

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

**MOTION TO COMPEL RESPONSES FROM
SOUTHERN CALIFORNIA GAS COMPANY TO QUESTION 8 OF
DATA REQUEST CALADVOCATES-SC-SCG-2019-05
(NOT IN A PROCEEDING)**

I. INTRODUCTION

Pursuant to Public Utilities (Pub. Util.) Code §§ 309.5(e)¹ and 314,² and Rule 11.3³ of the California Public Utilities Commission's (Commission's) Rules of Practice and Procedure, the Public Advocates Office at the California Public Utilities Commission moves to compel production in response to Question 8 of Data Request

¹ Pub. Util. Code § 309.5(e) states: "The office may compel the production or disclosure of any information it deems necessary to perform its duties from any entity regulated by the commission, provided that any objections to any request for information shall be decided in writing by the assigned commissioner or by the president of the commission, if there is no assigned commissioner."

² Pub. Util. Code §314 states:

(a) The commission, each commissioner, and each officer and person employed by the commission may, at any time, inspect the accounts, books, papers, and documents of any public utility. The commission, each commissioner, and any officer of the commission or any employee authorized to administer oaths may examine under oath any officer, agent, or employee of a public utility in relation to its business and affairs. Any person, other than a commissioner or an officer of the commission, demanding to make any inspection shall produce, under the hand and seal of the commission, authorization to make the inspection. A written record of the testimony or statement so given under oath shall be made and filed with the commission.

(b) Subdivision (a) also applies to inspections of the accounts, books, papers, and documents of any business that is a subsidiary or affiliate of, or a corporation that holds a controlling interest in, an electrical, gas, or telephone corporation, or a water corporation that has 2,000 or more service connections, with respect to any transaction between the water, electrical, gas, or telephone corporation and the subsidiary, affiliate, or holding corporation on any matter that might adversely affect the interests of the ratepayers of the water, electrical, gas, or telephone corporation.

³ Rule 11.3(a) states: "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. The Motion shall state facts showing a good faith attempt at an informal resolution of the discovery dispute presented by the motion, and shall attach a proposed ruling that clearly indicates the relief requested."

(DR) No. CalAdvocates-SC-SCG-2019-05 served on Southern California Gas Company (SoCalGas).

As described in prior related briefing,⁴ the Public Advocates Office is currently investigating SoCalGas' funding of political lobbying activities, including, among other things, whether and to what extent ratepayer money was used to found and support Californians for Balanced Energy Solutions (C4BES).⁵ In furtherance of this investigation, the Public Advocates Office served SoCalGas with DR No. CalAdvocates-SC-SCG-2019-05 on August 13, 2019.⁶ SoCalGas refused to provide responsive documents in response to Question 8 of this DR.⁷

The Public Advocates Office requires this information in order to perform its duties and considers SoCalGas' non-response to Questions 8 to be in violation of SoCalGas' duty to comply with its obligations under Pub. Util. Code §§ 309.5(e) and 314. The Public Advocates Office met with SoCalGas multiple times in conformance with Rule 11.3(a) to attempt to resolve this dispute informally; however, the parties reached an impasse and this motion became necessary. SoCalGas must be compelled to comply with the law and provide fully responsive documents in response to Question 8

⁴ See Exhibit 1, *Motion to Compel Further Responses from Southern California Gas Company to Data Request - CalAdvocates-SC-SCG-2019-04* (August 14, 2019); Exhibit 2, *Response of SoCalGas to August 14, 2019 Motion To Compel Further Responses From Southern California Gas Company to Data Request – CalAdvocates-SC-SCG-2019-04* (August 26, 2019); Exhibit 3, *Reply of the Public Advocates Office to Response Of SoCalGas to August 14, 2019 Motion to Compel Further Responses From Southern California Gas Company to Data Request – CalAdvocates-SC-SCG-2019-04 in the Discovery Dispute Between Public Advocates Office and Southern California Gas Company, August 2019 (Not in a Proceeding)* (September 9, 2019). The attachments to the filings have been omitted because these filings are voluminous and the attachments are not directly relevant to the current dispute, but the attachments can be provided upon request.

