

Exhibit 1

**J.Wilson & T.Bone Emails to ALJ May 29-June 3 2020 Re
Access to Accounts and Records**

From: Bone, Traci
Sent: Wednesday, June 3, 2020 2:31 PM
To: Jason Wilson; DeAngelis, Regina
Cc: DeAngelis, Regina; Hovsepian, Melissa A; Carman, Teresa A; Batjer, Marybel; Ward, Alec; Castello, Stephen; Sleiman, Mariam (Intern); Sierzant, Corinne M; Tran, Johnny Q; Prusnek, Brian C; Henry, Elliott S; Farrar, Darwin; Serizawa, Linda; Campbell, Michael; O'Rourke, Shannon
Subject: RE: SoCalGas (U 904 G) Motion to Quash in Part Cal Advocates' May 5, 2020 Subpoena

Judge DeAngelis:

In response to Mr. Wilson's email below, Cal Advocates reiterates its request that SoCalGas immediately provide Cal Advocates full access to its accounts and records consistent with the subpoena issued May 5, 2020.

In addition, consistent with footnote 131 of Cal Advocates' Response to SoCalGas' May 22, 2020 Motion to Quash, Cal Advocates will not sign a non-disclosure agreement in order to obtain access to SoCalGas' accounts and records. Footnote 131 explains: While Cal Advocates has previously discussed signing a Non-Disclosure Agreement (NDA) with SoCalGas in order to speed its release of information, such an NDA is unnecessary given the statutory protections provided and Cal Advocates no longer proposes to sign one given that the purpose of the NDA has been defeated by the instant Motion to Quash.

Lastly, please add Mariam Sleiman to the service list for this proceeding: mariam.sleiman@cpuc.ca.gov

Thank you for your attention to these matters,

Traci Bone, Attorney
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Work: (415) 703-2048
Cell: (415) 713-3599
tbo@cpuc.ca.gov

From: Jason Wilson <jwilson@willenken.com>
Sent: Monday, June 01, 2020 4:07 PM
To: DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>
Cc: DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>; Hovsepian, Melissa A <MHovsepian@socalgas.com>; Carman, Teresa A <TCarman@socalgas.com>; Batjer, Marybel <Marybel.Batjer@cpuc.ca.gov>; Ward, Alec <Alec.Ward@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>; Sierzant, Corinne M <CSierzant@socalgas.com>; Tran, Johnny Q <JQTran@socalgas.com>; Prusnek, Brian C <BCPrusne@socalgas.com>; Henry, Elliott S <EHenry@socalgas.com>; Jason Wilson <jwilson@willenken.com>; Farrar, Darwin <darwin.farrar@cpuc.ca.gov>; Serizawa, Linda <linda.serizawa@cpuc.ca.gov>; Campbell, Michael <Michael.Campbell@cpuc.ca.gov>; Bone, Traci <traci.bone@cpuc.ca.gov>; O'Rourke, Shannon <Shannon.O'Rourke@cpuc.ca.gov>
Subject: SoCalGas (U 904 G) Motion to Quash in Part Cal Advocates' May 5, 2020 Subpoena

Judge DeAngelis:

In its Motion to Quash in part Cal Advocates' May 5, 2020 subpoena, SoCalGas represented that it would make available remote access to its SAP system with limitations in place to block access to confidential attorney-client matters and information related to its 100% shareholder activities protected by the First Amendment by May 29, 2020. As it promised, (as evident by the email below) SoCalGas offered such access to Cal Advocates on May 29, 2020. However, Cal Advocates suggested, and SoCalGas agreed, that the parties use a NDA to help deal with confidentiality issues. Furthermore, Cal Advocates agreed that the NDA would be in place before it accessed the SAP System. Unfortunately, as the date of this email, SoCalGas has not received any NDA documentation from Cal Advocates. Finally, as of the time of this email, Cal Advocates has not yet responded to SoCalGas's May 29, 2020 email. As such, while SoCalGas stands ready to provide Cal Advocates with SAP access, it cannot do so until Cal Advocates enters into the NDA with SoCalGas.

Jason Wilson
Counsel for Southern California Gas Company



Jason H. Wilson

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Service List for SoCalGas/Cal Advocates Not In A Proceeding

rmd@cpuc.ca.gov; Hovsepian, Melissa A <MHovsepian@socalgas.com>; Carman, Teresa A <TCarman@socalgas.com>; Prusnek, Brian C <BCPrusne@socalgas.com>; Henry, Elliott S <EHenry@socalgas.com>; jwilson@willenken.com; Fa <Shannon.O'Rourke@cpuc.ca.gov>

From: Jason Wilson

Sent: Friday, May 29, 2020 4:18 PM

To: Bone, Traci <traci.bone@cpuc.ca.gov>; Ward, Alec <Alec.Ward@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>

Cc: Holland, Brooke <AHolland@socalgas.com>; Sierzant, Corinne M <CSierzant@socalgas.com>; Willenken-CalPA <willenken-calpa@willenken.com>

Subject: Remote Access to SAP

Traci,

As promised, SAP Access is live for the users that you've requested. Corinne Sierzant will send credentials as soon as Cal Advocates signs the NDA and provides us with the users' non-disclosure certificates. (As you know, the parties agreed to having an NDA in place and the draft NDA was sent to you on May 18, 2020). If we do not receive the NDA documents by 5 pm today, then access will have to be delayed until Monday morning. Please note that the network will be unavailable for system updates from 10 PM on Saturday, 5/30 through 5 AM on Sunday, 5/31.

We have looked into the support available to our users. Standard support is available Monday to Friday from 8 AM to 5 PM. Only emergency support is available outside of that time. Accordingly, we will provide Cal Advocates' SAP users access assistance Monday to Friday during from 8 AM to 5PM. However, the remote access to SAP should be available after hours and during weekends/holidays unless there is an outage or maintenance.

Ping Ng (PNg@socalgas.com, 213-231-8850) will be your contact for questions related to SAP. You can email Corinne (CSierzant@socalgas.com, 215-290-3144) for IT questions, and she'll direct them to the appropriate team member for resolution.

To protect our privileged information and First Amendment rights, information and transaction details (invoice transactions and accounting journal entries) pertaining to our outside counsel firms and also vendors performing 100% shareholder activities have been programmatically excluded from the display list.

There is one accounting journal entry referencing 100% shareholder work, but which also references non-shareholder work. This has likewise been excluded from the display list. However, we will provide a PDF of this journal entry redacting the identity of the 100% shareholder-funded entity by early next week.

As a matter of routine, and to support the production of our monthly financial statements that present fairly our financial position and results of operations in all material respects, a series of procedures, processes, and controls are followed each month for the previous fiscal month. Until those procedures, processes, and controls for the fiscal month are completed, all transactions for that fiscal month will also be excluded from the display list. As such, these activities will not be displayed until the end of the following month. This process also allows time to protect information in the two categories we are restricting access to where there may be new vendors/firms to protect or other potential complications with related entries. Further, it should be noted that while certain costs are currently recorded to certain cost centers in SAP, it does not mean that the costs will be requested for recovery from ratepayers, as noted in the TY2019 GRC workpapers. During the development of the GRC forecasts, it is sometimes necessary to remove incurred costs to further ensure that ratepayers are not funding activities that should be borne by shareholders.

If you have any questions, please feel free to contact me.

Jason



Jason H. Wilson

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**Exhibit 2 - SoCalGas Response to CalAdvocates-TB-SCG-
2020-04 Q 3 re law firms**

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-04)

Date Received: June 30, 2020

Responses to Questions [2-3, 7-11, 16-21, 23, 25] Submitted: July 10, 2020

QUESTION 3:

Please list all account names and numbers that were excluded from Cal Advocates review of SoCalGas' SAP system through the "custom software solution" described on pages 1 and 2 in SoCalGas' May 22, 2020 substitute Motion to Quash.

RESPONSE 3:

SoCalGas objects to this Request to the extent that it calls for information that is protected by SoCalGas's rights which are currently the subject of SoCalGas's Motion for Reconsideration/Appeal (filed December 2, 2019) and/or SoCalGas's Motion to Quash (filed May 19, 2020).

