant around the same time period. SoCalGas no longer has copies of that communication. At the 2/4/20 meeting, the Public Affairs Manager spoke with the presenter regarding attendance and the reach codes discussed.

1/24/20: SoCalGas Public Affairs Manager spoke with council member Goran Eriksson who asked if the manager had attended any of the reach code meetings.

Santa Monica

9/10/19: Three SoCalGas employees made public comments during the City Council meeting in Santa Monica. These brief comments were informational in nature and concerned the importance of energy system resiliency for local climate adaptation efforts, the benefits and availability of renewable natural gas, and the emission reduction potential for projects that capture methane. SoCalGas also provided the documents identified in question 13 to the Santa Monica City Council at the meeting. In addition, a SoCalGas employee emailed the

**ORDER INSTITUTING RULEMAKING CONCERNING ENERGY EFFICIENCY ROLLING
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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

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Santa Monica City Clerk prior to the meeting to ask for a copy of the proposed language for the reach code in question. The City Clerk replied back that the proposed language would be available when the agenda for the meeting was posted. SoCalGas no longer has a copy of this communication.

10/17/19: SoCalGas Public Affairs Manager met with Santa Monica Council member Greg Morena to discuss the reach code that had been passed. Emails were exchanged between the Public Affairs Manager and the council member and his staff to request and schedule the meeting and to thank him for the meeting. SoCalGas no longer has copies of these communications. The Public Affairs manager had also emailed to try to set up a meeting with Council member Ana Maria Jara and never received a response. SoCalGas no longer has copies of this communications

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SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 11:

Has SoCalGas contracted with consultants for services that include local government outreach on reach codes. If yes, please provide:

- a. All contracts for such services
- b. The amount of each contract's costs that SoCalGas charged to a ratepayer-funded account.
- c. The name of the consultant firm(s) and the principal contact at the firm(s).
- d. All communications between the consultant firm(s) and SoCalGas related to reach code adoption or potential reach code adoption in San Luis Obispo or any of the local governments listed in Data Request #10 in this set.

RESPONSE 11:

SoCalGas objects to this question as vague and ambiguous, specifically as to the term "outreach." Subject to and without waiving its objection, SoCalGas responds as follows:

- a. The costs associated with the only responsive consultant work identified by SoCalGas are recorded to accounts that are designated as 100% shareholder funded, thus, SoCalGas objects to this request as seeking information that would reveal relationships and strategic business choices made by SoCalGas and others with whom it associates and chill the exercise of SoCalGas' and other's constitutional rights. *See e.g., NAACP v. Alabama* (1958) 357 U.S. 449, 462; *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1160. The appropriateness of the disclosure of this information is the subject of an appeal being reviewed by the full Commission. In addition, SoCalGas' 100% shareholder funded activity is neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence.
- b. The costs are recorded to accounts that are designated as 100% shareholder funded.
- c. See response to a.
- d. See response to a.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 12:

Please see the letter to CEC Chairman Hochschild attached to this set of data requests as Attachment C.

- a. Please identify the SoCalGas employee or officer who authorized signing onto this letter.
- b. Please provide all communications between SoCalGas and the other signatories to this letter related this letter, including communications related to developing and signing onto the letter.
- c. Please identify the costs SoCalGas incurred (either in labor costs or contracting costs) to develop this letter and communicate with potential signatories, and the amount of those costs that SoCalGas billed to ratepayer-funded accounts.

RESPONSE 12:

- a. George Minter, Regional Vice President of External Affairs & Environmental Policy.
- b. In responding to this question, the business units most likely to come into contact with the other signatories to this letter were provided with Sierra Club's question. SoCalGas objects to the request for "all communications" as overbroad and unduly burdensome and neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. SoCalGas has provided the communications identified as between SoCalGas and the other signatories to this letter related this letter, including communications related to developing and signing onto the letter. Subject to the above and without waiving its objection, SoCalGas responds as follows:

Please see corresponding document production.

- c. The only identified costs incurred by SoCalGas are charged to accounts that are designated as 100% shareholder funded, thus, SoCalGas objects to this request on the grounds that it seeks the production of information that is neither relevant to the subject matter involved in the pending proceeding nor is likely reasonably calculated to lead to the discovery of admissible evidence. In addition, regarding labor costs, the employees involved are all salaried employees. As salaried employees, these employees would have been paid the same regardless and SoCalGas does not have a calculation of any labor costs associated with these activities. SoCalGas further objects to this request to the extent that it imposes upon SoCalGas an obligation to

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

generate or create records which do not exist, or which have not been generated or created in its regular course of business, which obligation exceeds the requirements provided by the CPUC's Discovery Custom and Practice Guideline and California Code of Civil Procedure Section 2031.230.

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PORTFOLIOS, POLICIES, PROGRAMS, EVALUATION, AND RELATED ISSUES**

(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-02)

DATE RECEIVED: MAY 4, 2020

DATE SUBMITTED: JUNE 16, 2020

QUESTION 13:

Please see the following list of documents that SoCalGas submitted to the Santa Monica City Council for its September 10, 2019 meeting. For each document on this list, please state whether SoCalGas funded the development of the document and, if so, the amount of ratepayer funds for each document.

- SoCalGas' "CA Clean Energy Future – Imagine the Possibilities" whitepaper
- RNG Potential-UC Davis –Final Draft Report on The Feasibility of Renewable Natural Gas as a Large-Scale, Low Carbon Substitute Contract No. 13-307, Prepared for the California Air Resources Board and the California Environmental Protection Agency
- Lawrence Livermore National Labs California Energy Commission Comment Letter "The Natural Gas Infrastructure and Decarbonization Targets"
- Dr. John Brower UC Irvine, (2) articles- "The real renewable energy storage solution", "Net-zero emissions energy systems" and list of P2G, NG, H2 Publications
- Navigant Study – "Analysis of the Role of Gas for a Low-Carbon California Future"
- ICF – "Case Studies of Natural Gas Sector Resilience Following Four Climate-Related Disasters in 2017"
- Secretary of Energy Ernest J. Moniz-Energy Futures Initiative "PATHWAYS FOR DEEP DECARBONIZATION IN CALIFORNIA"
- Secretary of Energy Ernest J. Moniz-Energy Futures Initiative, The Green Real Deal" A FRAMEWORK FOR ACHIEVING A DEEPLY DECARBONIZED ECONOMY" August 2019
- ICF -- Re-Assessment of Renewable Natural Gas Study

RESPONSE 13:

SoCalGas objects to this request as overbroad and unduly burdensome. In addition, SoCalGas objects on the basis that this request seeks information that is neither relevant to the subject matter involved in the pending proceeding nor likely reasonably calculated to lead to the discovery of admissible evidence. The documents provided to the Santa Monica City Council are publicly available documents and do not concern reach codes. Instead the documents provide more general information on renewable natural gas and decarbonization and the role of natural gas.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-45

SOCALGAS EXHIBIT

**SoCalGas Response to Sierra Club-SoCalGas-08
Submitted September 25, 2020**

**ORDER INSTITUTING RULEMAKING CONCERNING ENERGY EFFICIENCY ROLLING
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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 1:

Please refer to PDF 077_Sierra_Club_SCG_01_R.13-11-005_000318.

- a. Please provide the storytelling prospectus attachment referenced in the email chain.
- b. Please state the total labor costs of SoCalGas employees' work on the storytelling prospectus referenced in the email chain.
- c. Please state the funding source(s) (specific account and cost center) to which you charged the cost of developing the storytelling prospectus. If you charged costs to more than one funding source, state the amount charged to each one.

RESPONSE 1:

SoCalGas objects to this request on the basis that it seeks information that is outside of the scope of either Order to Show Cause (OSC) against SoCalGas in R. 13-11-005, which concern activity related to energy efficiency codes and standards and reach codes. The document bates labeled 077_Sierra_Club_SCG_01_R.13-11-005_000318 does not concern energy efficiency codes and standards or reach codes.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 2:

Please refer to PDF 006_Sierra_Club_SCG_01_R.13-11-005_000020.

- a. Please provide the contract and scope of work with Ramboll for the work referenced in PDF 006_Sierra_Club_SCG_01_R.13-11-005_000020, including work related to “responding to Rocky Mountain Institute in the Title 24 CEC Proceeding” and “responding to the Sierra Club/UCLA study report.”
- b. Please state the funding source(s) (specific account and cost center) to which you charged the costs of the contract provided in response to part (a) and any other costs of “the Ramboll team” developing analyses to rebut Rocky Mountain Institute and UCLA reports on indoor air quality on behalf of SoCalGas or AGA. If you charged costs to more than one funding source, state the amount charged to each one.
- c. Please state the total labor costs of SoCalGas employees’ work with Ramboll and AGA in “responding to Rocky Mountain Institute in the Title 24 CEC Proceeding.”
- d. Please state the total labor costs of SoCalGas employees’ work with Ramboll and AGA in “responding to the Sierra Club/UCLA study report.”
- e. Please state the funding source(s) (specific account and cost center) to which you charged the costs of SoCalGas employees’ labor in developing the responses referenced in (c) and (d).

RESPONSE 2:

SoCalGas objects to this request on the basis that it seeks information that is outside of the scope of either Order to Show Cause (OSC) against SoCalGas in R. 13-11-005, which concern activity related to energy efficiency codes and standards and reach codes. The document bates labeled 006_Sierra_Club_SCG_01_R.13-11-005_000020 does not concern energy efficiency codes and standards or reach codes. The document concerns particulate emissions/indoor air quality.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 3:

Please refer to PDF 127_Sierra_Club_SCG_01_R.13-11-005_000456.

- a. Please provide the powerpoint presentation that Ms. Kristjansson presented at the 2017 Hot Water Forum.
- b. Please state the total cost of preparing and delivering this presentation, including travel and employee labor costs.
- c. Please state the funding source(s) (specific account and cost center) to which you charged the costs of this presentation. If you charged costs to more than one funding source, state the amount charged to each one.
- d. Please state the total costs of developing this paper that SoCalGas charged to ratepayer funded accounts.

RESPONSE 3:

- a. The presentation is attached.



ACEEE_HWF_Natura
IGasWH_Final.pdf

- b. SoCalGas objects to this question as overbroad and unduly burdensome. Further, SoCalGas objects to this Request to the extent that it imposes upon SoCalGas an obligation to generate or create records or data which do not exist, or which have not been generated or created in its regular course of business, which obligation exceeds the requirements provided by the CPUC's Discovery Custom and Practice Guidelines and California Code of Civil Procedure Section 2031.230 (proper response stating inability to comply with discovery request includes a statement that "the particular item or category [of records] has never existed"). *See also* A.05-04-020, *In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc.*, Administrative Law Judge's Ruling Addressing Motion of Qwest to Compel Responses, Aug. 5, 2005, at p. 7 (in relation to motion to compel emphasized that "Verizon is not required to create new documents responsive to the data request") (also available at 2005 WL 1866062); A.05-02-027, *In the Matter of the Joint Application of SBC Communications Inc. and AT&T Corp.*, Administrative Law Judge's Ruling Regarding ORA's Second Motion to Compel, June 8, 2005, at p.23 (in ruling on motion to compel stressed that SBC

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(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

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Communications “shall not be required to produce new studies specifically in response to this DR”) (also available at 2005 WL 1660395). Without waiving these objections, SoCalGas responds as follows: SoCalGas’s salaried employees do not track their time each day with the intent of reporting out an hourly log of activities. SoCalGas therefore does not have a calculation of costs associated with these labor hours. Travel costs for the ACEEE Hot Water Forum are \$2,113.76.