⁵ In Rulemaking (R.) 19-01-011, Sierra Club alleged that SoCalGas found and funded C4BES. This led to an investigation by the Public Advocates Office into the veracity of Sierra Club's allegation and whether ratepayer funding was used to found and fund C4BES. See Sierra Club's *Motion to Deny Party Status to Californians For Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery* (May 14, 2019). See also Public Advocates Office's *Response to Sierra Club's Motion to Deny Party Status to Californians For Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery* filed (May 29, 2019).

⁶ See Exhibit 4, Data Request (DR) CalAdvocates-SC-SCG-2019-05, dated August 13, 2019, at 4.

⁷ See Exhibit 5, Southern California Gas Company's Responses to Data Request CalAdvocates-SC-SCG-2019-05, dated August 27, 2019, at 8.

within 24 hours of the ruling on this motion. The Public Advocates Office submits this motion to compel to the Commission's President⁸ and respectfully requests an expeditious ruling addressing the legal issues on the merits as this investigation has been unnecessarily and repeatedly delayed by SoCalGas' obstructive tactics.

II. BACKGROUND

A. Impetus for the Public Advocates Office's Current Inquiries

As discussed in the Public Advocates Office's prior motion to compel in this matter relating to DR CalAdvocates-SC-SCG-2019-04, on May 13, 2019, C4BES filed a Motion for Party Status in Rulemaking (R.)19-01-011 in which C4BES represented that it is "a coalition of natural and renewable natural gas users."² C4BES did not disclose that it has any affiliation with SoCalGas in its Motion for Party Status. On May 14, 2019, Sierra Club filed a *Motion to Deny Party Status to Californians For Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery*, in which it alleged that SoCalGas founded and funded C4BES.¹⁰ On May 29, 2019, the Public Advocates Office, C4BES, and SoCalGas separately filed responses to Sierra Club's motion to deny party status to C4BES. In its response to Sierra Club's motion to deny party status, the Public Advocates Office stated that it would be investigating the allegations raised by Sierra Club.¹¹

On May 23, 2019, the Public Advocates Office issued Data Request Number Public Advocates Office-SCG051719 to SoCalGas regarding its involvement with

⁸ Pursuant to Pub. Util. Code § 309.5(e), objections to the production or disclosure or any information the Public Advocates Office deems necessary to perform its duties must be decided in writing by the assigned commissioner or by the President of the Commission. Because DR CalAdvocates-SC-SCG-2019-05 was not issued pursuant to any open Commission proceeding, there is no assigned Commissioner. As a result, the motion to compel must be decided by the Commission's President.

² See *C4BES Motion for Party Status in R.19-01-011 filed* (May 13, 2019).

¹⁰ See R.19-01-011, *Sierra Club's Motion to Deny Party Status to Californians for Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery* (filed May 14, 2019).

¹¹ See R.19-01-011, *Response of the Public Advocates Office to Sierra Club's Motion to Deny Party Status to Californians for Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery* (filed May 29, 2019), at 2.

C4BES. This data request was issued outside of R.19-01-011, and the investigation into SoCalGas' involvement with C4BES is not within the scope of any current proceeding. SoCalGas' response to the Public Advocates Office's data request provides evidence that SoCalGas has been using ratepayer money to start and fund C4BES.¹² The Public Advocates Office issued additional Data Requests to further investigate this matter. Each of these data requests has also been issued outside of R.19-01-011 and is not within the scope of any current proceeding.