Notwithstanding these objections and the General Objections and Objections to "Instructions" stated above, which are expressly incorporated herein, SoCalGas responds as follows:

As of 05/29/2020, the vendor account names and vendor identification numbers listed below are excluded from Cal Advocates' review of SoCalGas's SAP system through the "custom software solution" described on pages 1 and 2 in SoCalGas' May 22, 2020 substitute Motion to Quash. This list includes only law firms whose information contained in the SAP database may be subject to the attorney-client privilege and attorney work-product doctrine. This list does not include consultants for whom the disclosure of their identities to Cal Advocates would infringe SoCalGas's First Amendment rights, as articulated in SoCalGas's Motion for Reconsideration/Appeal and Motion to Quash.

SAP VENDOR ID	Vendor Name
115165	ALVARADO SMITH APC
97626	ANDREWS LAGASSE BRANCH BELL LLP
97902	ANDREWS LAGASSE BRANCH BELL LLP
98172	ANDREWS LAGASSE BRANCH BELL LLP
96267	BARG COFFIN LEWIS & TRAP LLP
124455	BARNES RICHARDSON & COLBURN LLP
115281	BINGHAM MCCUTCHEN CLIENT TRUST ACCT
115479	BINGHAM MCCUTCHEN CLIENT TRUST ACCT
92595	BRYAN CAVE LLP
16198	CHADBOURNE & PARK LLP
124552	CHAPMAN GLUCKSMAN DEAN ROEB &
122949	CONSTANGY BROOKS SMITH & PROPHETE
122948	CONSTANGY BROOKS SMITH & PROPHETE
96816	DLA PIPER US LLP

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-04)

Date Received: June 30, 2020

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89764	FOLEY & LARDNER LLP
83020	FRAGOMEN DEL REY BERNSSEN &
85863	FRAGOMEN DEL REY BERNSSEN &
6111	GIBSON DUNN & CRUTCHER LLP
100567	GREENBERG TRAURIG LLP
60573	HIGGS FLETCHER & MACK LLP
61709	HIGGS FLETCHER & MACK LLP
62397	HIGGS FLETCHER & MACK LLP
70087	HIGGS FLETCHER & MACK LLP
60490	HIGGS FLETCHER & MACK LLP
61626	HIGGS FLETCHER & MACK LLP
59020	HIGGS FLETCHER & MACK LLP
87744	HOLLAND & KNIGHT LLP
87305	HOLLAND & KNIGHT LLP
86821	HOLLAND & KNIGHT LLP
86208	HOLLAND & KNIGHT LLP
9658	HORVITZ & LEVY
9677	HORVITZ & LEVY
9962	HORVITZ & LEVY
8770	HORVITZ & LEVY
8771	HORVITZ & LEVY
9710	HORVITZ & LEVY
9711	HORVITZ & LEVY
113853	JACKSON LEWIS PC
112014	JONES BELL ABBOTT FLEMING & FITZGER
108199	JONES DAY
108302	JONES DAY
2639	JONES DAY REAVIS AND POGU
6114	LATHAM & WATKINS
6121	LATHAM & WATKINS
72546	LATHAM & WATKINS LLP
72824	LATHAM & WATKINS LLP
101382	LAW FIRM OF RUSSELL R JOHNSON III
96272	LAW OFFICE OF PETER MICHAELS
102053	LEVY & NOURAFCHAN LLP
90342	LEVY & NOURAFCHAN LLP
90951	LEWIS BRISBOIS BISGAARD & SMITH LLP
91332	LEWIS BRISBOIS BISGAARD & SMITH LLP
91286	LEWIS BRISBOIS BISGAARD & SMITH LLP
90351	LEWIS BRISBOIS BISGAARD & SMITH LLP

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-04)

Date Received: June 30, 2020

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123911	LIMNEXUS LLP
118671	LINER LLP
3090	LUKAS NACE GUTIERREZ AND SACHS
86132	MARC EBBIN LAW OFFICES
108690	MAYER BROWN LLP
108420	MAYER BROWN LLP
117919	MEHLMAN BARNES LLP
116002	MEHLMAN BARNES LLP
116020	MEHLMAN BARNES LLP
115551	MEHLMAN BARNES LLP
116685	MEHLMAN BARNES LLP
113650	MILLER & CHEVALIER CHARTERED
112699	MILLER LAW GROUP
128117	MILLER LAW GROUP
112290	MILLER LAW GROUP
100125	MODRALL SPERLING ROEHL HARRIS &
100097	MODRALL SPERLING ROEHL HARRIS &
20006	MORGAN LEWIS & BOCKIUS LLP
50101	MORGAN LEWIS & BOCKIUS LLP
28354	MORGAN LEWIS & BOCKIUS LLP
19713	MORGAN LEWIS & BOCKIUS LLP
18109	MORGAN LEWIS & BOCKIUS LLP
57495	MORGAN LEWIS & BOCKIUS LLP
16942	MORGAN LEWIS & BOCKIUS LLP
50027	MORGAN LEWIS & BOCKIUS LLP
50029	MORGAN LEWIS & BOCKIUS LLP
21217	MORGAN LEWIS & BOCKIUS LLP
31809	MORGAN LEWIS & BOCKIUS LLP
10300	MORRISON AND FOERSTER LLP
10301	MORRISON AND FOERSTER LLP
9963	MORRISON AND FOERSTER LLP
123910	NATIVE LAW PLLC
95147	NIXON PEABODY LLP
96220	NIXON PEABODY LLP
94892	NIXON PEABODY LLP
95154	NIXON PEABODY LLP
94730	NIXON PEABODY LLP
14779	NOSSAMAN LLP
13674	NOSSAMAN LLP
71081	OGDEN & FRICKS LLP

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-04)

Date Received: June 30, 2020

Responses to Questions [2-3, 7-11, 16-21, 23, 25] Submitted: July 10, 2020

12811	OMELVENY & MYERS
12812	OMELVENY & MYERS LLP
13292	OMELVENY & MYERS LLP
13293	OMELVENY & MYERS LLP
124550	PASICH LLP
113451	PAUL HASTINGS LLP
112903	PAUL HASTINGS LLP
501621	TROPIO & MORLAN
500025	WILLENKEN WILSON LOH & LI
500045	WILSON PETTY KOSMO & TURN
500368	BATE PETERSON DEACON ZINN
501552	ALVARADO SMITH A PROF COR
500255	ANDREWS LAGASSE BRANCH &
501181	JONES BELL ABBOTT FLEMING
500058	LEVY & NOURAFCHAN LLP
501046	LKP GLOBAL LAW LLP
501183	MILLER LAW GROUP
500740	SANCHEZ AMADOR LLP
501095	SIDEMAN & BANCROFT LLP
501740	TYSON & MENDES LLP
501047	ZUBER LAWLER & DEL DUCA L
104724	POLSINELLI SHUGHART PC
104724	POLSINELLI SHUGHART PC
103494	QUINN EMANUEL URQUHART & SULLIVAN L
75624	REED & DAVIDSON
75957	REED & DAVIDSON
73308	REED & DAVIDSON
110954	REGULATORY LAW CHAMBERS
110580	REGULATORY LAW CHAMBERS
110580	REGULATORY LAW CHAMBERS
109400	REGULATORY LAW CHAMBERS
132330	REICHMAN JORGENSEN LLP
105635	SANCHEZ & AMADOR LLP
105147	SANCHEZ & AMADOR LLP
132155	SCHILLING LAW GROUP PC
81362	SELMAN & BREITMAN LLP
79714	SELMAN & BREITMAN LLP
77071	SELMAN & BREITMAN LLP
78696	SELMAN & BREITMAN LLP
15633	SHEPPARD MULLIN RICHTER &

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-04)

Date Received: June 30, 2020

Responses to Questions [2-3, 7-11, 16-21, 23, 25] Submitted: July 10, 2020

15632	SHEPPARD MULLIN RICHTER &
15634	SHEPPARD MULLIN RICHTER &
106765	SIDEMAN & BANCROFT LLP
94080	SIDLEY AUSTIN LLP
93846	SIDLEY AUSTIN LLP
92062	STOEL RIVES LLP
92815	SULLIVAN & CROMWELL LLP
93347	SULLIVAN & CROMWELL LLP
93087	SULLIVAN & CROMWELL LLP
93779	SULLIVAN & CROMWELL LLP
119651	TROPIO & MORLAN A LAW CORPORATION
123697	TYSON & MENDES LLP
102907	VENABLE LLP
123551	WERKSMAN JACKSON HATHAWAY &
119724	WFBM LLP
125269	WHITE & CASE LLP
113785	WILLENKEN WILSON LOH & DELGADO LLP
103047	WILSON TURNER KOSMO LLP
129039	WILSON TURNER KOSMO LLP
128702	YOUNG & ZINN LLP
111354	ZUBER LAWLER & DEL DUCA LLP
111354	ZUBER LAWLER & DEL DUCA LLP
126680	ZUBER LAWLER & DEL DUCA LLP
111011	ZUBER LAWLER & DEL DUCA LLP

**Exhibit 3 - \$140 million and counting – Legal bills scrutinized
in PG&E bankruptcy, J.D. Morris, San Francisco Chronicle,
October 3, 2019**

\$140 million and counting: Legal bills scrutinized in PG&E bankruptcy

J.D. Morris | Oct. 3, 2019 | Updated: Oct. 3, 2019 3:47 p.m.