- c. SoCalGas objects to this question as overbroad and unduly burdensome, specifically the request to “state the total cost of preparing and delivering this presentation” Further, SoCalGas objects to this request to the extent that it imposes upon SoCalGas an obligation to generate or create records or data which do not exist, or which have not been generated or created in its regular course of business, which obligation exceeds the requirements provided by the CPUC’s Discovery Custom and Practice Guidelines and California Code of Civil Procedure Section 2031.230 (proper response stating inability to comply with discovery request includes a statement that “the particular item or category [of records] has never existed”). *See also* A.05-04-020, *In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc.*, Administrative Law Judge’s Ruling Addressing Motion of Qwest to Compel Responses, Aug. 5, 2005, at p. 7 (in relation to motion to compel emphasized that “Verizon is not required to create new documents responsive to the data request”) (also available at 2005 WL 1866062); A.05-02-027, *In the Matter of the Joint Application of SBC Communications Inc. and AT&T Corp.*, Administrative Law Judge’s Ruling Regarding ORA’s Second Motion to Compel, June 8, 2005, at p.23 (in ruling on motion to compel stressed that SBC Communications “shall not be required to produce new studies specifically in response to this DR”) (also available at 2005 WL 1660395). Without waiving these objections, SoCalGas responds as follows: SoCalGas does not track costs by task or activity. In addition, SoCalGas’s salaried employees do not track their time each day with the intent of reporting out an hourly log of activities. Thus, SoCalGas does not have a calculation of costs associated with “preparing and delivering this presentation” and is unable to identify a funding source used to track costs associated with “preparing and delivering this presentation”. The travel costs for the ACEEE Hot Water Forum identified in (b) were charged to IO 300715749 – 2013-2017 C&S Planning Coordination Direct Implementation.
- d. The travel costs for the ACEEE Hot Water Forum identified in (b) were charged to accounts designated as Above-the-Line.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 4:

Please refer to PDF 549_Sierra_Club_SCG_01_R.13-11-005_001822.

- a. How much funding, if any, did SoCalGas provide for this paper by Arthur Corbin, et al?
- b. Please state the funding source(s) (specific account and cost center) to which you charged the costs identified in response to part (a). If you charged costs to more than one funding source, state the amount charged to each one.
- c. How much funding, if any, did SoCalGas provide for the 2017 APGA paper “Levelized Cost of Energy: Expanding the Menu to Include Direct Use of Natural Gas”?
- d. Please state the funding source(s) (specific account and cost center) to which you charged the costs identified in response to part (c). If you charged costs to more than one funding source, state the amount charged to each one.

RESPONSE 4:

SoCalGas queried the employees and groups most likely to have information regarding the question. SoCalGas had not identified information regarding whether or not SoCalGas provided funding for PDF 549_Sierra_Club_SCG_01_R.13-11-005_001822 or for the 2017 APGA paper “Levelized Cost of Energy: Expanding the Menu to Include Direct Use of Natural Gas” identified in PDF 549_Sierra_Club_SCG_01_R.13-11-005_001822. SoCalGas reserves the right to supplement this response if it identifies further information.

Updated Response: SoCalGas has not identified any evidence to date that it contributed any funding to either PDF 549_Sierra_Club_SCG_01_R.13-11-005_001822 or the 2017 APGA paper “Levelized Cost of Energy: Expanding the Menu to Include Direct Use of Natural Gas” identified in PDF 549_Sierra_Club_SCG_01_R.13-11-005_001822.

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(R.13-11-005)

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 5:

Please refer to the August 24, 2020 Supplemental Prepared Direct Testimony of Deanna R. Haines on behalf of Southern California Gas Company at page 3, line 13. Please provide the notes from the meeting SoCalGas distributed to its employees.

RESPONSE 5:



Notes from 08-12-20
CEC Business meeting

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(DATA REQUEST SIERRA CLUB-SOCALGAS-08)

DATE RECEIVED: AUGUST 27, 2020

DATE SUBMITTED: SEPTEMBER 10, 2020

REVISED RESPONSE SUBMITTED: SEPTEMBER 25, 2020 (Q4)

QUESTION 6:

Please refer to the August 24, 2020 Supplemental Prepared Direct Testimony of Deanna R. Haines on behalf of Southern California Gas Company at page 4, lines 3-4. Please identify the “[p]ortions of the technical content in the Technical Comments” that “were provided by an employee of the American Gas association.”

RESPONSE 6:

In the Technical Comments referred to in the Supplemental Prepared Direct Testimony of Deanna R. Haines, which was attached as Attachment A to the August 24, 2020 Motion of SoCalGas for Leave to Serve Supplemental Prepared Direct Testimony in the Order to Show Cause Why SoCalGas Should Not Be Sanctioned for Violating a Commission Order and Rule 1.1 of the Commission’s Rules of Practice and Procedure (Issued October 3, 2019), it is SoCalGas’s understanding that the section on indoor air quality, as well as the attachment to the Technical Comments contain material from AGA and other sources. As stated in the supplemental testimony, the Technical Comments were prepared by a consultant.

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-46

SOCALGAS EXHIBIT

**SoCalGas Response to ORA's Motion to Deem as Public
Materials Marked as Confidential Filed December 28, 2017**

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Southern California Edison
Company (U-338-E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application 17-01-013
(Filed January 17, 2017)

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

**SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) RESPONSE TO OFFICE OF
RATEPAYER ADVOCATES' MOTION TO DEEM AS PUBLIC MATERIALS
MARKED AS CONFIDENTIAL**

Elliott S. Henry

Attorney for
SOUTHERN CALIFORNIA GAS COMPANY
555 West Fifth Street, Ste. 1400
Los Angeles, California 90013
Telephone: (213) 244-8234
Facsimile: (213) 629-9620
E-mail: EHenry@semprautilities.com

December 28, 2017

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Application of Southern California Edison Company (U-338-E) for Approval of Energy Efficiency Rolling Portfolio Business Plan.

Application 17-01-013
(Filed January 17, 2017)

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) RESPONSE TO OFFICE OF RATEPAYER ADVOCATES' MOTION TO DEEM AS PUBLIC MATERIALS MARKED AS CONFIDENTIAL

I. INTRODUCTION

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Southern California Gas Company (“SoCalGas”) files this Response to Office of Ratepayer Advocates’ Motion to Deem as Public Materials Marked as Confidential (“Motion”).

SoCalGas has acted diligently and in good faith in responding to the Office of Ratepayer Advocates’ (“ORA”) data request concerning the CEC rulemaking for domestic hot water heating under the 2016 building energy efficiency standards. In Response to the broad data request in the Rulemaking (R.) 13-11-005, SoCalGas produced almost 500 documents, and following the applicable procedures for marking confidential materials where appropriate. Upon receiving the documents, ORA indicated it did not believe the production complied with the decisions governing confidentiality designations. However, during a meet and confer call, ORA refused to explain just how it believed SoCalGas should designate confidential materials, making it impossible for SoCalGas to know what it could do to satisfy ORA and avoid motion practice.

Despite ORA's refusal, SoCalGas undertook an extensive re-review and re-designation of the documents it had marked as confidential in an attempt to resolve the issue informally. In that re-designation, SoCalGas: (1) drafted a new declaration for the production, (2) divided the documents into four separate categories, (3) provided separate bases of confidentiality for those categories of documents, (4) within those categories, used different colors of highlighting to further delineate different types of confidentiality, (5) completely removed the confidentiality designations from 26 documents, (6) more narrowly designated confidentiality designations in essentially all of the documents that still possessed confidential material, (7) specifically identified in the declaration the file names of the documents that were marked as confidential under each category, and (8) indicated in the file names themselves what documents contained confidential information. In the end, only roughly 55 documents from the entire production (and only approximately 90 pages) had any confidentiality markings.

After this substantial overhaul of the designations, and having received no further communications from ORA for over a month, SoCalGas believed ORA agreed that the revised markings complied with the requirements for confidentiality designations. Then, on December 13, ORA filed the Motion to deem as public essentially every single document that SoCalGas had marked as confidential. ORA never called or wrote to SoCalGas to explain that it believed the revised markings for the second production were still deficient in some way. ORA never communicated to SoCalGas that it was having difficulty understanding how the documents were organized. Instead, it filed the present Motion, making a number of confused and inaccurate statements about SoCalGas' production and designations, demanding the public release of effectively all of the confidential material, and even demanding monetary sanctions against SoCalGas.

ORA's Motion should be denied for at least five reasons. First, ORA's Motion should be denied on procedural grounds. ORA's Motion regarding documents from a separate rulemaking in this proceeding and attempt to use the documents in this proceeding violates the discovery cut-off in this matter. ORA was well aware that the cut-off prohibited it from seeking discovery here, which is why it requested the documents through a separate rulemaking rather than in this proceeding. ORA also failed to properly meet and confer before filing, making the Motion ineligible for resolution.

Second, SoCalGas has complied with the requirements for confidentiality markings set forth in D.16-08-024, and addressed what it believed were ORA's main dissatisfactions with the markings – despite the fact that ORA never explained what *it* believed SoCalGas had to do comply.

Third, nearly all of the specific issues ORA complains of with respect to the markings should have been resolved by the revised production, or were a consequence of ORA misunderstanding the production. In this respect, the filing of ORA's Motion is simply a waste of Commission resources. Had ORA reached out to SoCalGas at any point after receiving the November production, SoCalGas could have explained the issues ORA misunderstood, and saved ORA's and the Commission's time. Despite the fact that ORA's issues are limited to only a few documents it specifically identifies, and some general protestations and confusion, ORA demands the Commission deem public every single document except one that SoCalGas marked as confidential. ORA gives short shrift to nearly all the confidential documents provided by SoCalGas, instead using a small, misunderstood and unrepresentative sample of documents to justify this vastly overbroad relief.

Fourth, ORA’s argument that unsealing the documents would “increase transparency and public access to records” is unavailing because, in light of the narrow markings done by SoCalGas, there is little the public does not have access to. Moreover, SoCalGas complied with the confidentiality decisions – to permit disclosure regardless of that compliance would be a dangerous precedent, rendering the confidentiality procedure meaningless.

Fifth, and finally, ORA’s demand for sanctions should be denied. The demand is unsupported by the law cited by ORA, and, more importantly, not only did SoCalGas properly follow the directives of D.16-08-024, it has acted in the utmost good faith, and made substantial efforts to appease ORA, even though ORA refused to clarify what exactly it believed SoCalGas had to do to comply (and avoid motion practice).

For these reasons, set forth more fully below, SoCalGas respectfully requests that ORA’s Motion be denied.

II. BACKGROUND

A. The Data Request

On October 4, 2017, ORA submitted Data Request SCG 001 in proceeding R.13-11-005, seeking information regarding the CEC rulemaking for domestic hot water heating under the 2016 building energy efficiency standards.¹ Question 1 of SCG 001 asked SoCalGas to “[p]rovide all documents (draft and final) and all emails relating to the CEC docket 14-BSTD-01 and related dockets on domestic hot water heating standards since January 1, 2014.”² This was a broad request, going back several years, and SoCalGas and ORA agreed on extensions to allow SoCalGas time to gather documents, with the ultimate response deadline of October 30.

¹ Motion, Attachment A, Exh. 1.

² *Id.*

The production in response to just that question included approximately 433 documents and emails. The documents included certain confidential information, and SoCalGas highlighted that specific information in accordance with the effective confidentiality rules³, and provided an officer declaration in support of the confidentiality. SoCalGas marked the documents for confidentiality on a line-by-line basis, except where it had not received permission from third-parties to produce documents or emails they had provided.⁴ In the end, approximately 83 documents had some markings for confidentiality.⁵ Four documents that were produced also included minor redactions (two to three lines) for attorney-client privilege.

B. Meet and Confer Communications

In response to SoCalGas' production, on November 2, 2017, counsel for ORA requested a meet and confer for the following week, proposing November 7 and November 8 as potential dates. SoCalGas' counsel responded within an hour, indicating availability on November 8.⁶

During the first meet and confer call, ORA informed SoCalGas that it believed SoCalGas' confidentiality markings (apparently just for documents produced in response to Question 1) did not comply with D.16-08-024. As ORA admits in its brief, when SoCalGas repeatedly asked ORA what it believed SoCalGas should also do to comply, ORA refused to answer.⁷ Without explaining what exactly it expected SoCalGas to do, ORA demanded that SoCalGas respond within just two days. SoCalGas inquired as to why such a tight turnaround

³ See D.17-09-023, D.16-08-024

⁴ See, e.g., Motion, Attachment A, Exh. 18.

⁵ See Motion, Attachment A, Exh. 1.

⁶ *Id.*

⁷ Motion at 12-13. In the Motion, ORA tries to paint these attempts to understand what ORA believed was required in some negative light. However, this is exactly what is called for in the CPUC Rules of Practice and Procedure concerning meet and confers in the discovery context: "A motion to compel or limit discovery is not eligible for resolution unless the parties to the dispute have previously met and conferred in a good faith effort to informally resolve the dispute." Rule 11.3. An informal resolution is nearly impossible if a party refuses to explain what would be satisfactory to avoid the motion.

was needed, to which ORA only responded that SoCalGas was required to comply with the rules regarding confidentiality designations. No additional need for the expediency was explained. SoCalGas indicated it likely could not complete anything within two days. ORA also asked for the basis for the blackout redactions (as opposed to confidentiality highlighting) to certain documents, to which SoCalGas explained it had redacted attorney-client privileged information, the contents of which pertained to legal guidance. Contrary to ORA's claims, SoCalGas recalls ORA's agreement that the absence of an attorney as an addressor or addressee would not waive or make inapplicable the privilege – but SoCalGas did not state that no attorneys were referenced in the redactions.