B. Previous Discovery Dispute

On July 19, 2019, the Public Advocates Office issued DR CalAdvocates-SC-SCG-2019-04 to SoCalGas. SoCalGas provided a response on August 2, 2019, which contained redacted documents in response to Items 1 and 5 of the Data Request. On August 14, 2019, after meeting and conferring in an attempt to resolve the matter informally with SoCalGas, the Public Advocates Office submitted a *Motion to Compel Further Responses from Southern California Gas Company to Data Request - CalAdvocates-SC-SCG-2019-04* to then-Commission President Picker's office.¹³ The Public Advocates Office's motion sought unredacted documents in response to Items 1 and 5 in DR CalAdvocates-SC-SCG-2019-04, pursuant to the Public Advocates Office's ability to seek information from entities regulated by the Commission under Pub. Util. Code §§ 309.5(e) and 314.¹⁴

On August 26, 2019, SoCalGas submitted *Response of SoCalGas to August 14, 2019 Motion to Compel Further Responses from Southern California Gas Company to*

¹² See R.19-01-011, *Response of the Public Advocates Office to Southern California Gas Company's Motion to Strike Sierra Club's Reply to Responses to Motion to Deny Party Status to Californians for Balanced Energy Solutions or, in the Alternative, to Grant Motion to Compel Discovery* (filed July 5, 2019), at 2.

¹³ See Exhibit 1. Commission President Marybel Batjer subsequently referred the matter to Chief Administrative Law Judge Anne Simon for ruling, who in turn referred the matter to Administrative Law Judge Regina DeAngelis.

¹⁴ Subsequently, but prior to Judge DeAngelis' ruling, SoCalGas provided an amended response to Item 5 and, therefore, the Public Advocates Office no longer sought this information via the motion to compel submitted on August 14, 2019.

*Data Request – CalAdvocates – SC-SCG-2019-04.*¹⁵ On September 9, 2019, the Public Advocates Office filed a *Reply of the Public Advocates Office to Response of SoCalGas to August 14, 2019 Motion to Compel Further Responses from Southern California Gas Company to Data Request – CalAdvocates-SC-SCG-2019-04.*¹⁶

In its response to Item 1 of DR CalAdvocates-SC-SCG-2019-04, SoCalGas had redacted information on a Work Order Authorization (WOA) relating to shareholder funds. The Public Advocates Office sought an unredacted response to Item 1 of DR CalAdvocates-SC-SCG-2019-04.¹⁷ SoCalGas argued that the information sought in the Public Advocates Office’s motion in response to Item 1 was “not responsive to [the] questions and furthermore is not necessary for Cal Advocates to perform its statutory duties as laid out in Public Utilities Code § 309.5(a)[¹⁸]” because it is related to shareholder funds, not ratepayer funds.

On September 10, 2019, Administrative Law Judge DeAngelis granted the Public Advocates Office’s motion to compel (September 10, 2019 Ruling).¹⁹

C. Current Discovery Dispute

On August 13, 2019, prior to the filing of the first motion to compel in this matter, the Public Advocates Office served SoCalGas with DR CalAdvocates-SC-SCG-

¹⁵ See Exhibit 2.

¹⁶ See Exhibit 3. Chief Administrative Law Judge Simon granted the Public Advocates Office permission to file this reply in an email ruling on September 5, 2019. See Rule 11.1(f).

¹⁷ The Public Advocates Office also referenced SoCalGas’ recalcitrance related to Question 8 in its September 9 reply, although Question 8 was not specifically the subject of the August 14 motion. See Exhibit 3 at 9-10.

¹⁸ Pub. Util. Code § 309.5(a) states:

There is within the commission an independent Public Advocate’s Office of the Public Utilities Commission to represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the commission. The goal of the office shall be to obtain the lowest possible rate for service consistent with reliable and safe service levels. For revenue allocation and rate design matters, the office shall primarily consider the interests of residential and small commercial customers.

¹⁹ See Exhibit 6, *Administrative Law Judge’s Ruling in the Discovery Dispute Between Public Advocates Office and Southern California Gas Company, August 2019 (Not in a Proceeding)*, dated September 10, 2019.

2019-05.²⁰ This Data Request included the following question, with SoCalGas' August 27, 2019 response indicated below²¹:

QUESTION 8:

Provide all contracts (and contract amendments) covered by the WOA which created the BALANCED ENERGY IO.²²

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. The Balanced Energy IO is shareholder funded, not ratepayer funded. Thus, knowing this information will not assist the Public Advocates Office in performing its statutory duties.