Attorneys Tobias Keller, left, and Jane Kim, representing Pacific Gas & Electric Corp., arrive at a Federal Courthouse in San Francisco, Tuesday, Jan. 29, 2019. Faced with potentially ruinous lawsuits over California's recent wildfires, Pacific Gas & Electric Corp. filed for bankruptcy protection Tuesday in a move that could lead to higher bills for customers of the nation's biggest

Legal bills and other fees arising from PG&E Corp.'s bankruptcy already total an estimated \$140 million and the case is on track to rank among the most expensive proceedings of its kind, according to federal officials.

Attorneys for acting U.S. Trustee Andrew Vara made that claim in

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creditors, including victims of wildfires caused by PG&E.

The federal lawyers said law firms working on the PG&E case had submitted applications for payment that “reflect numerous instances of questionable billing judgment and overstaffing.” Oftentimes, law firms “appear to have simply disregarded” local guidelines, the trustee’s attorneys said Friday.

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As many as 22 attorneys from one firm billed for the same internal meeting or conference call in some instances, and firms have sent “large numbers” of lawyers to attend the same court hearing without providing “any explanation or justification” for why so many people had to be paid, according to the trustee.



BIZ & TECH

BY J.D. MORRIS

‘Man, that is a lot of money’: Why PG&E spent at least \$84...



BIZ & TECH

BY J.D. MORRIS

‘This is not a chess game:’ Tension escalates in PG&E...

Firms also logged some “implausibly high numbers of billable hours” for individuals in a single day, including at least one case of a single person billing for a full 24 hours, the trustee’s attorneys said. Other problems the trustee’s team flagged included attorneys who billed for too much air travel time when they were not actually working and fees claimed by “recent law school graduates who had not yet been admitted to the bar of any jurisdiction, but who were billed at the same rate as admitted attorneys.”

The trustee noted that similar concerns could apply to non-legal professional expenses as well.

The trustee’s comments came in a response supporting a motion from the PG&E case’s official fee examiner, Bruce Markell, who has proposed a process for reviewing bills from lawyers and other professionals working on the case. One of the examiner’s proposals is to prevent attorneys from billing for travel time when they do not

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The federal trustee’s concerns were backed by the Utility Reform Network consumer group, which wrote in its own filing that PG&E’s bankruptcy fees “could easily eclipse those incurred ... in any case in history.” The group described the billing issues described by the trustee as “egregious.”

UCLA School of Law Professor Lynn LoPucki, who has expertise in bankruptcy proceedings, said he could not judge whether the fees charged by the law firms involved in the PG&E case were too high. But he said it was “kind of appalling” to see the alleged level at which firms were “ignoring ... the rules of their own local court.”

PG&E filed for bankruptcy protection in January because of its mounting liabilities after its power lines caused a series of major wildfires in recent years, including the historically deadly and destructive 2018 Camp Fire.

Even before seeking protection under Chapter 11 of the U.S. Bankruptcy Code, PG&E’s own legal bills were sizable: The company paid at least \$84 million to four outside law firms in the year leading up to its bankruptcy filing. And attorneys for PG&E aren’t the only ones involved now — lawyers for official creditors’ committees are also seeking payment from the company’s estate.

A group of law firms representing PG&E in the bankruptcy case pushed back on the fee examiner’s proposal, saying their fees were

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... had hired “expert advisers to help guide us through the complex Chapter 11 process — and help shape the business for the future” so PG&E can stay focused on its customers, wildfire safety goals and other priorities.

A spokesman for the committee representing wildfire victims had no comment.

J.D. Morris is a San Francisco Chronicle staff writer. Email: jd.morris@sfchronicle.com Twitter: [@thejdmorris](https://twitter.com/thejdmorris)

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CONTACT

CCPA

ATTACHMENT A

TABLE CATALOGING OFFICE OF PUBLIC ADVOCATES' EFFORTS TO OBTAIN EVIDENCE OF PRIVILEGED INFORMATION IN ITS SAP SYSTEM FROM SOUTHERN CALIFORNIA GAS COMPANY BETWEEN MAY 1, 2020 AND SEPTEMBER 29, 2020 AND SUPPORTING EXHIBITS

BACKGROUND:

As a result of Southern California Gas Company's (SoCalGas) systemic refusal to comply with certain discovery requests, on May 1, 2020, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submitted a Data Request to SoCalGas to begin the process of auditing the utility's accounting records. Recognizing that the utility might take a Commission-issued subpoena more seriously, on May 5, 2020, Cal Advocates served on SoCalGas a subpoena signed by the Commission's Executive Director (Commission Subpoena) ordering the utility to make available to Cal Advocates no later than May 8, 2020 "access to all databases associated in any manner with the company's accounting system."¹ The Commission Subpoena is consistent with the Commission's statutory authority to review *at any time* a utility's books and records.²

In lieu of compliance, SoCalGas delayed its response to the Commission Subpoena and ultimately – on May 19, 2020 – filed an untimely motion to partially quash the Commission Subpoena.³ SoCalGas' motion also sought to stay the Commission Subpoena until May 29, 2020, to implement a "custom software solution" to exclude

¹ Exhibit C hereto - Subpoena to SoCalGas for Accounting Database Access - Service Copy.

² See Public Utilities Code § 314(a).

³ See SoCalGas May 22, 2020 Motion to Quash. SoCalGas originally submitted this motion on May 19, 2020 with redacted declarations. The ALJ ordered SoCalGas to provide confidential electronic versions of the declarations to the Commission and Cal Advocates. SoCalGas elected to instead file a "substituted" version of the Motion to Quash on May 22, 2020. The motion is available on the Cal Advocates website at available on Cal Advocates website at <https://www.publicadvocates.cpuc.ca.gov/general.aspx?id=4444>.

from Cal Advocates' review "information and transaction details (invoice transactions and accounting journal entries) pertaining to our outside counsel firms and also vendors performing 100% shareholder activities..."⁴

Significantly, SoCalGas has refused to provide any information confirming that its SAP system contains privileged attorney/client or work product information, notwithstanding Cal Advocates' repeated requests for such information between May 1, 2020 and September 29, 2020.

The following Table identifies key dates wherein SoCalGas refused to provide any information, such as a privilege log, confirming the existence of the attorney/client and work product communications it claims are contained in its SAP system.

⁴ See Exhibit 1 to these Comments on the Draft Resolution - J.Wilson & T.Bone Emails to ALJ May 29-June 3 2020 Re Access to Accounts and Records.