The meet and confer ended with ORA demanding an answer on whether SoCalGas was refusing to meet ORA's two-day deadline. SoCalGas followed up with an email to ORA the next day, November 9, notifying ORA of its intention to revise the markings and declaration to resolve the dispute, and explaining that this could not be accomplished in two days. On Monday, November 13, ORA responded via email acknowledging the November 9 email and requesting a phone call. That day, SoCalGas and ORA had two calls, during which SoCalGas indicated it would complete the production by close of business on Wednesday, November 15. SoCalGas recalls that ORA stated it would not accept a revised production later than 9 a.m. on the proposed Wednesday.⁸ SoCalGas agreed to the deadline. SoCalGas memorialized this in an email.

C. The November Production

SoCalGas undertook an extensive effort to re-review the documents it had produced on October 30. In less than a week, SoCalGas revised its response to Question 1, including both the declaration itself and the markings on the actual documents (the “November production”). In

⁸ With ORA's Motion being filed almost a month after SoCalGas revised its production, it further begs the question why ORA refused SoCalGas' request for a reasonable time to respond to its vague demands.

that effort, it removed confidentiality in its entirety from 26 documents, and reduced the amount of confidentiality markings for nearly all of the other documents it had previously marked. In the end, only 55 documents bore confidentiality markings.⁹ In addition, the explanations of confidentiality were made more robust, and SoCalGas used two separate colors for highlighting to delineate between different types of confidential information.¹⁰ The production was also accompanied by a cover letter explaining (for the second time) that the blackout redacted sections on four documents were “on internal company emails [and] contain[ed] content that involves and references legal guidance and discussions with company attorneys, and is therefore privileged.”¹¹ The letter concluded by inviting ORA’s counsel to contact SoCalGas if there was anything that ORA wanted to discuss.

ORA never called, emailed, or otherwise communicated with SoCalGas about the November production. ORA never contacted SoCalGas to explain that it believed the designations were inappropriate, or that it had trouble understanding the organization of the production – which apparently it did, based on its professed confusion in the Motion. Nor did ORA request a meet and confer before filing the Motion. Indeed, after nearly a month had passed, SoCalGas received no indications whatsoever that ORA continued to have any issues or disagreements with the confidentiality markings.

⁹ It is worth noting that ORA’s statement that SoCalGas designated 400 pages of materials in the November 15, 2017 production as confidential is simply false. *See* Motion at 12 n. 57. Although pages marked for confidentiality is a meaningless measure, only approximately 90 pages from the response to Question 1 bore any confidentiality markings.

¹⁰ *See* Motion, Attachment B, Exh. 2 at 3.

¹¹ Motion, Attachment B, Exh. 1.

III. PROCEDURAL ISSUES

There are two procedural matters which require ORA's Motion to be denied outright. As an initial matter, ORA's attempt to use documents from an October 4, 2017 data request in R-13-11-005 here in the business plan application proceeding (A-17-01-013 et al.) is improper because ORA violated the discovery cutoff in the business plan proceeding in order to acquire the documents. In this matter, a July 25, 2017 ruling set a deadline for all parties to complete their discovery requests to the program administrators by August 10, 2017.¹² To seemingly circumvent this deadline, ORA issued its data request in the rulemaking proceeding R-13-11-005 on October 4 – *nearly two months* after the discovery cutoff.¹³ SoCalGas complied without objection or inquiry, in good faith, since the rulemaking docket was still active, and at no time did ORA indicate it was seeking to re-open discovery or introduce new evidence in the business plan application docket. Discovery deadlines allow records to settle and for decisionmakers to have sufficient time to make decisions on the issues and proposals – something ORA is upending here. What is more, by attempting to bring the documents to the Commission for consideration in the application proceeding, ORA is also in violation of the September 25 deadline for the submission of information obtained during discovery.¹⁴ For violating the discovery cutoffs, ORA's Motion should be denied. The Commission should not condone such violations of scheduling orders and discovery cutoffs. Doing so would encourage all parties to constantly

¹² A-17-01-13, Ruling Denying Motions for Evidentiary Hearings and Testimony, But Providing for Briefs (July 25, 2017), at 9-10.

¹³ Motion, Attachment A, Exh. 1.

¹⁴ A.17-01-013, Ruling Clarifying July 25, 2017 Ruling (August 4, 2017), at 8.

consider conducting discovery across various matters, inhibiting the ability of the Commission (and the parties) to move forward efficiently.¹⁵

In addition, ORA has failed to adequately comply with the requirements of Rule 11.3(a), dictating that motions to compel are ineligible unless the moving party made “a good faith attempt at an informal resolution of the discovery dispute...”¹⁶ As discussed above, ORA admits that during the meet and confer regarding the October production, ORA repeatedly refused to state what it expected SoCalGas to do to avoid a motion. Thus, the meet and confer, was not approached by ORA with an intent to resolve informally the underlying discovery dispute. Furthermore, after receiving the new production from SoCalGas, ORA never even reached out to confer with SoCalGas about the production – let alone notify SoCalGas that it still believed the markings were deficient (or how to achieve informal resolution in lieu of motion practice). By failing to confer at all with respect to the November production, and failing to confer in good faith with respect to the initial production, ORA did not meet the spirit and requirements of Rule 11.3(a), and its Motion is ineligible for resolution.

IV. ARGUMENT

In addition to the procedural issues, ORA’s Motion should be denied for three reasons.

First and foremost, SoCalGas’ November 15, 2017 production complies with the requirements of

¹⁵ Furthermore, ORA would not be prejudiced by the prohibition of using the water heater documents (or the denial of its Motion) since ORA has already entered into evidence in A.17-01-013 et al. documents and written comments through which it sought to allege wrongdoing by SoCalGas in Codes & Standards advocacy. See A.17-01-013, Final Comments of the Office of Ratepayer Advocates on Energy Efficiency Program Administrators’ Business Plan Applications (September 25, 2017) at 5.

¹⁶ Although ORA has styled its Motion as a “Motion to Deem as Public,” it is in essence a motion to compel SoCalGas to produce public versions of the produced documents. ORA appears to believe that as well, as it even initially requested a meet and confer, and ORA refers to “this *discovery* dispute,” (Motion at 11 (emphasis added)), and calls the production a “misuse[] of the *discovery* process” and an “evasive response[] to *discovery* requests” (*id.* at 14 (emphasis added)).

the applicable confidentiality decisions.¹⁷ The markings were narrowly done, cite specific legal citations, and conform to previous productions by SoCalGas and the other utilities. Moreover, ORA fails to explain any adequate reason why the California Public Records Act exceptions should not apply here. And in endeavoring to make these designations and confer with ORA, SoCalGas has acted in earnest good faith. As for the four documents bearing redactions, SoCalGas already explained the basis of the privilege for these documents. The second reason the Motion should be denied is because the specific issues ORA takes with the production either relate to the prior October production, or amount to cherry picking one or two minor aspects of the production that ORA either misunderstood or can be readily resolved. Third, the documents should not be unsealed just because ORA claims it would benefit public access – doing so would render moot the confidentiality designation procedure.

In addition, ORA’s demand for sanctions is unjustified. It is without legal basis, and also ignores (or misrepresents) SoCalGas’ conduct in responding to the data request. The Motion should be denied with respect to the sanctions demand.

A. The Confidentiality Designations Were Properly Done

The confidentiality designations by SoCalGas were properly done. Decision D.16-08-024 requires confidential material be marked confidential, with the basis specified, and a declaration of an officer (or officer’s designee) accompanying the request. SoCalGas met these requirements in responding to ORA’s data request.

Pursuant to Decision D.16-08-024 (governing confidentiality designations pursuant to D.17-09-023): “When submitting documents to the Commission... any documents for which the

¹⁷ As stated below, SoCalGas’ October production also complied with the applicable confidentiality rulings. However, because that production was revised to even more narrowly designate information and to flesh out the confidentiality designations, the November production is the only one the Commission needs to consider in ruling on the Motion.

submitting party seeks confidential treatment must be marked as confidential, the basis for confidential treatment must be specified, and the request for confidentiality must be accompanied by a declaration signed by an officer of the requesting entity or by an employee....”¹⁸ SoCalGas has satisfied these requirements.

First, the documents were marked as confidential. The documents included in the November production were all highlighted for confidentiality, included on a chart identifying them as containing confidential information, and the documents also contained a header and a note in the file name indicating which documents contained confidential information. The only documents ORA appears to take issue with on this requirement were documents which had their confidentiality designations revised in the November production to address ORA’s stated concern.¹⁹

Second, SoCalGas has specified the bases for confidentiality. This is not a situation where “Documents... only have a general marking of confidentiality, such as GO-66 and/or Section 583,” which D.16-08-024 warns against. Instead, SoCalGas specifies confidentiality in several ways. The documents are separated into three separate rows in the chart in the declarations (and in folders) depending on the type of document and the type of confidentiality they contained.²⁰ Within those categories, the confidential material was broken down again into separate types of information.²¹ Because certain documents contained both types of information, SoCalGas used two different colors of highlighting to clarify which type of information within

¹⁸ D.16-08-024 at Order § 1(a).

¹⁹ Motion at 6-7 (citing documents only included in Attachment A, the October production). It does not appear that ORA takes issue with whether material was actually marked confidential elsewhere in the brief.

²⁰ Motion Attachment B, Exh. 2, “Attachment A”.

²¹ *Id.* at “Description of Data.”

the document fell into which category of confidential information. Further, legal citations were provided, with additional explanations of what type of information they applied to.²² Finally, a narrative explanation of those confidentiality justifications was provided, with different explanations for the legal basis for the confidentiality designations for each type of confidential material, along with an explanation of the different colors of highlighting for the different types of confidential information.²³ Far from a perfunctory blanket designation of confidentiality under a general citation, SoCalGas undertook a significant effort in specifying what information was confidential, and under what bases, in making its November production.

Third, the production was accompanied by an officer declaration.

Thus, SoCalGas has complied with the requirements of the recently adopted confidentiality decisions, and it should therefore be afforded the protection from public disclosure contained therein.

B. ORA's Remaining Issues Concern a Few Non-Representative Documents and/or Are Based on ORA's Inability to Understand the Production

ORA's various arguments that SoCalGas did not satisfy D.16-08-024 are not well-taken. They amount to problems with the October production, cherry picking non-representative documents, and ORA's lack of understanding SoCalGas' production.

As an initial matter, ORA repeatedly refers to problems it has with the October production which, as explained above, was superseded by the November production.²⁴ As for the issues with the November production, first, ORA argues that SoCalGas improperly designated as confidential whole documents without justification. However, the only document

²² *Id.* at "Legal Citations." It should be emphasized that ORA never argues that the legal justifications relied on by SoCalGas are generally inappropriate or unsound.

²³ *Id.*

²⁴ *See* Motion at 6-8 (only referencing documents in the October production).

from the November production that ORA identified, Exhibit 15 to Attachment B, was intended to have its designations of confidentiality removed – while all highlighting had been removed, it inadvertently retained the “Protected Information” header, suggesting that the document actually was confidential.²⁵ Had ORA reached out to SoCalGas to clarify any further questions it had, this could have easily been resolved.²⁶

ORA additionally claims that “The SoCalGas November 15, 2017 production also identified some emails as privileged without providing any justification.”²⁷ This is false. There were four documents which SoCalGas produced which redacted lines containing privileged information. In the cover letter to ORA that accompanied the November production, SoCalGas explicitly wrote: “as stated during our first meet and confer, the minor redactions included in four documents that were produced were based on attorney-client privilege. Those redacted sections on internal company emails contain content that involves and references legal guidance and discussions with company attorneys, and is therefore privileged.”²⁸ Those documents were specifically identified by file name in a footnote of the letter.²⁹ In addition, ORA even acknowledges this was explained to ORA during the November 8, 2017 meet and confer call.³⁰ Thus, it is simply untrue that SoCalGas did not provide any justification.

²⁵ SoCalGas will provide a new version of this document with the header removed to ORA.

²⁶ The only other document marked entirely confidential that is included in ORA’s Attachment B is a technical analysis provided to SoCalGas by AGA for use in analyzing the proposed water heater standard. It is unclear whether ORA takes issue with the confidentiality marking of this document, a proprietary analysis provided to SoCalGas based on its membership with the AGA.