On September 11, 2019, after Judge DeAngelis granted the August 14, 2019 Motion to Compel, the Public Advocates Office contacted SoCalGas in an attempt to obtain an updated response to Question 8, given that SoCalGas' grounds for refusing to answer Question 8 were implicitly rejected in the September 10, 2019 Ruling. The Public Advocates Office sought to avoid the extreme waste of Commission resources in seeking judicial intervention on a legal issue that had already been decided. SoCalGas responded that it was "unable to find support for [the Public Advocates Office's] rationale in ALJ DeAngelis's September 10 ruling."²³ In an attempt to resolve this dispute without resorting to judicial intervention, and in conformance with Rule 11.3(a), the parties engaged in a meet and confer regarding Question 8 on September 16, 2019.

²⁰ See Exhibit 4, Data Request (DR) CalAdvocates-SC-SCG-2019-05, dated August 13, 2019, at 4.

²¹ See Exhibit 5, Southern California Gas Company's Responses to Data Request CalAdvocates-SC-SCG-2019-05, dated August 27, 2019, at 8.

²² The Work Order Authorization (WOA) created the Balanced Energy Internal Order (IO). The Balanced Energy IO is an account set up to track the costs of SoCalGas' Energy Policy and Strategy team associated with "balanced energy."

²³ See Exhibit 7, which provides the Public Advocates Office's emails dated September 11 and 12, 2019, and SoCalGas' email responses, dated September 12 and 13, 2019.

During the September 16, 2019 meet and confer, the Public Advocates Office and SoCalGas were unable to resolve the dispute. SoCalGas contended that the contracts requested in Question 8 were not the subject of the August 14, 2019 motion to compel and that the contracts are distinguishable from the WOA at issue in the previous motion to compel because the WOA was partially responsive to the question asked, whereas the contracts that are the subject of Question 8 are allegedly 100% shareholder funded.

Also during the September 16, 2019 meet and confer, the Public Advocates Office stated that one of the reasons it sought these contracts was to verify whether they were shareholder or ratepayer funded. The Public Advocates Office did not intend to imply that this was the only reason for its request, and also mentioned that the Public Advocates Office and ratepayers have an interest in the cost and non-cost aspects of these contracts, such as the scope of the work related to “balanced energy” as described by the WOA. At the conclusion of the meeting, the Public Advocates Office agreed to meet with some of SoCalGas’ accounting staff to see if it could better understand SoCalGas’ accounting processes, in the hopes that such understanding would help the Public Advocates Office gain a better understanding of how the Balanced Energy IO was created.

The meeting with SoCalGas’ accountants, with counsel present, occurred on September 27, 2019. SoCalGas provided an overview of its general accounting processes and procedures and answered specific questions regarding certain accounting procedures and notations. During the meeting, SoCalGas expressed its belief that the meeting was intended to resolve the dispute regarding Question 8. The Public Advocates Office explained that its good faith belief was that the meeting would be helpful in understanding the context behind SoCalGas’ accounting practices, and helpful for understanding the context for both Question 8 and Question 13.²⁴ However, Question 8 was still in dispute, and the Public Advocates Office reiterated that it is entitled to the

²⁴ At the September 27, 2019 meeting, the parties also discussed information related to Question 13 of DR CalAdvocates-SC-SCG-2019-05, which had been in dispute. As a result of this discussion, SoCalGas agreed to submit a revised response to Question 13, which it did on October 2, 2019. The Public Advocates Office felt that the revised response sufficiently answered the question and therefore Question 13 is no longer in dispute.

documents requested pursuant to both statute and Commission decisions. While this meeting provided further context and understanding of SoCalGas' internal accounting procedures, it did not obviate the need for documents in response to Question 8.²⁵