DATE OF REQUEST	CAL ADVOCATES REQUEST	DATE OF RESPONSE	SOCALGAS RESPONSE	EXHIBIT
May 1, 2020	Cal Advocates issues data request (Ex. A hereto) for a conference call no later than Wednesday, May 6, 2020 to arrange for remote access to SoCalGas' SAP system no later than May 8, 2020, or physical access no later than May 11, 2020. Page 3 of that Data Request instructed SoCalGas to provide a privilege log supporting any privilege claims.	May 15 & 19, 2020	SoCalGas objects to the provision of a privilege log and does not provide one. See page 1, item 4 of Ex. B hereto.	Exhibit A - Data Request CalAdvocates-TB-SCG-2020-03 and Exhibit B - SoCalGas Response re SAP access - CalAdvocates-TB-SCG- 2020-03
May 5-19, 2020	<p>On May 5, 2020 Cal Advocates serves SoCalGas with a subpoena signed by the Commission's Executive Director ordering the utility to make available to Cal Advocates no later than May 8, 2020 "access to all databases associated in any manner with the company's accounting system."</p> <p>Between May 5 and May 19, 2020 Cal Advocates has four conference calls with SoCalGas to discuss compliance with the subpoena. While SoCalGas offered assurances that it was working hard to comply with the Subpoena, it was actually developing its late-filed motion to quash.</p>	May 19 & 22, 2020	SoCalGas files a motion to partially quash the Commission Subpoena asserting at p. 2 that "SoCalGas's accounting database contains, among other things, documents and information protected from disclosure under the attorney-client privilege, the attorney work-product doctrine, and the First Amendment." In support, SoCalGas offers the Declarations of Dennis Enrique, Financial Systems and Client Support Manager and Kelly Contratto, IT Software Development Manager. However, those declarations do not substantiate any claims of privileged information contained in SoCalGas' SAP system. The most they say is "the system allows access to information that SoCalGas maintains should be excluded from Cal Advocates' view as a matter of law, including certain privileged and other protected information." Decl. of Kelly Contratto, ¶ 4.	<p>Exhibit C – Commission Subpoena</p> <p>Exhibit D – Declaration of Dennis Enrique</p> <p>Exhibit E – Declaration of Kelly Contratto</p> <p>Motion to Quash and other pleadings available at https://www.publicadvocates.cpuc.ca.gov/general.aspx?id=4444</p>
June 23, 2020	Cal Advocates moves to find SoCalGas in contempt of this Commission for failure to comply with the subpoena, and to fine the utility for its violations from the effective date of the subpoena.	July 2, 2020	Confusing Cal Advocates' request for a privilege log with waiver of the attorney/client privilege, SoCalGas nonsensically responds at fn 138 of its response that it is not obligated to provide a privilege log because "waiver of the attorney-client privilege occurs only 'when	Motion for contempt and other pleadings available at https://www.publicadvocates.cpuc.ca.gov/general.aspx?id=4444

	<p>Cal Advocates explains at fn 38 of the motion that “SoCalGas may assert attorney/client communications and work product privileges, but must provide a privilege log to support such assertions, which it has not done here.</p> <p>At page 25 Cal Advocates requests that the Commission order SoCalGas “In addition to complying with GO-66 to require SoCalGas to support any privilege or confidentiality claim, provide a declaration under penalty of perjury from a SoCalGas attorney that the attorney has reviewed the materials associated with the privilege or confidentiality claims and that such claims have a good faith basis in the law.”</p>		<p>any holder of the privilege ‘has disclosed a significant part of the communication or has consented to such disclosure made by anyone...’” <i>Mitchell v. Superior Court</i> (1984) 37 Cal. 3d 591, 601 [citing Evid. Code § 912].</p>	
<p>July 16, 2020</p>	<p>Concerned that SoCalGas will use the need to create a privilege log to delay access to its SAP system once the Commission rules on its refusal to comply with the subpoena, Cal Advocates issues a data request asking SoCalGas to “provide a privilege log for all information in its SAP system that SoCalGas seeks to exclude from Commission review on the basis of privilege claims” and to “provide a declaration signed under penalty of perjury by a SoCalGas attorney affirming that there is a good faith basis in the law for all of the privilege claims asserted in the discovery log.” A sample privilege log from the ABA website was included with the following: “Note that Public Utilities Code § 581 requires you to provide the information in the form and detail that we request and failure to do so may result in fines or other penalties.”</p>	<p>July 30, 2020</p>	<p>SoCalGas objects to providing a privilege log or the declaration supporting the log on frivolous grounds including:</p> <ol style="list-style-type: none"> 1. Cal Advocates’ request for a privilege log and a declaration in support of that log from a SoCalGas attorney was a “[s]pecial interrogatory instruction[] ... expressly prohibited by California Code of Civil Procedure Section 2030.060(d)” 2. Cal Advocates’ request “purport(s) to impose requirements exceeding that required by CPUC General Order 66-D or the Discovery Custom and Practice Guidelines provided by the CPUC.” 3. Cal Advocates has mischaracterized the requirements of Public Utilities Code § 581 and the data request exceeded what was “required by Public Utilities Code § 581, the Commission’s Rules of Practice and Procedure, or the Discovery Custom and Practice Guidelines provided by 	<p>Exhibit F - Priv Log Data Request - CalAdvocates-TB-SCG-2020-05 at questions 2 and 3.</p> <p>Exhibit G - SoCalGas 7-30-20 Response to Data Request CalAdvocates-TB-SCG-2020-05</p>

			<p>the CPUC.”</p> <p>4. That it did not have to identify “the person providing the answer to each question and his/her contact information because [such a request] has no basis in the Commission’s Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.”</p>	
<p>September 22-29, 2020</p>	<p>Cal Advocates engages in an email meet and confer process to obtain a privilege log from SoCalGas for its SAP system. Cal Advocates explains to SoCalGas that the law requires a party claiming privilege to provide sufficient factual information for others to evaluate the merits of the claim, including, if necessary, a privilege log. Cal. Code of Civ. Pro. § 2031.240(c)(1).</p> <p>Based on SoCalGas’ continued reliance on frivolous objections to providing a privilege log, Cal Advocates determines the parties were at impasse, leaving Cal Advocates with the obligation to file a motion to compel SoCalGas if it hopes to obtain a privilege log.</p>	<p>September 22-29, 2020</p>	<p>SoCalGas claims that it need not provide a privilege log in support of its claims. In support, it cites to inapposite court cases for the proposition that the Commission may not inspect the utility’s privileged information.</p>	<p>Exhibit H - Privilege Log M&C Sept 22 2020</p> <p>Exhibit I - Privilege Log M&C Sept 25 2020</p> <p>Exhibit J - Privilege Log M&C Sept 28-29 2020.</p>

Exhibit A - Data Request CalAdvocates-TB-SCG-2020-03



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PUBLIC ADVOCATES OFFICE DATA REQUEST
No. CalAdvocates-TB-SCG-2020-03

Date: May 1, 2020

Conference Call: No later than May 6, 2020

Access to Accounts: No later than May 8, 2020 for remote access; if remote access is not available, no later than May 11, 2020 for physical access

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INSTRUCTIONS

General:

You are instructed to answer the following Data Requests in the above-captioned proceeding, with written, verified responses pursuant to Public Utilities Code §§ 309.5

and 314, and Rules 1.1 and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure within ten (10) business days.

Each Data Request is continuing in nature. Provide your response as it becomes available, but no later than the due date noted above. If you are unable to provide a response by the due date, notify the Public Advocates Office within five (5) business days, with a written explanation as to why the response date cannot be met and a best estimate of when the information can be provided. If you acquire additional information after providing an answer to any request, you must supplement your response following the receipt of such additional information.

This data request does not diminish or excuse any pending written or oral data requests to you.

The Public Advocates Offices expects you to respond to this data request in a timely manner and with the highest level of candor

Responses:

Responses shall restate the text of each question prior to providing the response, identify the person providing the answer to each question and his/her contact information, identify all documents provided in response to the question, and clearly mark such documents with the data request and question number they are responsive to.

Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word format, send the Word document and do not send the information as a PDF file.) All electronic documents submitted in response to this data request should be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. Each page should be numbered. If any of your answers refer to or reflect calculations, provide a copy of the supporting electronic files that were used to derive such calculations, such as Excel-compatible spreadsheets or computer programs, with data and formulas intact and functioning. Documents produced in response to the data requests should be Bates-numbered, and indexed if voluminous.

Requests for Clarification:

If a request, definition, or an instruction, is unclear, notify the people listed above in writing within five (5) business days, including a specific description of what you find unclear and why, and a proposal for resolving the issue. In any event, unless directly otherwise by the people listed above, answer the request to the fullest extent possible, explain why you are unable to answer in full, and describe the limitations of your response.

Objections:

If you object to any of portion of this Data Request, please submit specific objections, including the specific legal basis for the objection, to the people listed above within five (5) business days.