²⁷ Motion at 10.

²⁸ Motion, Attachment B, Exhibit 1.

²⁹ *Id.*

³⁰ Motion at 9. However, ORA states that SoCalGas indicated that the redacted portions of the documents do not even reference an attorney. This is not true. They reference either specific attorneys or the legal department.

ORA complains that there was no privilege log provided for these documents. In this, ORA attempts to create some appearance of impropriety where none exists. It is SoCalGas' recollection that ORA never requested a privilege log – ORA only explained that it could not tell what the basis was for the redactions on these particular documents (whether they were for confidentiality or something else), and asked that that be clarified, which SoCalGas did. In addition, it is rare that privilege logs are provided in the CPUC context unless they are specifically demanded.³¹

C. Confidentiality with Respect to These Documents Should be Maintained

ORA's final argument is that the confidential documents should be publicly disclosed "to increase transparency and public access to records." ORA suggests that the disclosure is required because SoCalGas allegedly "attempt[ed] to undermine and delay more stringent energy efficiency standards," and because SoCalGas only used "general marking[s] of confidentiality...."³² These arguments for disclosure fail because (1) there is no evidence in the confidential materials that SoCalGas used ratepayer funds to undermine energy efficiency, (2) SoCalGas did not just make general markings of confidentiality, but complied with Decision 16-08-024 in narrowly designating material, and (3) ORA has not identified with any particularity exactly which documents it believes are not confidential.

First, although ORA states several times in its brief that SoCalGas "used ratepayer funds" to undermine energy efficiency goals, there is no evidence that credibly establishes that. Conducting research to critically analyze and flesh out flaws with a particular energy efficiency

³¹ ORA cites two inapposite authorities on this point (D.16-08-024, concerning confidentiality generally, and not mentioning attorney-client privilege or work-product protections, and *People ex rel. Department of Public Works v. Donovan* (1962) 57 Cal. 2d 346, cited without any pin cite, which does not offer any guidance on privilege logs).

³² Motion at 11.

proposed rule or measure, and bringing to light potential flaws, concerns, or customer impacts, do not equate to undermining actions. SoCalGas acknowledges that it may be the minority voice when commenting on a particular Codes & Standards initiative; however, that does not legitimize ORA's allegations of wrongdoing or misuse of ratepayer funds. As discussed in SoCalGas' motion to strike in this matter and final reply comments, both filed October 13, 2017, SoCalGas has a long history of supporting energy efficiency in California, of prudent stewardship of ratepayer funds, and of achieving the aggressive environmental goals of the State of California.

Furthermore, as the documents produced by SoCalGas in the rulemaking docket will show, SoCalGas did not outright oppose the instantaneous water heater code change. SoCalGas only sought to delay its adoption "so that a more robust analysis can be completed regarding Instantaneous Water Heaters and a more thoughtful and gradual integration of new standards can be accomplished."³³ In addition, the reasons behind the delay included the fact that the measure reduced customer choice, increased cost to ratepayers, disproportionately impacted low-income ratepayers, and increased operating costs for household maintenance.³⁴ The reasoning also included a number of technical shortcomings of the analysis done in the CASE Report.³⁵

Perhaps most important of all, when all was said and done, SoCalGas' position that the change should be delayed was public, and the California Energy Commission (CEC) was receptive to the reasons proffered by SoCalGas for delaying certain aspects of the proposed regulation. Thus, contrary to the suggestion by ORA that there was some subterfuge in SoCalGas' opposition, it was public knowledge that SoCalGas challenged certain aspects of the

³³ Motion, Attachment B, Exh. 58 at 2.

³⁴ Motion, Attachment B, Exh. 33 at 2.

³⁵ *See id.* at 1 ("SCG Concerns with the CASE Study Recommendations and CEC recommendations").

standard. In addition, the acceptance by the CEC shows that being a member of Codes & Standards does not mean that a utility is not permitted to provide a dissenting voice to raise concerns over proposed changes – and just because a utility disagrees with a particular standard, it does not mean that one is “using ratepayer funds” to “undermine... energy efficiency standards.”

Second, confidentiality should be maintained because, as discussed at length above, SoCalGas did not merely make thoughtless, generalized markings of confidentiality. In making its designations, especially in its November 15 submittal, SoCalGas strove to narrowly mark for confidentiality, given ORA’s concerns. Not only did it comply with applicable confidentiality designation procedures, but based on how little is still confidential, it is hard to conceive of any argument ORA would want to make publicly which it cannot because of confidentiality.

Third, ORA’s demand to make public is patently overbroad. ORA has only identified a couple documents which it contends do not contain information, but by its Motion ORA seeks to have the entirety of the confidentiality markings removed on every document except one. Included in the designations are sensitive financial information and projections that are not publicly reported. If ORA’s sweeping Motion were granted based on the couple designations ORA takes issue with, the Commission would be unveiling all the other properly-designated sensitive information.

D. There Is No Justification for Sanctions

In ORA’s Motion, it even goes so far as to demand monetary sanctions because SoCalGas’ designations were purportedly inadequate and “a waste of ORA’s limited time and resources.”³⁶ The demand is not only legally baseless, but relies on a characterization of events

³⁶ Motion at 12.

and intentions (i.e., bad faith) that SoCalGas strongly disagrees with. In fact, SoCalGas questions whether ORA had any intention of accepting any confidentiality designations or whether it was simply allowing SoCalGas to do an amended submittal to use those efforts to fuel its current Motion.

The demand is legally baseless because none of the provisions cited by ORA apply to its Motion. ORA cites California Code of Civil Procedure § 2023.010 as the basis for the sanctions.³⁷ First, ORA should not be able to acquire sanctions under the Code of Civil Procedure where it violated Section 2016.040 which requires “[a] meet and confer declaration... showing a reasonable and good faith attempt at an informal resolution of each....” And, assuming California’s Discovery Act applies in this particular situation, SoCalGas did not (1) “[use] a discovery method in a manner that does not comply with its specified procedures,” (2) “[m]ak[e]... an unmeritorious objection,” or (3) “[m]ak[e] evasive responses to discovery requests.” SoCalGas (1) did not submit a data request or employ a discovery method, (2) make any objection relevant to the Motion (other than attorney-client privilege), and (3) was not evasive in its responses – it produced all of the documents requested based on a reasonable search and inquiry. Thus, the provisions of Section 2023.010 identified by ORA are inapt.

Setting aside the legal shortcomings, some of the key factual statements ORA makes in the Motion are specious at best. Perhaps most significantly, ORA states that SoCalGas designated “almost 800 pages of material as confidential,” counting approximately 400 pages each for both the October and November productions. As explained above, the November production superseded the October production, so it is unclear why ORA includes those documents other than to attempt to inflate numbers. But more importantly, even a cursory

³⁷ Motion at 14.

review of the November production shows that only approximately 90 of the roughly 400 pages attached by ORA bear any confidentiality markings. And this count includes pages where there were only one or two sentences of information marked as confidential. The statement that 800 pages of material were designated as confidential lacks credibility.³⁸

ORA also inaccurately states “Ultimately, SoCalGas failed to offer any rationale or justification for its claims of confidentiality.” This statement is simply bewildering, because, as explained above and as evidenced by Attachment B to the Motion (exhibits 2-83), SoCalGas explained the confidentiality designations for several types of confidentiality contained within the documents using the declaration chart and a color-coded highlighting system, and even distinguished within the documents when there were different bases for confidentiality.

ORA also complains that “SoCalGas reorganized the documents into new folders, changed the names of documents, referenced documents in its cover letter that it did not provide in the second production, and omitted previously submitted documents without explanation.” As explained above, the November production replaced the confidential documents in the October production. Far from an attempt to mislead, these changes were made to assist ORA: the documents were broken down into additional folders in order to clarify the bases for confidentiality; the names were changed on the documents because SoCalGas included notations in the file names in order to make apparent in the file names themselves which documents contained confidential material (to make it easier for ORA to identify the confidential documents without even having to open them); the documents referenced in the cover letter that SoCalGas did not provide again in the November production were documents that only bore redactions for

³⁸ ORA also claims that it “concluded that the second production contained all of SoCalGas’ original confidentiality claims, except for two redacted emails that SoCalGas failed to include in the second production.” Motion at 13. Lest there be any confusion, the documents produced were the same (save the two that only bore privilege redactions), but the confidentiality markings were substantially different.

attorney-client privilege, which were unchanged (and the same goes for documents which SoCalGas did not re-produce). SoCalGas had no reason to think ORA would want to conduct a reconciliation between the two submittals, and, had ORA stated its intention to do so, SoCalGas could have discussed this with ORA.

It is unfortunate that ORA did not just call or email SoCalGas if it was indeed confused by the production. It would have taken approximately five to ten minutes to update its own collection of the documents with the November production. Apparently, ORA realized this after spending an unknown amount of time unnecessarily “comparing the second production.”³⁹ ORA’s failure to reach out to SoCalGas is the epitome of why a meet and confer requirement is imposed on all discovery motions – such meetings can preemptively resolve apparent discovery issues to the benefit of all parties (and the Commission).⁴⁰

One claim that ORA makes in its request for sanctions that *is* accurate is that “SoCalGas repeatedly asked ORA to explain what ORA thought D.16-08-024 required....”⁴¹ ORA never meaningfully engaged SoCalGas with respect to the October production, and never attempted to engage SoCalGas after the November production, choosing instead to work on and file its Motion almost a month afterward. If ORA is emboldened to wield the Commission’s new confidentiality rules and protocols in this manner, by decrying non-compliance and threatening public disclosure, and then by refusing to reach meaningful informal resolution, motions of this nature and discovery litigation will become commonplace.⁴²

³⁹ Motion at 13.

⁴⁰ CPUC Rules of Practice and Procedure Rule 11.3.

⁴¹ Motion at 12-13.

⁴² To this date, it is still not entirely clear what ORA expected SoCalGas to do in its confidentiality markings. In general, the utilities attempt to apply confidentiality markings in an efficient way, grouping together documents which bear similar confidential material. It is unclear why ORA finds the confidentiality markings on this set of documents so offensive. Moreover, as the Commission clarified in

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-47

SOCALGAS EXHIBIT

**ALJ Kao's Email Ruling Denying December 13, 2017 Motion to File
Under Seal Filed February 27, 2018**

VUK/sf3 2/27/2018



FILED
02/27/18
04:59 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U338E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application 17-01-013

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

**E-MAIL RULING DENYING DECEMBER 13, 2017
MOTION TO FILE UNDER SEAL**

Dated February 27, 2018, at San Francisco, California.