On October 2, 2019, the parties met once again to discuss Question 8. The Public Advocates Office again reiterated that it needed the contracts in response to Question 8 in order to continue its investigation. SoCalGas repeated its assertion that because the contracts were fully shareholder funded, reviewing the contracts would not assist the Public Advocates Office in its statutory duty. The Public Advocates Office repeated its position that this matter had been argued in the prior motion to compel and decided by Judge DeAngelis. The Public Advocates Office also responded that, as a general matter, it is not required to divulge the purpose of its discovery because it is entitled to these documents per statute and Commission decision as argued in its original motion to compel. However, to further clarify its position to SoCalGas, the Public Advocates Office explained that, among other things, the investigation was seeking information on how the activities related to the contracts in Question 8 may have affected ratepayers' interests in issues such as achieving a least-cost path to meeting the state's decarbonization goals. At the conclusion of the meeting, the parties agreed they were at an impasse on this issue.

III. DISCUSSION

A. This Issue Has Been Previously Decided By Judge DeAngelis

Initially, this motion to compel should not be necessary because SoCalGas' justification for refusing to provide the contracts in response to Question 8 has been rejected by Judge DeAngelis. In opposing the August 14, 2019 motion to compel, SoCalGas largely relied on its arguments that neither Pub. Util. Code § 309.5(e) nor § 314 provided the Public Advocates Office with the authority to seek information related

²⁵ See Exhibit 8, Public Advocates Office email dated September 27, 2019.

to shareholder-funded activities.²⁶ SoCalGas is relying on the same reasoning here—that because the contracts are purportedly shareholder funded, they are beyond the Public Advocates Office’s statutory purview. However, the Public Advocates Office argued, successfully, that its authority to obtain information from regulated entities related to the scope of its work is broad and two-fold. This authority is derived from both Pub. Util. Code §§ 309.5(e) and 314, and neither contains the type of limitation suggested by SoCalGas. Adopting SoCalGas’ interpretation of these statutes would severely curtail the ability of the Public Advocates Office, and the Commission in general, to access information in a way that is not supported by law.

In the September 10, 2019 Ruling, Judge DeAngelis stated that after reviewing the motion, response, and reply, the motion to compel was granted.²⁷ If she had found that *any* of SoCalGas’ arguments had merit, she would not have granted the motion.

Further, despite SoCalGas’ attempt to distinguish Question 8 from the question regarding the WOA at issue in the August 14, 2019 motion to compel, the legal issue is not substantively different. While this is a different data request, the underlying reasoning for SoCalGas’ refusal to disclose the documents is identical—that this information relates solely to shareholder funds and is therefore undiscoverable by the Public Advocates Office. That SoCalGas considered portions of the WOA responsive, in contrast to the contracts at issue here, which SoCalGas considers wholly unresponsive, does not mean the two issues are substantively different. On the contrary, the two issues are the same: SoCalGas withheld information in the WOA because it related to shareholder funds²⁸; here, SoCalGas is withholding the contracts because they are allegedly shareholder funded. Because Judge DeAngelis granted the August 14, 2019

²⁶ See Exhibit 2, at 5-6, 9-10.

²⁷ See Exhibit 6 at 2.

²⁸ The WOA, when created, directed that costs be recorded in ratepayer funded accounts. Only after the Public Advocates Office discovered via data requests that these costs were being booked to ratepayer accounts did SoCalGas direct their accounting department to move these costs to a shareholder funded account. *SoCalGas Modified Response to DR Number Public Advocates Office-SCG051719* (served Aug. 13, 2019).

motion to compel and implicitly rejected SoCalGas' reasoning for withholding information related to shareholder funds, this issue has already been decided and in accordance with that ruling, this motion should also be granted.

B. The Public Advocates Office is Entitled to the Information it Seeks under Pub. Util. Code §§ 309.5(e) and 314.

To reiterate the Public Advocates Office's previously argued position, the Public Advocates Office is entitled to the information requested, and SoCalGas as a regulated entity is obligated to provide the information pursuant to both statute and Commission decision. This statutory right to inspect the documents of any public utility includes records related to shareholder funding.