Assertions of Privilege:

If you assert any privilege for documents responsive to this data request, please provide within five (5) 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.

Assertions of Confidentiality:

If you assert confidentiality for any of the information provided, please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion. Assertions of confidentiality will be carefully scrutinized and are likely to be challenged absent a strong showing of the need for confidentiality, with the exception of the confidentiality for sensitive personal identifying information as described below.

Sensitive Personal Identifying Information:

Any sensitive personal identifying information other than an employee's name shall be fully redacted unless otherwise directed. Sensitive personal identifying information includes, without limitation:

- Social security numbers.
- Bank account numbers.
- Passport information.
- Healthcare related information.
- Medical insurance information.
- Student information.
- Credit and debit card numbers.
- Drivers license and State ID information.

Signed Declaration:

The data response shall include a signed declaration from a responsible officer or an attorney under penalty of perjury that you have used all reasonable diligence in preparation of the data response, and that to the best of their knowledge, it is true and complete.

In addition, any claim of confidentiality or privilege shall be supported by a declaration from your attorney stating that your attorney is familiar with the relevant case law and statutes pertaining to claims of confidentiality and privilege such that there is a good faith basis for the claim.

DEFINITIONS

- A. As used herein, the terms “you,” “your(s),” “Company,” “SCG,” and “SoCalGas” mean Southern California Gas Company and any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf.
- B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- C. Date ranges shall be construed to include the beginning and end dates named. For example, the phrases “from January 1 to January 31,” “January 1-31,” “January 1 to 31,” and “January 1 through January 31” should be understood to include both the 1st of January and the 31st of January. Likewise, phrases such as “since January 1” and “from January 1 to the present” should be understood to include January 1st, and phrases such as “until January 31,” “through January 31,” and “up to January 31” should also be understood to include the 31st.
- D. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- E. The term “communications” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, notes, correspondence, and all memoranda concerning the requested communications. Where communications are not in writing, provide copies of all memoranda and documents made relating to the requested communication and describe in full the substance of the communication to the extent that the substance is not reflected in the memoranda and documents provided.
- F. The term “document” shall include, without limitation, all writings and records of every type in your possession, control, or custody, whether printed or reproduced by

any process, including documents sent and received by electronic mail, or written or produced by hand.

- G. “Relate to,” “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.
- H. When requested to “state the basis” for any analysis (including studies and workpapers), proposal, assertion, assumption, description, quantification, or conclusion, please describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, and analysis known to you which you believe to support the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which you contend to be evidence of the truth or accuracy thereof.
- I. Terms related in any way to “lobbying,” lobbyist,” “lobbying firm” and “lobbyist employer” shall, without limitation, be construed broadly and, without limitation, to be inclusive of how those terms are used in the Sempra Energy Political Activities Policy (Policy) and the California Political Reform Act (Act). For purposes of this data request, the Act’s definitions shall be understood to include all manner of state, regional, and local governments or agencies.¹

DATA REQUEST

Public Advocates Office (Cal Advocates) requests a conference call with SoCalGas by no later than Wednesday, May 6, 2020 to arrange for SoCalGas’ provision of the following to Cal Advocates:

1. Remote access to the SoCalGas SAP system to a Cal Advocates auditor no later than May 8, and sooner if possible. If remote access is not possible, identify a time and place where the auditor may access the SoCalGas SAP system that is no later than May 11, 2020.
2. Access to SoCalGas’ SAP system, whether remote or physical, equivalent to the highest quality and functionality available to SoCalGas accountants and auditors – whether employees or contractors.

¹ The Sempra Energy Political Activities Policy defines lobbying broadly on page 3 as: “any action intended to influence legislative or administrative action, including activities to influence government officials, political parties, or ballot measures. Lobbyists can be individual employees or the company that employees them, referred to as a Lobbyist-Employer.”

3. Training and assistance for the auditor to allow the auditor to determine the following in SAP related to adjustments to the Marathon Communications contract referred to in the SoCalGas July 12, 2019 amended response to Data Request (DR) CALPA-SCG-051719.
 - a. The date those adjustments were made, if it is different from the June 14, 2019 date reported in the August 13, 2019 response to Question 5 of DR CAL ADVOCATES SCG-2019-03.
 - b. The dollar amounts of adjustments made and the time period over which those dollars were incurred.
 - c. All subsequent entries in SAP related to the Marathon Communications contract up to the present time that demonstrate that those costs will not be mingled with ratepayer funded accounts.
 - d. Access to the "...separate invoice/order that is not ratepayer funded accounts for all work done by Marathon to found and support Californians for Balanced Energy Solutions" as referred to in response to Data Request CalAdvocates-SC-SCG-2019-02, Question 6(b).
 - e. The Modified Submission dated August 13, 2019 to Data Request CALPA-SCG-051719, Question 3 states "...that all of George Minter's and Ken Chawkins's time from May 1, 2018 through the present would be shareholder funded (i.e., this time is booked to a distinct invoice (I/O) that is not ratepayer funded)." Please provide the auditor with the amounts actually recorded from May 1, 2018 to present and access to SAP to verify that those amounts are recorded in a distinct SAP account that is not ratepayer funded.
 - f. Please also provide access to all of George Minter's and Ken Chawkins's time entries for accounting purposes from January 1, 2017 to the present.
4. Training and assistance for the auditor to access all SoCalGas accounts, including FERC accounts.
5. Training and assistance for the auditor to access information regarding all contracts, invoices, and payments made to third parties.
6. Training and assistance for the auditor to access and identify the allocation of a specific employee's labor expenses for every activity that they support and access to relevant cost centers, internal orders, and expense types or cost elements. See SoCalGas Response to CALADVOCATES-TB-SCG-2020-02, Question 6 which refers to these same terms.

7. Training and assistance for the auditor to be able to determine whether an account is intended to be shareholder costs or ratepayer costs, or a combination of the two, and how to determine which specific internal orders will be excluded from SoCalGas' General Rate Case.
8. Training and assistance so that the auditor can record their findings, including downloading, and screen shot applications.

At a minimum, SoCalGas should be prepared to identify the following information on the conference call:

- The date remote access to the SAP system will be provided, and if not feasible, the specific reasons why it is not feasible, including confirmation of whether or not any SoCalGas employees or auditors have remote access to the SAP system.
- If remote access is not available, the date and location for a site visit so that the auditor can access the SAP system.
- At least two primary points of contact to ensure that the Cal Advocates auditor is able to access the SAP system and any accounts the auditor seeks to review. These contacts must be highly knowledgeable about SoCalGas' SAP system and available to answer questions that will facilitate Cal Advocates' inquiry.
- An afterhours contact to resolve SAP issues if such a contact exists for SoCalGas employees or auditors.
- Any other SAP resources available to SoCalGas employees or auditors.

END OF REQUEST

**Exhibit B - SoCalGas Response re SAP access -
CalAdvocates-TB-SCG-2020-03**

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

GENERAL OBJECTIONS AND OBJECTIONS TO “INSTRUCTIONS”

1. SoCalGas objects to the Instructions and Definitions submitted by Cal Advocates on the grounds that they are overbroad and unduly burdensome. Special interrogatory instructions of this nature are expressly prohibited by California Code of Civil Procedure Section 2030.060(d). Further, SoCalGas objects to the Instructions to the extent they purport to impose requirements exceeding that required by GO 66-D or the Discovery Custom and Practice Guidelines provided by the CPUC.
2. The Request purports to require that SoCalGas provide “Access to Accounts” by “[n]o later than May 8, 2020 for remote access” and “if remote access is not available, no later than May 11, 2020 for physical access.” SoCalGas objects to the time frame allotted for SoCalGas’s provision of the demanded access as unduly burdensome and unreasonable, particularly to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas’s offices to facilitate physical or remote access while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); see *also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend).
3. The highlighted paragraph under “Responses” purports to require SoCalGas identify “the person providing the answer to each question and his/her contact information.” SoCalGas objects to this instruction because it has no basis in the Commission’s Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.
4. The highlighted portion of the paragraph under “Requests for Clarification” purports to require SoCalGas to notify Cal Advocates “within five (5) business days” if “a request, definition, or an instruction is unclear”; the highlighted paragraph under “Objections” purports to require SoCalGas to “submit specific objections, including the specific legal basis to the objection . . . within five (5) business days”; and the highlighted portion of the paragraph under “Assertions of Privilege” in the “Instructions” section of this Request further purports to require SoCalGas to “assert any privilege for documents

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

responsive to this data request . . . within five (5) business days.” SoCalGas objects to these requirements as unduly burdensome and unreasonable as SoCalGas cannot determine which aspects of the Request need clarification, formulate objections or identify privileged information and documents until SoCalGas has otherwise completed its investigation and prepared its response to the Request.