/s/ VALERIE U. KAO
Valerie U. Kao
Administrative Law Judge

From: Kao, Valerie

Sent: Tuesday, February 27, 2018 8:06 AM

To: abrooks@aea.us.org; ahacker@co.santa-barbara.ca.us; CarmelitaM@greenlining.org; CCormany@EfficiencyFirstCa.org; hchoy@isd.lacounty.gov; hchoy@isd.lacounty.gov; jon@McHughEnergy.com; lettenson@nrdc.org; pmiller@nrdc.org; Diamond@EnergyHub.net; dgilligan@naesco.org; Greg.Merritt@cree.com; RobF@ncihvac.com; KAnderson@OccamsConsulting.com; John@greenfan.co; justin@SimpleEnergy.com; JPong@SempraUtilities.com; Douglass@EnergyAttorney.com; Douglass@EnergyAttorney.com; jane.lee.cole@sce.com; jane.lee.cole@sce.com; julie.wiley@sandag.org; FOrtlieb@SanDiego.gov; GBarnes@SempraUtilities.com; eadler@semprautilities.com; sachu.constantine@energycenter.org; TBrill@SempraUtilities.com; godero@goreadusa.org; DougAvery@Avery-Energy.com; Alejandra.Tellez@ventura.org; JGriesser@co.slo.ca.us; tkeith@co.slo.ca.us; ckalashian@pesc.com; erussell@ambag.org; steve@hea.com; Abhay@bidgely.com; jcammarata@firstfuel.com; Clay, Christopher; jeanne.sole@sfgov.org; jeanne.sole@sfgov.org; hayley@turn.org; Ivan@BrightlineDefense.org; marcel@turn.org; CalTF@CalTF.org; ek@a-klaw.com; James@UtilityAdvocates.org; nes@a-klaw.com; RossN@BlueGreenAlliance.org; Dan.Suyeyasu@CodeCycle.com; LKoehler@edf.org; T3M3@pge.com; FJackson.Stoddard@MorganLewis.com; california@opower.com; Mark.Shahinian@FutureGridCoalition.org; BCragg@GoodinMacbride.com; VidhyaPrabhakaran@dwt.com; irene@igc.org; daniel@denebeimlaw.com; barbara.quittner@synergycompanies.org; Barbara.Quittner@SynergyCompanies.org; rfried@aarlrr.com; JAC@CPowerEnergyManagement.com; JerryL@abag.ca.gov; JerryL@abag.ca.gov; bruce@builditgreen.org; EastBayEnergyWatch@stopwaste.org; kcornish@energy-solution.com; SPauker@kfwlaw.com; Hatton@RisingSunEnergy.org; MCallahan@mceCleanEnergy.org; domenico@embertec.com; maldridge@ecoact.org; demetra.mcbride@ceo.sccgov.org; SShupe@SonomaCleanPower.org; policy@cedmc.org; KMessner@aham.org; NGillette@EnerNOC.com; laurie@synergy.org; Eric@CoalitionofEnergyUsers.org; griffiths@braunlegal.com; jim.hawley@deweysquare.com; Wynne@BraunLegal.com; TEnslow@AdamsBroadwell.com; tenslow@adamsbroadwell.com; TEnslow@adamsbroadwell.com; tenslow@adamsbroadwell.com; Taylor@BraunLegal.com; john@clfp.com; KMills@cfbf.com; kathy@verified.co; Robert@RMA-energy.com; SamS@jacoinc.net; tom@ucons.com; Tim@EnergySavvy.com; NkechiO@ecobee.com; YLu@SanDiego.gov; A8S8@pge.com; Alejandra.Mejia@futee.biz; astover@mceCleanEnergy.org; allen.lee@cadmusgroup.com; arago@qcsca.com; akp.servicelist@gmail.com; Annette.Beitel@futee.biz; akawnov@yahoo.com; Barbara@BarkovichAndYap.com; bmenten@mceCleanEnergy.org; b2sg@pge.com; CarmenBest@gmail.com; cyin@yinsight.net; ccchen@san.rr.com; CMFH@pge.com; CMcCormack@chpc.net; RegRelCPUCcases@pge.com; californiadockets@pacificcorp.com; charlie.buck@oracle.com; CSierzant@semprautilities.com; Cory.scott@pacificcorp.com; craigtyler@comcast.net; DFranz@Tesla.com; davidh@greenlining.org; don.arambula@outlook.com; eli.caudill@clearesult.com; Eli.Harland@energy.ca.gov; EmilySangi@dwt.com; eric.eberhardt@ucop.edu; gperalta@mcecleanenergy.org; Greg.Wikler@Navigant.com; HDF2@pge.com; hanna.grene@energycenter.org; jean.shelton@itron.com; Jennyb@abag.ca.gov; jenny.roecks@futee.biz; jcohen@isd.lacounty.gov; j6wv@pge.com; john.cavalli@itron.com; jjones@bpi.org; Jon.Vencil@dnvgl.com; jlande@mcecleanenergy.org; kelliott@mceCleanEnergy.org; klr@a-klaw.com; Lindsey.Hawes@energycenter.org; Liz.Oh@EnergyCenter.org; LLAA@pge.com; lmedina@semprautilities.com; mcosta@energycoalition.org; mstamas@nrdc.org; regulatory@mceCleanEnergy.org; Meghan.Dewey@pge.com; mborgeson@nrdc.org; mpa@a-klaw.com; m1nz@pge.com; wmc@a-klaw.com; mike.ruf@itron.com; mistib@comcast.net; mrw@mrwassoc.com; myron.j.graessle@lmco.com; nikhilvgandhi@gmail.com; PatrickFerguson@dwt.com; ramon@ucdavis.edu; SREA@pge.com; scmr@pge.com; sephra.ninow@energycenter.org; shahana.samiullah@sce.com; berlin@susieberlinlaw.com; tolsen@energycoalition.org; mrw@mrwassoc.com; DWTcpucDockets@dwt.com; filings@a-klaw.com; rekl@pge.com; jperkins@ers-inc.com; kier@energyhub.net; rhuart@solarelectricpower.org; KJohnson@JohnsonConsults.com; rholmes@arcainc.com; jcameron@arcainc.com; DLowrey@Comverge.com; jschlesinger@kfwlaw.com;

CPUCdockets@eq-research.com; ca@e9insight.com; pjacobs@buildingmetrics.biz;
DavidClarkFamily@gmail.com; JulieEnergyEfficiency@gmail.com; cynthiakmitchell@gmail.com;
awilliamson@semprautilities.com; anih@SempraUtilities.com; ASteinberg@SempraUtilities.com;
DHanway@SempraUtilities.com; DKim@semprautilities.com; DClifton@SempraUtilities.com;
EBaires@SempraUtilities.com; EHenry@SempraUtilities.com; EPalermo@SempraUtilities.com;
JLSalazar@SempraUtilities.com; jjmartinez@semprautilities.com; JMock@SempraUtilities.com;
layala@semprautilities.com; MReyna@SempraUtilities.com; mjhervey@semprautilities.com;
mhuerta@semprautilities.com; PDeang@SempraUtilities.com; RVanderLeeden@SempraUtilities.com;
CHVaquerano@SALEF.org; David.Cohen@energycenter.org; Jay.Luboff@Navigant.com;
Ljuana.Medina@ICF.com; Mabell.Paine@icfi.com; LLuna9624@yahoo.com;
iGoodman@CommerceEnergy.com; AKlemm@CalState.edu; klatt@energyattorney.com;
Case.Admin@sce.com; charisse.burnett@sce.com; Frank.Harris@sce.com; janet.combs@sce.com;
rsperberg@onsitenergy.com; Liddell@EnergyAttorney.com; Les.Owashi@dnvgl.com;
afaustino@semprautilities.com; BLee2@SempraUtilities.com; DAKinports@SempraUtilities.com;
JThompson@SempraUtilities.com; RMollen@semprautilities.com; CentralFiles@SempraUtilities.com;
ABesa@semprautilities.com; Paul.Marconi@bves.com; kwilliams@franklinenergy.com;
Arlis.Reynolds@CadmusGroup.com; sheena.tran@icfi.com; James.J.Hirsch@gmail.com;
johnavina@abraxasenergy.com; MTierney-Lloyd@enernoc.com; MLucey@RHAinc.com;
Andrew.Yip@boschbgt.com; sstolte@smc.gov.org; nick.brod@clearesult.com; kathleen.bryan@sfgov.org;
RegCleanPowerSF@sfgwater.org; ann.kelly@sfgov.org; cal.broomhead@sfgov.org; ETorres@turn.org;
jguild@enovity.com; KLR@a-klaw.com; amul.sathe@navigant.com; cara.goldenberg@grueneich.com;
derek.jones@navigant.com; DElliott@MoFo.com; GXPR@pge.com; MAGQ@pge.com; M3AK@pge.com;
m2ld@pge.com; Mahmud@nexasant.com; PXJJ@pge.com; tmfry@nexasant.com; Charlie.Buck@oracle.com;
FWahl@Tesla.com; golding@communitychoicepartners.com; JJaffe@Nossaman.com;
KatieJorrie@dwt.com; m3fi@pge.com; skrasnow@firstfuel.com; mmattes@nossaman.com;
a.mejiacunningham@gmail.com; Alejandra.Mejia@futee.biz; cem@newsdata.com;
MeganMMyers@yahoo.com; ssmyers@att.net; RCounihan@NestLabs.com; dianmg52@gmail.com;
David.Siddiqui@clearesult.com; bonnie.datta@siemens.com; MDoran@MCECleanEnergy.org;
andrew@arc-alternatives.com; jim@betterclimate.info; DaveD@smw104.org; RFried@aalrr.com;
floyd.keneipp@tierrarc.com; d1tq@pge.com; cadickerson@cadconsulting.biz; allan@luciddg.com;
ADetrio@OpterraEnergy.com; Alison@LTMuniConsultants.com; AChase@Energy-Solution.com;
Chenrikson@trcsolutions.com; fred.coito@dnvgl.com; harnold@opiniondynamics.com;
Jennifer.Canseco@DNVGL.com; jmj@opiniondynamics.com; mgardner@efficiencycouncil.org;
msutter@opiniondynamics.com; mharamati@opiniondynamics.com;
NMerchantVega@opiniondynamics.com; opatterson@opiniondynamics.com;
Sepideh.Shahinfard@CadmusGroup.com; tbuhr@opiniondynamics.com; TPope@energy-solution.com;
TLindl@kfwlaw.com; Kathryn@UtilityAdvocates.org; JSKromer@mac.com; acampbell@berkeley.edu;
beth@cal-cca.org; DGenter@mceCleanEnergy.org; DWeisz@mceCleanEnergy.org; john@proctoreng.com;
MSerianz@MCECleanEnergy.org; NMalcolm@MCECleanEnergy.org; sswaroop@mceCleanEnergy.org;
hankryan2003@yahoo.com; JenHolmesBiz@gmail.com; natalie.deleon@ceo.sccgov.org; dreynolds@ers-
inc.com; Justin.Leveque@SanJoseCa.gov; JFerrari@ConSol.ws; lcasey@sctainfo.org;
anne.policysolutions@gmail.com; kheinemeier@ucdavis.edu; smita.gupta@itron.com; dhou@caiso.com;
JPinjuv@caiso.com; Eric.Knops@energy.ca.gov; joldham@lgc.org; Regulatory@BraunLegal.com;
RobertPrm@gmail.com; STaheri@scppa.org; Blaising@BraunLegal.com; ssanders@ca-ilg.com;
Steven@IEPA.com; tbrunello@greentechleadership.org; dcardozo@adamsbroadwell.com;
RL@eslawfirm.com; rob@clfp.com; ATrowbridge@DayCarterMurphy.com; jasong@energysavvy.com;
deb@a-klaw.com; dmoran@nexasant.com; jr_Don.Jones@PacifiCorp.com; Eli.Morris@PacifiCorp.com;
johnwgould@comcast.net; emibd@emiconsulting.com; Tran, Ava N.; Myers, Christopher; Buch, Daniel;
David.Ismailyan@energy.ca.gov; Mackin, Dina S.; Reynolds, F. Alan; Fortune, Hazlyn; Kalafut, Jennifer;
Tagnipes, George S.; Battis, Jeremy; Fitch, Julie A.; Hardy, Katherine; Kajopaiye, Kayode; Paulo, Lisa;
Martha.Brook@energy.ca.gov; Dzvova, Mona Dee; psaxton@energy.state.ca.us; Gruending, Paula;
Franzese, Peter; Lai, Peter; Skala, Pete; Cox, Rory; Francisco, Tory; Kao, Valerie; Pena, Bryan; Lakey,

Jonathan; Cai, Syche; Cole, Alexander; Merigan, Alexander "Sasha"; Lee, Diana; Fox, Elizabeth; Kane, Hal; Burton, Henry; Odunlami, Lola; Lakhanpal, Manisha; Worster, Chari; Anning, Marna; Ghadessi, Maryam; Mozafari, Maryam; Strindberg, Nils; Biermayer, Peter; Rogers, Reese; Hansen, Robert; Goldberg, Sandy; O'Rourke, Shannon; Zhang, Zhen; awb@cpuc.ca.gov; crogers@energy.state.ca.us; DCarrillo@sto.ca.gov; Erik.Jensen@energy.ca.gov; Feizi, Kevin; Michael.Kenney@energy.ca.gov; MJBloch@Treasurer.ca.gov; Tiffany.Mateo@energy.ca.gov; DietrichW@earthlink.net

Cc: ALJ Docket Office; ALJ Process; ALJ_Support ID

Subject: A1701013 et al. Email ruling denying 12/13/17 motion to file under seal

To the service list of Application 17-01-013 et al. (energy efficiency business plan application proceeding),

This email ruling denies the December 13, 2017 *Motion for Leave to File Under Seal the Motion of the Office of Ratepayer Advocates to Deem as Public the Materials that Southern California Gas Company Improperly Marked as Confidential or Redacted; to Expedite a Ruling on This Motion, and to Impose Sanctions* (motion to file under seal).

The documents for which the Office of Ratepayer Advocates (ORA) requests leave to file under seal are the confidential version of ORA's October 4, 2017 data request; Southern California Gas Company's (SCG) October 30, 2017 response; and SCG's November 15, 2017 resubmission of its October 30, 2017 response to ORA's data request.