As explained in Decision (D.) 01-08-062, "[The Public Advocates Office's] rights to seek information from entities regulated by this Commission . . . principally arise from two statutes—Pub. Util. Code. §§ 314 and 309.5."²⁹ Under § 309.5(e), the Public Advocates Office "may compel the production or disclosure of any information it deems necessary to perform its duties from any entity regulated by the commission..." Under § 314, as staff of the Commission, the Public Advocates Office may inspect the "accounts, books, papers and documents of any public utility" as well as "any business that is a subsidiary or affiliate of, or a corporation that holds a controlling interest in" any public utility"

Pub. Util. Code § 309.5(e) contains no limitation on the type of information that may be sought by the Public Advocates Office in the pursuit of its statutory duties and it clearly allows for discovery of information the Public Advocates Office deems necessary. The information requested is related to the Public Advocates Office's investigation of SoCalGas' role in political lobbying activities, including the funding and founding of C4BES. The Public Advocates Office has determined that the disclosure of the contracts requested by Question 8 is necessary to perform its duties in relation to this investigation. Pub. Util. Code § 309.5(e) clearly allows for discovery of information the Public

²⁹ D.01-08-062, at 6.

Advocates Office deems necessary. Section 309.5(e) does not limit the Public Advocates Office to only reviewing information related to ratepayer accounts. Therefore, the Public Advocates Office is entitled to this information under § 309.5(e).

Additionally, § 309.5(a) does not limit the Public Advocates Office to only inquiring into the use of ratepayer funds. Section 309.5(a) states that the Public Advocates Office's role is to "represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the commission" and "to obtain the lowest possible rate for service consistent with reliable and safe service levels." While § 309.5(a) delineates the Public Advocates Office's goals, § 309.5(e) authorizes the Public Advocates Office to pursue these goals through the production of any information it deems necessary. The Public Advocates Office's role is to protect ratepayer interests, and it may pursue that goal without being subject to such an illogical and statutorily unsupported restraint as only being allowed to look at above-the-line transactions.

Further, as staff of the Commission, the Public Advocates Office has broad authority under Pub. Util. Code § 314 to inspect the accounts and documents of any public utility.³⁰ Section 314 allows the Public Advocates Office the same scope of authority as any other member of the Commission staff:

³⁰ Pub. Util. Code § 314 states:

(a) The commission, each commissioner, and each officer and person employed by the commission may, at any time, inspect the accounts, books, papers, and documents of any public utility. The commission, each commissioner, and any officer of the commission or any employee authorized to administer oaths may examine under oath any officer, agent, or employee of a public utility in relation to its business and affairs. Any person, other than a commissioner or an officer of the commission, demanding to make any inspection shall produce, under the hand and seal of the commission, authorization to make the inspection. A written record of the testimony or statement so given under oath shall be made and filed with the commission.

(b) Subdivision (a) also applies to inspections of the accounts, books, papers, and documents of any business that is a subsidiary or affiliate of, or a corporation that holds a controlling interest in, an electrical, gas, or telephone corporation, or a water corporation that has 2,000 or more service connections, with respect to any transaction between the water, electrical, gas, or telephone corporation and the subsidiary, affiliate, or holding corporation on any matter that might adversely affect the interests of the ratepayers of the water, electrical, gas, or telephone corporation.

[The Public Advocates Office's] scope of authority to request and obtain information from entities regulated by the Commission is as broad as that of any other units of our staff, including the offices of the Commissioners. It [is] constrained solely by a statutory provision that provides a mechanism unique to [the Public Advocates Office] for addressing discovery disputes.³¹

Accordingly, the ability of Public Advocates Office and the Commission, in general, to access information is not restricted to only inquiring directly into ratepayer-funded activities. Such a restriction is not consistent with the Commission's duty to effectively regulate utilities and determine whether any ratepayers were harmed to the benefit of the shareholders. Therefore, the Public Advocates Office's motion to compel the production of the requested contracts in response to Question 8 should be granted in accordance with statutory and Commission authority.