5. The highlighted paragraph under “Sensitive Personal Identifying Information” purports to exclude from the category of properly redacted information the names of SoCalGas employees. SoCalGas objects to this request on the grounds that it is inconsistent with GO 66-D and unilaterally pre-judges the outcome of the GO 66-D procedures.
6. The first highlighted paragraph under “Signed Declaration” purports to require SoCalGas to provide “a signed declaration from a responsible officer or an attorney under penalty of perjury that [SoCalGas has] used all reasonable diligence in preparation of the data response, and that to the best of [his or her] knowledge, it is true and complete.” SoCalGas objects to this instruction because it has no basis in the Commission’s Rules of Practice and Procedure. SoCalGas further objects to the extent it purports to limit SoCalGas from amending its responses should additional information be later discovered. SoCalGas reserves its right to amend its responses to these requests should additional information relevant to SoCalGas’s responses is discovered at a later date.
7. SoCalGas objects to the second highlighted paragraph under “Signed Declaration” to the extent it purports to impose requirements exceeding the process for submitting confidential information to the Commission outlined in GO 66-D § 3.
8. SoCalGas objects to the time period of information sought as overbroad.
9. SoCalGas objects to the extent the requests call for information that is protected by attorney-client privilege, and does not allow time to sufficiently respond in a manner that would not violate that privilege by making such information accessible.
10. SoCalGas objects to the extent the requests call for information that is protected by SoCalGas’s rights which are currently the subject of the appeal (filed December 2, 2019), and does not allow time to sufficiently respond in a manner that would not violate those rights by making such information accessible.
11. SoCalGas objects to the request to review SAP data related to Reach Codes. Whether SoCalGas has ever used ratepayer funds to advocate against local government’s adoption of reach codes has been ordered as within the scope of the Order to Show Cause Directing SoCalGas to Address Shareholder Incentives for Codes and Standards Advocacy Expenditures in R.13-11-005 (OSC). (See March 25, 2020 Email Ruling from Administrative Law Judge Valerie Kao Clarifying Scope of Order to Show Cause and Providing Further Instructions for Hearing). In particular, ALJ Kao’s ruling provides that among the factual question to be decided in the OSC is “Whether Respondent ever used ratepayer funds, regardless of the balancing account or other accounting mechanism to which such funds were booked, to advocate against local governments’ adoption of reach codes.” (*Id.*) Because there is an open and ongoing proceeding concerning SoCalGas’ reach code activity and the use of ratepayer funds, any discovery related to such activity should be served and addressed within the OSC in R.13-11-005. Addressing discovery related to the same

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issue both inside an ongoing proceeding and outside of a proceeding is inefficient, wastes resources, and risks inconsistent outcomes to the extent any disputes on such discovery result in motion practice and rulings by the Commission. For SAP accounts related to the OSC, for purpose of formality and distinction, SoCalGas will be treating that portion of this data request as related to the OSC proceeding, including for purposes of applying Rule 10.1 of the Commission's Rules of Practice and Procedure and resolving any discovery disputes that may arise related to those SAP accounts through the SoCalGas personnel handling that proceeding and the assigned administrative law judge (ALJ Kao).

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 1:

Remote access to the SoCalGas SAP system to a Cal Advocates auditor no later than May 8, and sooner if possible. If remote access is not possible, identify a time and place where the auditor may access the SoCalGas SAP system that is no later than May 11, 2020.

RESPONSE 1:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the characteristics of the “[r]emote access” or “access” to the “SoCalGas SAP system” to which Cal Advocates seeks. SoCalGas further objects to this Request to the extent that it seeks to provide CalAdvocates’ auditor to access to SoCalGas’ 100% shareholder-funded accounts as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge’s Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

SoCalGas further objects to this Request as unduly burdensome to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas’ offices to facilitate physical or remote faccess while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); see *also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend). Requiring SoCalGas employees working from home to travel to SoCalGas’s offices solely to provide or facilitate the access demanded by Cal Advocates imposes an unnecessary risk of being exposed to and contracting the novel coronavirus, which is well known to pose severe health risks including death.

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: SoCalGas intends to provide access to

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
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SAP information and any assistance needed in navigating the system as soon as it is able to adequately protect its privileged information, its rights indicated in the December 2, 2019 appeal, and its confidential information. As SoCalGas has stated in several meet and confer calls, the level of access requested by the CalPA has never been provided to the CPUC before and there are unique and serious issues with allowing such access that SoCalGas is working diligently to resolve. SoCalGas has agreed to provide in the interim specific requested financial data identified by CalPA on May 8, 2020 (see below), in a similar fashion to how such information has been disclosed to CalPA previously (subject to the foregoing objections).

ACCOUNT	DESCRIPTION
IO 300796601	Related to Balanced Energy
Cost Center 2200-2204	
Cost Center 2200-0811	Public Affairs Manager, LA
CTR F426400G	Exp-Civic & Related
IO FG9200002200	Administrative and General Salaries
CTR F920000G	A&G Salaries
IO FG9215632200	Public Affairs Administration - NonLabor
IO FG90800002200	
Cost Center 2200-2504	Public Policy and Planning
Cost Center 2200-0942	Related to Reach Codes
IO FG8706502200	Related to Reach Code

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 2:

Access to SoCalGas' SAP system, whether remote or physical, equivalent to the highest quality and functionality available to SoCalGas accountants and auditors – whether employees or contractors.

RESPONSE 2:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the characteristics of the “[a]ccess to SoCalGas' SAP system, whether remote or physical” which Cal Advocates seeks. SoCalGas further objects to this Request on the grounds that the phrase “equivalent to the highest quality and functionality available to SoCalGas accountants and auditors” is vague and ambiguous. SoCalGas further objects to this Request to the extent that it seeks to provide CalAdvocates' auditor to access to SoCalGas' 100% shareholder-funded accounts as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

SoCalGas further objects to this Request as unduly burdensome to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas' offices to facilitate physical or remote access while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); see *also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend). Requiring SoCalGas employees working from home to travel to SoCalGas's offices solely to provide or facilitate the access demanded by Cal Advocates imposes an unnecessary risk of being exposed to and contracting the novel coronavirus, which is well known to pose severe health risks including death.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 3:

Training and assistance for the auditor to allow the auditor to determine the following in SAP related to adjustments to the Marathon Communications contract referred to in the SoCalGas July 12, 2019 amended response to Data Request (DR) CALPA-SCG-051719.

- a. The date those adjustments were made, if it is different from the June 14, 2019 date reported in the August 13, 2019 response to Question 5 of DR CAL ADVOCATES SCG-2019-03.
- b. The dollar amounts of adjustments made and the time period over which those dollars were incurred.
- c. All subsequent entries in SAP related to the Marathon Communications contract up to the present time that demonstrate that those costs will not be mingled with ratepayer funded accounts.
- d. Access to the "...separate invoice/order that is not ratepayer funded accounts for all work done by Marathon to found and support Californians for Balanced Energy Solutions" as referred to in response to Data Request CalAdvocates-SC-SCG-2019-02, Question 6(b).
- e. The Modified Submission dated August 13, 2019 to Data Request CALPA-SCG-051719, Question 3 states "...that all of George Minter's and Ken Chawkins's time from May 1, 2018 through the present would be shareholder funded (i.e., this time is booked to a distinct invoice (I/O) that is not ratepayer funded)." Please provide the auditor with the amounts actually recorded from May 1, 2018 to present and access to SAP to verify that those amounts are recorded in a distinct SAP account that is not ratepayer funded.
- f. Please also provide access to all of George Minter's and Ken Chawkins's time entries for accounting purposes from January 1, 2017 to the present.