The July 25, 2017 *Administrative Law Judge's Ruling Denying Motions for Evidentiary Hearings and Testimony, But Providing for Briefs* (as modified by the August 4, 2017 *Administrative Law Judge's Ruling Clarifying July 25, 2017 Ruling and Denying, in Part, Pacific Gas and Electric Company's Motion to Amend its Application*) set a date certain for service and tendering of final opening (September 25, 2017) and reply (October 13, 2017) comments in this proceeding; no provision for the taking of additional information was specified. Further, the July 25, 2017 ruling set a deadline of August 10, 2017, for all parties to complete their discovery requests to the program administrators for the purpose of submitting final comments on the business plans. ORA's December 13, 2017 motion offers no justification for why we should, in essence, set aside submission of the record in order to take the additional information it requests to file under seal.

Therefore, it is RULED that:

- ORA's December 13, 2017 motion to file under seal is denied.

A.17-01-013 et al., VUK/sf3

The Docket Office shall formally file this email ruling.

Best regards,

Valerie U. Kao
Administrative Law Judge
California Public Utilities Commission
valerie.kao@cpuc.ca.gov

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-48

SOCALGAS EXHIBIT

**ALJ's Ruling Denying ORA's Motion for Reconsideration
Filed April 9, 2018**



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED
D. R. V. A.
09:19 AM

Application of Southern California Edison Company (U338E) for Approval of Energy Efficiency Rolling Portfolio Business Plan.

Application 17-01-013

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

ADMINISTRATIVE LAW JUDGE'S RULING

By motion dated March 15, 2018, the Office of Ratepayer Advocates (ORA) seeks reconsideration of the February 27, 2018 ruling denying its December 13, 2017 *Motion for Leave to File Under Seal the Motion of the Office of Ratepayer Advocates to Deem as Public the Materials that Southern California Gas Company Improperly Marked as Confidential or Redacted; to Expedite a Ruling on This Motion; and to Impose Sanctions* (Motion to File Under Seal).

ORA's March 15, 2018 motion argues that, contrary to the ruling's statement that the matter was submitted upon the filing of reply comments, the matter has remained open as evidenced by the subsequent opportunity for parties to file comments on the proposed decision and the remaining schedule of the proceeding to resolve other issues. The motion is incorrect. To be clear, submission is not the closing of a proceeding. Rather, it is the conclusion of the taking of evidence and argument on the substantive issues to be

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-49

SOCALGAS EXHIBIT

**AB 1966 Sempra Energy Support Letter
Dated April 21, 2006**



Carolyn McIntyre
Regional Vice President

925 L Street, Suite 650
Sacramento, CA 95814

(916) 492-4245
cmcintyre@sempra.com

April 21, 2006

The Honorable Bonnie Garcia
State Capitol, Room 2002
Sacramento, CA 95814

RE: AB 1966 -- Support

Dear Assembly Member Garcia:

Sempra Energy supports AB 1966 which adds several additional renewable energy technologies to the list of qualified facilities eligible for Capital Investment Incentive payments.

Current law allows cities and/or counties to provide a Capital Investment Incentive payment to project proponents of certain manufacturing Standard Industrial Classification (SIC) codes, and those businesses involved in mineral recovery from geothermal resources that exceed \$150 million in value. Extending these incentive payments to a broader range of renewable technologies encourages the development of these resources, and supports California's aggressive renewable portfolio standard goals.

These incentives are vital to manufacturers that are considering building new electric generation in our state. They not only provide California an opportunity to move toward energy independence, but also take an essential step in expanding the state's industrial base and increasing highly desirable manufacturing jobs.

California must provide incentives like these to help invigorate our economic base and assist us in achieving our renewable energy goals.

For these reasons, Sempra Energy urges *support* for AB 1966.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Carolyn McIntyre", written over a circular stamp or seal.

c: Members, Assembly Local Government Committee
Stacey Sullivan, Chief Consultant, Assembly Local Government Committee
Anya Lawler, Consultant, Assembly Local Government Committee
Daryl Thomas, Consultant, Assembly Republican Caucus
Dennis Albiani, Deputy Legislative Secretary, Governor's Office

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-50

SOCALGAS EXHIBIT

**AB 811 Sempra Energy Support Letter
Dated January 25, 2008**



Cynthia Howell, Esq.
Director
State Government Affairs

925 L Street, Suite 650
Sacramento, CA 95814

(916) 492-4243
crhowell@sempra.com

January 25, 2008

The Honorable Lloyd Levine
State Capitol, Room 5136
Sacramento, CA 95814

RE: AB 811 (Levine) – Support

Dear Assembly Member Levine:

Sempra Energy is pleased to support your AB 811, which authorizes a city to develop a voluntary contractual assessment program to finance energy efficiency improvements and the installation of renewable distributed generation resources within its jurisdiction. AB 811 recognizes the importance of energy efficiency and renewable generation to the State of California and also the need to be creative in overcoming barriers to the installation of these technologies. Providing a means by which cities can assist residents to become more energy efficient and/or add renewable generation stands to benefit all involved.

In 2002, the California Legislature enacted an aggressive renewable portfolio standard, SB 1078 (Chapter 516, Statutes of 2002), that requires the addition of substantial amounts of new renewable generation in order to promote stable electricity prices; protect public health; improve environmental quality; stimulate sustainable economic development; create new employment opportunities; and reduce reliance on imported fuels. In 2006, the Legislature adopted SB 107 (Chapter 464, Statutes of 2006) to accelerate significantly the RPS goals. And with the passage of the landmark Global Warming Solutions Act of 2006, AB 32 (Chapter 488, Statutes of 2006), renewable electricity and energy efficiency take on even greater importance as a means of reducing the State's greenhouse gas emissions.

Clearly, California is a leader in these policies, markets and initiatives. In order to meet these bold goals, state policy makers, local governments, and utilities need to work together and we need to get creative. First, barriers to achieving these goals must be recognized. Second, steps must be taken to eliminate these barriers.

Sempra Energy and the State have successfully implemented numerous programs to bring down the costs of energy efficiency and renewable technologies, making these technologies and their benefits -- in the way of reduced electricity bills and increased renewable generation -- more readily available. More must be done. The up-front costs associated with the initial investment still acts as a barrier to increasing energy efficiency and renewable generation for many customers. By allowing local governments to assist customers with these up-front costs, AB 811 is a creative solution.

AB 811 is one more tool that can assist customers to become more energy efficient and more green.

For these reasons, Sempra Energy urges support for AB 811.

Very truly yours,
/S/

c: Ms. Tara Mesick
Mr. Arnie Sowell
Mr. Darrell Thomas

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-51

SOCALGAS EXHIBIT

**SB 375 Sempra Energy Support Letter
Dated September 22, 2008**



Bernie Orozco
Director
State Governmental Affairs

925 L Street, Suite 650
Sacramento, CA 95814

(916) 492-4244
borozco@sempra.com

September 22, 2008

The Honorable Arnold Schwarzenegger
State Capitol, First Floor
Sacramento, CA 95814

RE: SB 375 (Steinberg) -- Support

Dear Governor Schwarzenegger:

Sempra Energy is pleased to support SB 375, that would require the California Transportation Commission to adopt a sustainable communities strategy as part of its regional transportation plan. This bill would also require the California Air Resources Board, and metropolitan planning organizations to provide each affected region with greenhouse gas (GHG) emission reduction targets for the automobile and light truck sector for 2020 and 2035.

The agencies responsible for implementing AB 32, the *Global Warming Solutions Act of 2006*, recognize that roughly 38 percent of California's GHG emissions inventory comes from the transportation sector. However, they are struggling to find the best ways to hold that sector responsible for its fair share of the emission reductions required by AB 32.

Although SB 375 will not, by itself, achieve the GHG reductions ultimately needed from the transportation sector, it will help to ensure that urban planners become involved in this critical issue, and it will help cultivate the thinking needed to meet the goals of AB 32.

Sempra Energy urges your approval of this necessary legislation.

Yours sincerely,

Bernie Orozco

c: The Honorable Darrell Steinberg
Mr. John Moffatt
Mr. Mikhael Skvarla

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-52

SOCALGAS EXHIBIT

**Senate Rules Committee Office of the Senate Floor Analysis
Amended August 19, 2016**

UNFINISHED BUSINESS

Bill No: SB 32
Author: Pavley (D), et al.
Amended: 8/19/16
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 5-2, 4/29/15
AYES: Wieckowski, Hill, Jackson, Leno, Pavley
NOES: Gaines, Bates

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/28/15
AYES: Lara, Beall, Hill, Leyva, Mendoza
NOES: Bates, Nielsen

SENATE FLOOR: 24-15, 6/3/15
AYES: Allen, Beall, Block, De León, Glazer, Hall, Hancock, Hernandez,
Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza,
Mitchell, Monning, Pan, Pavley, Wieckowski, Wolk
NOES: Anderson, Bates, Berryhill, Cannella, Fuller, Gaines, Galgiani, Huff,
Moorlach, Morrell, Nguyen, Roth, Runner, Stone, Vidak
NO VOTE RECORDED: Nielsen

ASSEMBLY FLOOR: 30-35, 9/8/15 - See last page for vote (FAIL)

ASSEMBLY FLOOR: 49-30, 8/23/16 - See last page for vote

SUBJECT: California Global Warming Solutions Act of 2006: emissions limit

SOURCE: Author

DIGEST: This bill requires the Air Resources Board (ARB) to ensure that statewide greenhouse gas (GHG) emissions are reduced to at least 40% below the 1990 level by 2030.

Assembly Amendments add intent language and strike the requirement that ARB approve a statewide GHG emissions target of 80% below the 1990 level, to be achieved by 2050.

ANALYSIS:

Existing law, under the California Global Warming Solutions Act of 2006 (also known as AB 32):

- 1) Requires ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020, and to adopt GHG emissions reductions measures by regulation.
- 2) Authorizes ARB to adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHGs, applicable from January 1, 2012, to December 31, 2020, inclusive.
- 3) Specifies that the statewide GHG emissions limit remains in effect unless otherwise amended or repealed.
- 4) Expresses Legislative intent that the statewide emissions limit continue in existence and be used to maintain and continue GHG emissions reductions beyond 2020.
- 5) Requires ARB to make recommendations to the Governor and the Legislature on how to continue GHG emissions reductions beyond 2020.

This bill:

- 1) Makes findings and declarations regarding requirements and authority of ARB under AB 32; the need to continue to reduce GHG emissions to protect all areas of the state, especially the state's most disadvantaged communities; and that ARB shall achieve the state's more stringent GHG emission reductions in a manner that benefits the state's most disadvantaged communities and is transparent and accountable to the public and the Legislature.
- 2) Requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 statewide GHG emissions level no later than December 31, 2030, when adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions authorized by AB 32.

- 3) Specifies that the bill shall become operative only if AB 197 (Garcia) is enacted and becomes effective on or before January 1, 2017.

Background

- 1) *The Global Warming Solutions Act of 2006*. In 2006, the Global Warming Solutions Act of 2006, AB 32 (Núñez, Pavley, Chapter 488, Statutes of 2006), requires the ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020.

AB 32 requires the ARB, among other things, to inventory GHG emissions in California; implement regulations that achieve the maximum technologically feasible and cost-effective reduction of GHG emissions and impose fees for administrative implementation costs; identify and adopt regulations for discrete early action measures; and prepare and approve a scoping plan to achieve the maximum technologically feasible and cost-effective reduction of GHG emissions by 2020, to be updated every five years.

The statute also specifies that the ARB may include market-based compliance mechanisms in the AB 32 regulations, after considering the potential for direct, indirect, and cumulative emission impacts from these mechanisms.

- 2) *AB 32 Scoping Plan*. Pursuant to AB 32, the ARB approved the first Scoping Plan in 2008. The Scoping Plan outlined a suite of measures aimed at achieving 1990-level emissions, a reduction of 80 million metric tons of CO₂ (MMT CO₂e). Average emission data in the Scoping Plan reveal that transportation accounts for almost 40% of statewide GHG emissions, and electricity and commercial and residential energy sector account for over 30% of statewide GHG emissions. The industrial sector, including refineries, oil and gas production, cement plants, and food processors, was shown to contribute 20% of California's total GHG emissions.