C. The Public Advocates Office Has Made a Good Faith Attempt to Resolve this Dispute Prior to Filing this Motion to Compel

SoCalGas has implied during meet and confer sessions that the Public Advocates Office has not been acting in good faith. However, the Public Advocates Office has continuously acted in good faith in attempting to resolve this matter informally. The Public Advocates Office initiated email discussions and engaged in three telephonic meetings regarding Question 8. The purpose of the September 27, 2019 meeting with SoCalGas' accountants was for the Public Advocates Office to gain a better understanding of SoCalGas' internal accounting processes since SoCalGas stated that the Public Advocates Office misunderstood some of its accounting practices.³² The Public Advocates Office hoped that the September 27, 2019 meeting would lead to a greater understanding of SoCalGas' accounting processes and answer at least some of the Public Advocates Office's questions underlying Question 8. However, even after the September

³¹ D.01-08-062, at 6.

³² See Exhibit 9, emails between the Public Advocates Office dated September 12, 13, and 18, 2019.

27, 2019 meeting, the Public Advocates Office felt that it still required the contracts as requested by Question 8.³³

The Public Advocates Office need not disclose to SoCalGas the need for its requests during the course of an investigation. However, in the course of the many meet and confer meetings on this issue, the Public Advocates Office explained that it sought the contracts in order to understand more fully how the activities related to the contracts in Question 8 may have affected ratepayers' interests. The Public Advocates Office also explained that it believed this matter had already been decided by Judge DeAngelis. The Public Advocates Office explained its position and why SoCalGas had an obligation to respond to Question 8. While SoCalGas may have desired a more detailed or in-depth explanation of the Public Advocates Office's internal processes and strategy, it is not entitled to such information during a meet and confer, and the Public Advocates Office fully engaged with the meet and confer process in good faith.

D. Conclusion

The Public Advocates Office's motion to compel production in response to Question 8 should be granted, and SoCalGas should be compelled to produce responsive documents within 24 hours of the granting of this motion. This motion should be granted consistent with the Public Advocates Office's broad authority to seek information from any regulated entity for any purpose related to the scope of its work. Neither Pub. Util. Code §§ 309.5(e) nor 314 is limited in the manner suggested by SoCalGas, and therefore its argument that the Public Advocates Office does not have authority to seek information into shareholder funds should be rejected as inconsistent with the broad discovery authority granted by statute to the Public Advocates Office and Commission staff. Additionally, because SoCalGas contends that the September 10, 2019 Ruling does not resolve the current dispute, the Public Advocates Office respectfully requests a ruling

³³ As stated previously, the September 27, 2019 meeting was successful in resolving the dispute regarding Question 13.

addressing the legal issues on the merits in order to avoid further unnecessary litigation on this issue.

Respectfully submitted,

/s/ REBECCA VORPE

Rebecca Vorpe

Attorney for the
Public Advocates Office

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Telephone: (415) 703-4443
Email: rebecca.vorpe@cpuc.ca.gov

October 7, 2019

[PROPOSED] ORDER

On October 7, 2019, the Public Advocates Office submitted a *Motion to Compel Responses from Southern California Gas Company to Question 8 of Data Request CalAdvocates-SC-SCG-2019-05 (Not in a Proceeding)* requesting that the Commission order SoCalGas to provide documents in response to Question 8 of DR CalAdvocates-SC-SCG-2019-05. Having considered the Public Advocates Office’s motion to compel and given the urgency of this request and the clear statutory authorization for the information sought pursuant to Public Utilities Code Sections 309.5(e) and 314, the Commission hereby grants the Public Advocates Office’s motion.

ORDER

SoCalGas is hereby ordered to provide documents in response to Question 8 of DR CalAdvocates-SC-SCG-2019-05. SoCalGas is ordered to comply with this order within 24 hours from the date of this ruling.

SO ORDERED.

Dated: _____, 2019

Administrative Law Judge