RESPONSE 3:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects on the grounds that the phrase "mingled with ratepayer funded accounts" in subsection (c) of this Request is vague, ambiguous, and overly broad. SoCalGas further objects to the phrase "recorded in a distinct SAP account that is not ratepayer funded" in subsection (e) of the Request as vague, ambiguous, and to the extent it misstates SoCalGas' response to Data Request CALPA-SCG-0517179, Question 3, in which SoCalGas stated that "all of George Minter's and Ken Chawkins's time from May 1, 2018 through the present would be shareholder funded (i.e., this time is booked to a distinct *invoice* (I/O) that is not ratepayer funded" (emphasis added). SoCalGas further objects to the phrase "for accounting purposes" in subsection (f) of the request as vague and ambiguous. SoCalGas further objects to this Request to the extent that it seeks access to documents or information about SoCalGas' 100% shareholder-funded

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 4:

Training and assistance for the auditor to access all SoCalGas accounts, including FERC accounts.

RESPONSE 4:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent that it seeks “[t]raining and assistance” to facilitate CalAdvocates’ auditor’s access to SoCalGas’ 100% shareholder-funded accounts as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge’s Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 5:

Training and assistance for the auditor to access information regarding all contracts, invoices, and payments made to third parties.

RESPONSE 5:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request on the grounds that its request to access information regarding “*all* contracts, invoices, and payments made to third parties” is vague, ambiguous, and unduly burdensome. SoCalGas further objects to this Request to the extent that it seeks “[t]raining and assistance” to facilitate CalAdvocates’ auditor’s access to SoCalGas’ 100% shareholder-funded “contracts, invoices, and payments made to third parties” for SoCalGas’ 100% shareholder-funded activities as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge’s Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 6:

Training and assistance for the auditor to access and identify the allocation of a specific employee's labor expenses for every activity that they support and access to relevant cost centers, internal orders, and expense types or cost elements. See SoCalGas Response to CALADVOCATES-TB-SCG-2020-02, Question 6 which refers to these same terms.

RESPONSE 6:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent it misstates or mischaracterizes SoCalGas' response to CALADVOCATES-TB-CG-2020-02, Question 6. SoCalGas further objects to this Request to the extent that it seeks "[t]raining and assistance" to facilitate CalAdvocates' auditor's access to SoCalGas' 100% shareholder-funded "contracts, invoices, and payments made to third parties" for SoCalGas' 100% shareholder-funded activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 7:

Training and assistance for the auditor to be able to determine whether an account is intended to be shareholder costs or ratepayer costs, or a combination of the two, and how to determine which specific internal orders will be excluded from SoCalGas' General Rate Case.

RESPONSE 7:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent it misstates or mischaracterizes SoCalGas' response to CALADVOCATES-TB-CG-2020-02, Question 6. SoCalGas further objects to this Request to the extent that it seeks "[t]raining and assistance" to facilitate CalAdvocates' auditor's access to SoCalGas' 100% shareholder-funded "contracts, invoices, and payments made to third parties" for SoCalGas' 100% shareholder-funded activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in a Proceeding) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)
DATE RECEIVED: May 1, 2020
DATE SUBMITTED: May 15, 2020

QUESTION 8:

Training and assistance so that the auditor can record their findings, including downloading, and screen shot applications.

RESPONSE 8:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor.

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

Exhibit C – Commission Subpoena

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE PUBLIC
ADVOCATES OFFICE INVESTIGATION
PERTAINING TO SOUTHERN CALIFORNIA
GAS COMPANY'S ACCOUNTING
PRACTICES, USE OF RATEPAYER
MONIES TO FUND ACTIVITIES RELATED
TO THE ADOPTION OF ANTI-
DECARBONIZATION AND GAS
THROUGHPUT POLICIES, AND OTHER
ACTIVITIES POTENTIALLY CONTRARY
TO STATE POLICIES

**SUBPOENA TO PRODUCE ACCESS TO
COMPANY ACCOUNTING DATABASES**

**Public Utilities Code Sections 311, 314, 314.5,
314.6, 581, 582, 584, 701, 702, and 771**

THE PEOPLE OF THE STATE OF CALIFORNIA,
TO: **SOUTHERN CALIFORNIA GAS COMPANY**

1. Pursuant to sections 311(a), 314, 314.5, 314.6, 581, 582, 584, 701, 702, and 771 *et seq.* of the California Public Utilities Code, you are ordered to make available to the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), and staff and consultants working on its behalf, access to all databases associated in any manner with the company's accounting systems no later than three business days after service of this Subpoena.
2. Such access shall include both on-site and remote access; on-site access shall be provided at the times and locations requested by Cal Advocates.
3. Both on-site and remote access shall be as near to identical in quality as the access provided to the company's own employees and/or auditors, including, without limitation, any instructional materials or access to persons knowledgeable about the databases, including knowledge about both on-site and remote access to those databases.
4. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, CONTACT THE FOLLOWING PERSON:

Name: Traci Bone

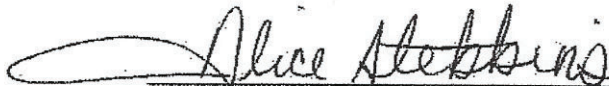
E-Mail: tbo@cpuc.ca.gov

Telephone: 415-703-2048

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COMMISSION.

By order of the Public Utilities Commission of the State of California.

Dated this 4th day of May, 2020.



By: Alice Stebbins

Title: Executive Director

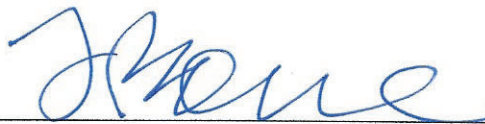
DECLARATION IN SUPPORT OF SUBPOENA

I, TRACI BONE, declare as follows:

1. I am an attorney duly licensed to practice before all courts of the State of California and am employed as a staff attorney for the California Public Utilities Commission (Commission). My business address is 505 Van Ness Avenue, San Francisco, California, 94102.
2. The California Constitution and the Public Utilities Code confer jurisdiction on the Commission to regulate public utilities in California in a number of areas, including, without limitation, cost, safety and maintenance of facilities.
3. The Public Utilities Code provides for an independent Public Advocate's Office to represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the Commission.
4. The Commission's Public Advocates Office is currently conducting an investigation of Southern California Gas Company's (SoCalGas') accounting practices, use of ratepayer monies to fund activities related to the adoption of anti-decarbonization and gas throughput policies, and other activities potentially contrary to state policies.
3. Section 314(a) of the Public Utilities Code, and others, authorize the Commission and persons employed by the Commission to inspect the accounts, books, papers and documents of any public utility. Section 311 authorizes the Commission, each Commissioner, the executive director, and the assistant executive directors to issue subpoenas for, among other things, accounts and documents in any investigation in any part of the state.
4. SoCalGas' responses to data requests in the investigation have been incomplete and untimely. Consequently, good cause exists for SoCalGas to be ordered to produce both

remote and on-site access to its accounting databases so that the Public Advocates Office, its staff and/or consultants may conduct their own examination of the utility's records.

Executed under penalty of perjury under the laws of the State of California, on this 5th day of May, 2020, at San Francisco, California.



Traci Lynn Bone
Staff Counsel

PROOF OF SERVICE

I am employed with the California Public Utilities Commission and I am over 18 years of age. My business address is 505 Van Ness Ave., San Francisco, CA 94102

On May 5th, 2020, I electronically served the attached **SUBPOENA TO PRODUCE ACCESS TO COMPANY ACCOUNTING DATABASES** on the following representatives for Southern California Gas Company:

Johnny Tran - JQTran@socalgas.com
Corinne Sierzant - CSierzant@socalgas.com
Brooke Holland - AHolland@socalgas.com
Elliot Henry - EHenry@socalgas.com
Jason Wilson – jwilson@willenken.com
Sherin Varghese – svarghese@willenken.com

Executed under penalty of perjury of perjury under the laws of the State of California,
on this 5th day of May 2020, at San Francisco, California.