The 2008 Scoping Plan recommended that reducing GHG emissions from the wide variety of sources that make up the state's emissions profile could best be accomplished through a cap-and-trade program along with a mix of other strategies including a low carbon fuel standard (LCFS), light-duty vehicle GHG standards, expanding and strengthening existing energy efficiency programs, and building and appliance standards, a 33% Renewable Portfolio Standard (RPS), and regional transportation-related GHG targets. Pursuant to authority under AB 32, the ARB

adopted a Low Carbon Fuel Standard in 2009, and a cap-and-trade program, approved on December 13, 2011.

Scoping Plan update. The ARB approved an update to the Scoping Plan on May 22, 2014. The update describes policies, actions, and strategies in the energy, transportation, fuels, agriculture, waste, and natural lands sectors as a means to continue emissions reductions in each of these sectors. The update also asserts that California is on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32.

- 3) *Executive Orders.* In 2005, Governor Schwarzenegger issued Executive Order S-3-05 and called for GHG emissions reductions to 1990 levels by 2020 and 80% below 1990 levels by 2050.

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which established an interim statewide GHG emission reduction target to reduce GHG emissions to 40% below 1990 levels by 2030, “in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.” The EO also directed all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve reductions of GHG emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.

- 4) *2030 Concept Paper.* On June 17, 2016, ARB released a "2030 Target Scoping Plan Update Concept Paper." The paper includes four potential high-level concepts for achieving a 40% GHG reduction below the 1990 GHG level by 2030. Concept 1 calls for enhancements to existing, successful programs and implementation of SB 350 (de Leon, Chapter 547, Statutes of 2015). It suggests investment of funds from the cap-and-trade program in areas that would further the goals of AB 32. Concept 2 extends the actions in Concept 1 to specifically address the industrial sector through industrial facility caps. It would have no cap-and-trade regulation post-2020 and no statewide limit on GHG emissions. Concept 3 focuses on transportation-oriented policy aimed at ambitious reductions in vehicle miles traveled and increased number of zero-emission and plug-in vehicles by 2030. It would not continue cap-and-trade regulation post-2020. Concept 4 includes the same complementary policies as Concept 1, but in lieu of a cap-and-trade program, suggests a carbon tax applied at a value predetermined by a method such as economic modeling or the use of United States Environmental Protection Agency social cost of carbon. According to the paper, it is not clear if the scenario outlined in Concept 4 would ultimately achieve the 2030 target because it would

not include a statewide limit on GHG emissions, and it is unknown how the moneys generated by a carbon tax would be used.

Comments

Purpose of the bill. According to the author, “California has consistently set the pace in investing in a new, clean energy economy, and in communities battling climate change at the front lines. In the decade since the passage of AB 32 (Núñez-Pavley, 2006), the state has seen billions of dollars pour into investments in state-of-the-art technology, which has in turn created hundreds of thousands of jobs in the service of cleaning our air, making our energy sources more independent and reliable, and safeguarding our climate for our children.

“Now, as the legislature considers this year's SB 32--and its companion bill, AB 197--the state has the opportunity to build a new coalition that ensures that we continue the historic progress we've made on climate, and to write the next chapter of our state's climate policy with three guiding principles at its core: equity, accountability, and transparency. SB 32 sets a 2030 climate pollution reduction target of 40% below 1990 levels. Doing so now provides critical certainty and predictability to businesses that need to know California will continue to support their work to clean our air and water. The bill also highlights the critical role that the legislature plays in developing state climate policy, and ensures that the policy is made transparently, and designed to help lift our most disadvantaged citizens up together with all Californians.

“We know that the communities hardest hit by climate pollution--those that will suffer first and most frequently from the impacts of a heat wave, or a drought, or a flood, or poor air quality, or unavailable water--are disadvantaged communities, and disproportionately communities of color. That is why our climate package requires that our state's agencies ensure our programs are equitably designed, and that investments in climate pollution reduction provide the most benefits to those who need them most.

“The good news is that the state and the private sector are largely already on track to accomplish so many of these goals. Governor Schwarzenegger signed Executive Order S-03-05, which set a long-term greenhouse gas emissions reduction target for California of 80 percent below 1990 levels by 2050; Governor Brown signed Executive Order B-30-15, which set a mid-term greenhouse gas emissions reduction target for California of 40% below 1990 levels by 2030; and the Legislature already codified a 40% below 1990 levels by 2030 target for the power sector in SB 350 last year. Businesses have risen to these calls with California's spirit of ingenuity, and have created a global model for clean energy technology, entrepreneurship, and policy

innovation that countries around the world seek to replicate. SB 32 represents the next step of this critical policy, and to ensure that when the state drafts its climate policy, it does so with the interests of those who need our protection the most in mind.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- Unknown annual costs, at least in the hundreds of millions of dollars, from various special funds for additional programs to achieve the new required emissions reductions.
- Minor, absorbable costs for the ARB to set the 2030 target (Cost of Implementation Account).

SUPPORT: (Verified 8/23/16)

State Controller Betty Yee
350 Bay Area
350 Sacramento
Access to Independence
Advanced Energy Economy
Agility Fuel Systems
Agoura Hills Mayor Ilee Buckley
American Academy of Pediatrics - California District IX
American Cancer Society, California Division
American College of Physicians, California Service Chapter
American Farmland Trust
American Heart Association
American Lung Association in California
American Stroke Association
Annie's Inc.
Applied LNG Technologies
Apricus Inc.
Asthma Coalition of Los Angeles County
Atmos Energy
Audubon Society of California
Autodesk, Inc.
Azul
Bagito
Bay Area Air Quality Management District

Baz Allergy, Asthma & Sinus Center (San Joaquin Valley)
Ben & Jerry's
Benicia Mayor Elizabeth Patterson
Big Sur Land Trust
Biodico Sustainable Biorefineries
Bioenergy Association of California
Biosynthetic Technologies
Blue Sky Biochar
Bonnie J. Adario Lung Cancer Foundation
Breathe California
Building Doctors
Business for Innovative Climate and Energy Policy
C&C Development Co.
Calabasas Mayor Lucy Martin
California Bicycle Coalition
California Biodiesel Alliance
California Biomass Energy Alliance
California Black Health Network
California Catholic Conference, Inc.
California Climate and Agriculture Network
California Conference of Directors of Environmental Health
California Contract Cities Association
California Electric Transportation Coalition
California Energy Efficiency Industry Council
California Energy Storage Alliance
California Equity Leaders Network
California Green Business Network
California Interfaith Power & Light
California League of Conservation Voters
California Municipal Utilities Association
California Natural Gas Vehicle Coalition
California Nurses Association
California Pan-Ethnic Health Network
California Public Health Association, North
California Ski Industry Association
California Solar Energy Industries Association
California Solar Energy Industry Association
California State Council of Laborers
California Thoracic Society
California Transit Association

California Trout
California Urban Forests Council
California Wind Energy Association
Californians Against Waste
Calpine Corporation
CalPIRG
CALSTART
Carbon Cycle Institute
Cathedral City Mayor Pro Tem Greg Pettis
Catholic Charities, Diocese of Stockton
Center for Biological Diversity
Center for Climate Change and Health
Center for Climate Protection
Center for Sustainable Suburban Development at University California, Riverside
Central California Asthma Collaborative
Ceres
ChargePoint
Chart Industries
Circulate San Diego
City and County of San Francisco
City Heights Community Development Corporation
City of Arcata
City of Berkeley
City of Los Angeles
City of Maywood
City of Moorpark
City of Oxnard
City of Santa Monica
City of Santa Rosa
City of Sebastopol
City of Simi Valley
City of Thousand Oaks
City of West Hollywood
Clean Energy
Clean Power Finance
Clean Water Action
CleanTech San Diego
Cleveland National Forest Foundation
Clif Bar, Inc
Climate Action Campaign

Climate Action Reserve
Climate Parents
Climate Ready Solutions LLC
Climate Resolve
Communications Workers of American, AFL-CIO District 9
Communitas Financial Planning
Community Action to Fight Asthma
Consumers Union
Cosmodyne
County of Los Angeles
County of Marin
County of Santa Barbara
County of Sonoma
County of Ventura
Covanta Energy Corporation
Cummins Westport Inc.
Davis Mayor Dan Wolk
Dignity Health
Distance Learning Consulting
Doctors for Climate Health
Eagle Creek
East Bay Municipal Utility District
eBay
Ecogate, Inc.
El Proyecto del Barrio, Inc
Endangered Habitats League
Environment California
Environmental Action Committee of West Marin
Environmental Defense Fund
Environmental Entrepreneurs (E2)
Environmental Health Coalition
Environmental Health Department, County of Los Angeles
EtaGen
FastTech
Fiat Chrysler Automobiles
Ford Motor Company
Freightliner
Fresno Mayor Ashley Swearengin
Friends Committee on Legislation of California
Friends of the River

Gap, Inc.
General Motors Company
Gladstein Neandross & Associates
Global Green USA
Grand Boulevard Initiative
Green Education
Greenbelt Alliance
Harvest Power
Health Care Without Harm
Health Officers Association of California
Honda
House Kombucha
Housing California
Humane Society International
Humane Society of the United States
Impco Automotive
Jewish Family Services of Los Angeles
KB Home
Klean Kanteen
Lancaster Mayor R. Rex Parris
Land Trust of Santa Cruz County
Landirengo
Large-Scale Solar Association
Leadership Counsel for Justice and Accountability
League of Women Voters of California
League of Women Voters of Orange Coast
Levi Strauss & Co
Liberty Hill Foundation
Long Beach Mayor Robert Garcia
Los Angeles Alliance for a New Economy
Los Angeles Business Council
Los Angeles County Medical Association
Los Angeles County Supervisor Hilda Solis
Los Angeles County Supervisor Mark Ridley-Thomas
Los Angeles County Supervisor Sheila Kuehl
Los Angeles Mayor Eric Garcetti
Lyft
MAAC
Marin Agricultural Land Trust
Marin Clean Energy

Mars Incorporated
Medical Advocates for Healthy Air
Member of Congress, Adam B. Schiff
Member of Congress, Alan Lowenthal
Member of Congress, Ted W. Lieu
Mercury Press International
Moms Clean Air Force
Morgner Construction
Motiv
Mountains Recreation and Conservation Authority
Move LA
National Parks Conservation Association
Natural Resources Defense Council
Nature Conservancy
NextGen Climate
Oakland Mayor Libby Schaaf
Pacific Forest Trust
Pacific Gas and Electric
Pacoima Beautiful
Patagonia Works
Patagonia, Inc.
Peninsula Open Space Trust
People Organizing to Demand Environmental and Economic Rights
Physicians for Social Responsibility, Los Angeles
Physicians for Social Responsibility--SF-Bay Area Chapter
Planning and Conservation League
Plug In America
Power2Sustain
Prevention Institute
Progressive Asset Management, Inc.
Progressive Baptist State Convention of California and the West
Proterra Inc.
Public Health Institute
Puma Springs Vineyards
Purple Wine & Spirits
Quest
Questar Fueling
RC Cubed, Inc.
Redlands Area Democratic Club
Redlands Mayor Pro Tempore Jon Harrison

ReFuel
Regional Asthma Management and Prevention
Republic Services, Inc.
Sacramento Mayor Kevin Johnson
Sacramento Municipal Utility District
San Diego Housing Federation
San Diego-Imperial Counties Labor Council
San Francisco Asthma Task Force
San Francisco Mayor Edwin Lee
San Jose Mayor Sam Liccardo
Santa Ana Mayor Miguel Pulido
Santa Clara County Medical Society
Santa Clara Valley Open Space Authority
Santa Clarita Organization for Planning and the Environment
Santa Monica Mountains Conservancy
Save the Redwoods League
Sempra Energy
Sequoia Riverlands Trust
Service Employees International Union
Sidel Systems USA
Sierra Business Council
Sierra Club California
Silicon Valley Leadership Group
SmartWool
Solano County Transit
Solar Energy Industries Association
Sonoma Agricultural Preservation and Open Space District
Sonoma Clean Power
Sonoma County Asthma Coalition
Sonoma County Water Agency
South Coast Air Quality Management District
Southern California Edison
Southern California Gas Company
Southern California Public Power Authority
Southwest Wetlands Interpretive Association
Spectrum LNG
Stop Waste
Sustainable North Bay
Symantec
Tamalpais Nature Works

The Added Edge
The Hampstead Companies
The North Face
TransForm
TreePeople
Trillium CNG
Trust for Public Land
U.S. Green Building Council California
Union of Concerned Scientists
United States Senator Barbara Boxer
United States Senator Dianne Feinstein
UPS
VNG
Voices for Progress
Wakeland Housing & Development Corporation
Waste Management, Inc.
Waterplanet Alliance
WaterSmart Software
Westport Innovations

OPPOSITION: (Verified 8/23/16)

African American Farmers of California
Agricultural Council of California
American Alliance Authority and Compliance
American Alliance Drug Testing
American Forest and Paper Association
American Wood Council
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Apartment Association, California Southern Cities
Associated Builders and Contractors of California
Brea Chamber of Commerce
Building Owners and Managers Association
California Agricultural Aircraft Association
California Apartment Association
California Association of Nurseries and Garden Centers
California Association of Realtors
California Building Industry Association
California Business Properties Association
California Business Roundtable

California Cattlemen's Association
California Chamber of Commerce
California Concrete Pumpers Alliance
California Construction Trucking Association
California Cotton Ginners Association
California Cotton Growers Association
California Dairies, Inc.
California Dairy Campaign
California Farm Bureau Association
California Farm Bureau Federation
California Fresh Fruit Association
California Independent Oil Marketers Association
California Independent Petroleum Association
California League of Food Processors
California Manufacturers and Technology Association
California Political Consulting Group
California Small Business Association
California Taxpayers Association
California Trucking Association
Californians for Affordable and Reliable Energy
Camarillo Chamber of Commerce
Chambers of Commerce Alliance of Ventura & Santa Barbara Counties
Coalition of American Latino Truckers
East Bay Rental Housing Association
Family Business Association
Fullerton Chamber of Commerce
Greater Bakersfield Chamber of Commerce
Greater Fresno Area Chamber of Commerce
Greater Riverside Chamber of Commerce
Heavy-Haul Conference
Inland Empire Economic Partnership
International Council of Shopping Centers
Irvine Chamber of Commerce
Kern County Board of Supervisors
Los Angeles County Business Federation
Milk Producers Council
NAIOP of California, the Commercial Real Estate Development Association
National Federation of Independent Business
National Hmong American Farmers
Nisei Farmers League

North Orange County Chamber
North Valley Property Owners Association
Orange County Business Council
Oxnard Chamber of Commerce
Rancho Cordova Chamber of Commerce
Redondo Beach Chamber of Commerce & Visitors Bureau
San Jose Silicon Valley Chamber of Commerce
Santa Barbara Rental Property Association
Santa Maria Valley Chamber of Commerce and Visitors Convention Bureau
Simi Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Southwest California Legislative Council
Torrance Chamber of Commerce
Valley Industry and Commerce Association
Ventura County Economic Development Association
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association
Western States Petroleum Association
Western Trucking Alliance
Western United Dairymen

ASSEMBLY FLOOR: 30-35, 9/8/15 (FAIL)

AYES: Bloom, Bonilla, Bonta, Chau, Chiu, Chu, Dababneh, Eggman, Cristina Garcia, Gatto, Gomez, Gonzalez, Holden, Jones-Sawyer, Levine, Lopez, McCarty, Mullin, Nazarian, Quirk, Rendon, Ridley-Thomas, Santiago, Mark Stone, Thurmond, Ting, Weber, Williams, Wood, Atkins

NOES: Achadjian, Travis Allen, Baker, Bigelow, Brough, Chang, Cooley, Dahle, Daly, Frazier, Beth Gaines, Gallagher, Gray, Grove, Hadley, Harper, Jones, Kim, Lackey, Linder, Low, Maienschein, Mathis, Mayes, Medina, Melendez, Obernolte, Olsen, Patterson, Perea, Salas, Steinorth, Wagner, Waldron, Wilk

NO VOTE RECORDED: Alejo, Brown, Burke, Calderon, Campos, Chávez, Cooper, Dodd, Eduardo Garcia, Gipson, Gordon, Roger Hernández, Irwin, O'Donnell, Rodriguez

ASSEMBLY FLOOR: 49-30, 8/23/16

AYES: Alejo, Arambula, Atkins, Baker, Bloom, Bonilla, Bonta, Brown, Burke, Calderon, Campos, Chau, Chiu, Chu, Cooley, Cooper, Dababneh, Dodd,

Eggman, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Roger Hernández, Holden, Irwin, Jones-Sawyer, Levine, Lopez, Low, McCarty, Medina, Mullin, Nazarian, O'Donnell, Quirk, Ridley-Thomas, Rodriguez, Santiago, Mark Stone, Thurmond, Ting, Weber, Williams, Wood, Rendon

NOES: Achadjian, Travis Allen, Bigelow, Brough, Chang, Chávez, Dahle, Frazier, Beth Gaines, Gallagher, Gray, Grove, Hadley, Harper, Jones, Kim, Lackey, Linder, Maienschein, Mathis, Mayes, Melendez, Obernolte, Olsen, Patterson, Salas, Steinorth, Wagner, Waldron, Wilk

NO VOTE RECORDED: Daly

Prepared by: Rebecca Newhouse / E.Q. / (916) 651-4108
8/24/16 10:20:34

**** END ****

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-53

SOCALGAS EXHIBIT

**AB 398, AB 617 Sempra Energy Cap-and-Trade Support Letter
Dated July 12, 2017**



Heidi Barsuglia
Director
State Governmental Affairs

925 L Street, Suite 650
Sacramento, CA 95814
(916) 492-4244
hbarsuglia@semprautilities.com

July 12, 2017

The Honorable Bob Wieckowski, Chair
Senate Committee on Environmental Quality
State Capitol, Room 2205
Sacramento, CA 94249-0001

RE: Cap-and-Trade Extension Proposal – STRONG SUPPORT

Dear Chairman Wieckowski:

Southern California Gas Company and San Diego Gas & Electric Company, collectively known as the Sempra Energy Utilities, strongly support AB 398 (E. Garcia). This bill proposes to extend the Cap-and-Trade program through 2030 and directs the California Air Resources Board to establish a price ceiling on carbon allowance prices. Sempra Energy Utilities also supports AB 617 (C. Garcia), which seeks to improve air quality monitoring and reduce air pollution at the community level.

California is a global leader in developing successful climate change and air quality policy. Sempra Energy Utilities agree that these policies are needed to protect community health and our environment for future generations and believe that these policies must also consider the strength of California's economy. This legislation strikes the right balance to meet California's long-term environmental goals while also sustaining the economic vitality of the State.

A well-designed Cap-and-Trade program is an essential and flexible component of the State's greenhouse gas (GHG) reduction efforts. Alternative approaches would be much more costly and/or significantly more difficult to implement. The Cap-and-Trade program extension in AB 398 should be one of the primary strategies in the State's ongoing efforts to achieve cost-minimizing GHG reductions for the following reasons:

1. California's Cap-and-Trade program is working to keep cost impacts for utility customers reasonable. After four years of successful compliance, Cap-and-Trade has proven to be a flexible, low-cost and reliable mechanism for reducing GHG emissions. Since the beginning of this program, recorded GHG emissions have been below the required levels every year and the State is projected to beat its 2020 GHG reduction targets. At the same time, the State's economic output has steadily expanded through additional clean energy jobs and increased investment in clean technologies.
2. For several years, the electric investor-owned utilities (IOUs) have distributed a household climate credit to residential and small business customers on their utility bills. This climate credit is funded by the allocation of allowances provided by the State and is already helping customers adapt to the Cap-and-Trade costs they bear. Natural gas IOUs will also distribute a credit in the near future when the Public Utilities Commission finalizes their direction on how to distribute this climate credit.
3. California's Cap-and-Trade program provides an effective mechanism for meeting GHG targets through a declining emissions cap and includes provisions to ensure the environmental integrity of this program. Extension of California's Cap-and-Trade program would continue to drive reductions via its annually decreasing cap and incentivize the pursuit of low cost GHG reductions, thereby minimizing the overall economic impact to California.
4. California's Cap-and-Trade program is exemplifying leadership at the subnational level and inspiring global action. Countries, states, and cities are watching carefully how California's Cap-and-Trade program is performing. The Canadian province of Quebec is already linked with California's Cap-and-Trade Program, and

the larger province of Ontario has committed to follow suit. Many other jurisdictions continue to consult with California Cap-and-Trade experts and officials as they develop their own climate programs.

The Sempra Energy Utilities support the State's efforts to fight climate change and further reduce air pollution. We appreciate the opportunity to be an active participant in extending the Cap-and-Trade Program, as California continues to lead in developing a low-carbon clean energy future.

For all the aforementioned reasons, we strongly urge your **AYE** vote on this important legislation.

Yours sincerely,

A handwritten signature in black ink that reads "Heidi Barsuglia". The signature is written in a cursive, flowing style.

c: The Honorable Eduardo Garcia
The Honorable Cristina Garcia
Honorable Members, Senate Committee on Environmental Quality
Mr. David Garcia
Ms. Nancy McFadden
Ms. Camille Wagner
Ms. Catalina Hayes-Bautista
Mr. Kip Lipper
Mr. Morgan Branch
Ms. Marie Liu

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R.13-11-005**

SCG-54

SOCALGAS EXHIBIT

Customer Service Field Service Team Lead Job Profile

Company: Southern California Gas Company
Requisition Number: 17-29765
Job Title: Field Services Team Leader
Area of Interest: Customer Service
Job Description: ****This position will be a 6 month V assignment****

Primary Purpose:

Monitor, review, and direct the technical activities of staff members within the work group including, prioritizing and scheduling work, providing technical advice to staff members, and reviewing results of technical evaluations, analyses and recommendations. Manage and direct multiple projects and tasks within the department including development of work scope, budget and resource requirements. Foster inter-departmental teamwork, within and outside of the organization, by taking an active part on various projects beneficial to the Sempra Energy utilities. Position also maintains contact with local, state and federal agencies related to the operation and maintenance of gas facilities, customer equipment and other associated functions.

Responsibilities/Duties:

Supervise, provide work direction and mentor Field Services Staff Advisors and Analysts in the completion of their duties, including, but not limited to the development of field processes and project work and field/office implementation.

Develops and reviews Gas Standards and processes to ensure safe, efficient installation, maintenance and repair of Company and customer facilities and equipment. Gathers and analyzes data to ensure sound decisions are made.

Provides technical assistance to clients through the support of programs, technology and strategic applications. Uses various methods to communicate with clients including formal and informal written and in-person communications.

Serves as a consultant, subject matter expert and project leader on special teams and to other internal departments utilizing individual skills and teamwork to resolve issues.

Works with the Legal and Claims Departments on risk mitigation, preventative law and as a subject matter expert in litigation cases.

Interacts with outside agencies and customers to provide technical assistance or follow-up on complaints.

Internal Qualifications: Position requires a thorough knowledge of field operations, preferably a minimum of six to eight years of field experience with at least three of those years in a management/supervisory position with direct reports. Must be highly motivated and have the ability to work independently and in a team environment. Deal effectively with ambiguity, have good business sense, be highly innovative and creative, demonstrate analytical abilities and have high standards for performance and improvement. College degree preferred but not mandatory. Applicant must possess a valid California driver's license. Travel is required.

There is a Preparing For Management (PFM) Requirement: Associate/Technical and Union employees interested in applying for a Management position must take the PFM exam and meet the minimum passing requirements prior to applying for the position via My Info.

PFM requirements and FAQs can be found at <http://utilinet.sempra.com/departments/hr/PFM/>

If you are a represented employee applying to a non-represented position, please note that there might be significant changes to your medical and retirement benefits. This can include changes to your monthly costs for medical benefits and/or potential return on some of your retirement benefits. You may contact your Staffing Advisor or HR Consultant for further information.

Work Location Address: 555 West 5Th St
City: Los Angeles
State / Province: California
Hiring Manager: Rose, Joe
MRR: ST4
Posting End Date: 02/15/2017

Apply

**Order to Show Cause Directing SoCalGas to Address Shareholder Incentives and Costs for
2014-2017 Codes and Standards Advocacy, issued December 17, 2019
R.13-11-005**

SCG-55

SOCALGAS EXHIBIT

George Minter SAP December 2019-January 2020

Personnel no.

Name

Position

Alpha Empno

CoCode

Basic personal d... **Travel data** **QC Data**

- Infotype text S...
- Actions ✓
- Organizational Assignment ✓
- Personal Data ✓
- Addresses ✓
- Bank Details
- Communication ✓
- Approval Levels ✓
- Vendor List
- Invoice Interface List

Period

Period

From To

Today Curr.week

All Current month

From curr.date Last week

To Current Date Last month

Current Period Current Year

Direct selection

Infotype STy