Traci Lynn Bone

Exhibit D – Declaration of Dennis Enrique

DECLARATION OF DENNIS ENRIQUE

I, Dennis Enrique, declare and state as follows:

1. I am a resident of California over 18 years of age, and my statements herein are based on personal knowledge.
2. I am currently employed by Southern California Gas Company (SoCalGas) as a Financial Systems and Client Support Manager. I have worked for Sempra Energy (SoCalGas's parent company) since 1999, and for SoCalGas since 2010. In my current position, my responsibilities include managing SoCalGas's financial accounting system, which utilizes the SAP enterprise software. I am familiar with the types of information and records which are accessible through the SAP financial accounting system.
3. I am submitting this Declaration in Support of Southern California Gas Company's (SoCalGas) (U 904 G) Motion to Quash Portion of the Subpoena to Produce Access to Certain Materials in Accounting Databases and to Stay Compliance Until Completion of Software Solution to Exclude Those Protected Materials in the Databases.
4. SoCalGas's SAP system is a vast financial database which includes nearly all financial transactions made by the company. It captures a wide variety of transactions, including payments made to contractors and other third parties, workers compensation payments, and individual employee reimbursements. To my understanding, the database references and contains information relating to over 2,000 unique payees (or "vendors") of SoCalGas.
5. SoCalGas's SAP financial accounting system does not merely record and disclose sums of payment. It contains a wide breadth of identifying and descriptive information and records. A few illustrative examples demonstrate this point. Specifically, the system contains a variety of information relating to the payments, including sensitive information such as payee bank account numbers. The system also contains fields which identify each vendor, both by name and assigned number, and discloses the addresses associated with them.
6. The database also has line item records attachments. This means a user can access a record of the corresponding invoice for a particular payment made. These invoices may include the vendor's description of the services provided and other narrative information about the work they performed for SoCalGas. With respect to an outside law firm, for example, its invoice containing descriptions of the legal work performed for SoCalGas can be viewed and accessed via the SAP database. Similarly, for a political consulting firm, an invoice that includes

a description of the sensitive lobbying or political work it performed for SoCalGas can be viewed and accessed via the SAP system.

7. The system additionally contains a "Line Item Text" field, wherein narrative descriptions can be entered when a transaction record is created. This field may contain information reflecting the name of the vendor as well as descriptive information about the nature of its relationship with SoCalGas or the services it provides. The system further contains journal entry line items. These are entered when adjustments or corrections need to be made in connection with financial transactions. Such line item entries sometimes contain descriptions that reflect or reveal the identity of a vendor to which the adjustment or correction pertains.

8. I understand that Cal Advocates has made a request to obtain exported data from, and gain live access to, the entirety of SoCalGas's SAP underlying accounting database. I have been assisting in preparing exports from SAP in order to provide responsive data to Cal Advocates. This work has been delayed in part because the accounting department must remotely download and upload data contained within SAP via SoCalGas's virtual private network while working from home, as mandated by relevant state and local safer-at-home guidelines during the current Covid-19 pandemic.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 19, 2020 at Porter Ranch, California.



DENNIS ENRIQUE

Exhibit E – Declaration of Kelly Contratto

DECLARATION OF KELLY CONTRATTO

I, Kelly Contratto, declare and state as follows:

1. I am a resident of California over 18 years of age, and my statements herein are based on personal knowledge.
2. I am employed by San Diego Gas & Electric Company (SDG&E) as its IT Software Development Manager in the Utility Operations and Financial Applications organization. I am also shared employee with Southern California Gas Company (SoCalGas), an affiliate of SDG&E. As such, I provide support to both SoCalGas and SDG&E. I have been employed by Sempra Energy (the parent company of SoCalGas and SDG&E) or one of its companies since 1991. In my current role, I, along with my team, are responsible for, amongst other things, supporting SoCalGas's accounting databases, which utilize the SAP enterprise software. I also oversee a team of security professionals relating to developing and granting access roles to users in SAP.
3. I am submitting this Declaration in Support of Southern California Gas Company's (SoCalGas) (U 904 G) Motion to Quash Portion of the Subpoena to Produce Access to Certain Materials in Accounting Databases and to Stay Compliance Until the May 29th Completion of Software Solution to Exclude Those Protected Materials in the Databases.
4. I understand that Cal Advocates has made a request to obtain exported data from, and gain live access to, the entirety of SoCalGas's SAP accounting system. I am supporting SoCalGas's efforts to accommodate Cal Advocates' request to gain live access to SoCalGas's SAP accounting system. However, I understand that certain concerns have been raised in this regard, because the system allows access to information that SoCalGas maintains should be excluded from Cal Advocates' view as a matter of law, including certain privileged and other protected information. Although I am not familiar with the specific nature of the dispute between SoCalGas and Cal Advocates concerning the proper scope of access, I can shed some light on certain aspects of the underlying technical issues.
5. SoCalGas's SAP system is a vast financial system which includes all financial transactions made by the company. It captures a wide variety of transactions, as well as information and records related to the transactions. For example, the system identifies SoCalGas's vendors by name, and it allows a user to access records relating to the vendors, including invoices issued by them to SoCalGas, and the payments it made to said vendors.

6. I understand SoCalGas is concerned about granting Cal Advocates access to information and records related to a select number of vendors that transacted business with SoCalGas. In other words, although SoCalGas has agreed to grant Cal Advocates broad access to SoCalGas's SAP accounting system, its access to records pertaining to certain specific vendors and their transactions with SoCalGas needs to be suppressed or excluded.

7. However, providing this type of customized access to SoCalGas's SAP accounting system presents a technical challenge. My understanding is that we have never provided the CPUC with live, remote access before and we have never had a need to provide external access with these limitations in the past.. While SoCalGas's accounting system allows for different levels of access, those levels of access are generally very broad. In particular, as currently configured, there is no "out-of-the-box" way to exclude or suppress Cal Advocates' access to certain vendors, or the records related to their transactions with SoCalGas. In order to institute these limitations, SoCalGas will have to design and code a customized program.

8. My team and I have been tasked with creating this customized program. We have identified this as a priority task, and we are currently working on the solution. Two people from my team have been assigned to work full-time on this solution, and I am overseeing their work. I estimate that, allotting a reasonable amount of time for us to create and test the program, we will be able to grant Cal Advocates the above-described customized access to SoCalGas's SAP accounting system by May 29, 2020. I will note that Sempra IT standards require that to move the custom solution into the SAP system it has to pass functional testing by IT and key business users (i.e. the assigned accounting users), which, if the testing identified a significant defect, it could potentially delay production until the defect is resolved. Even with that, I am confident we can meet the May 29 deadline.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 19 2020 at Escondido, California.


KELLY CONTRATTO

**Exhibit F - Priv Log Data Request –
CalAdvocates-TB-SCG-2020-05**



Public Advocates Office
California Public Utilities Commission

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

<http://publicadvocates.cpuc.ca.gov>

PUBLIC ADVOCATES OFFICE DATA REQUEST
No. CalAdvocates-TB-SCG-2020-05
Not In A Proceeding

Date Issued: July 16, 2020

Date Due: July 30, 2020

To: Corinne Sierzant Phone: (213) 244-5354
Regulatory Affairs for SoCalGas Email: CSierzant@semprautilities.com

Elliott S. Henry Phone: (213) 244-8234
Attorney for SoCalGas Email: EHenry@socalgas.com

Jason H. Wilson Email: jwilson@willenken.com
Outside Counsel for SoCalGas Phone: 213.955.8020

From: Traci Bone Phone: (415) 713-3599
Attorney for the Email: Traci.Bone@cpuc.ca.gov
Public Advocates Office

Alec Ward Phone: (415) 703-2325
Analyst for the Email: Alec.Ward@cpuc.ca.gov
Public Advocates Office

Stephen Castello Phone: (415) 703-1063
Analyst for the Email: Stephen.Castello@cpuc.ca.gov
Public Advocates Office

INSTRUCTIONS¹

General:

You are instructed to answer the following Data Requests with written, verified responses pursuant to, without limitation, Public Utilities Code §§ 309.5(e), 311(a), 314, 314.5(a), 581, 582, 584, 701 and 702 and Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure within ten (10) business days. Note that Public Utilities Code § 581 requires you to provide the information in the form and detail that we request and failure to do so may result in fines or other penalties.

Each Data Request is continuing in nature. Provide your response as it becomes available, but no later than the due date noted above. If you are unable to provide a response by the due date, notify the Public Advocates Office within five (5) business days, with a written explanation as to why the response date cannot be met and a best estimate of when the information can be provided. If you acquire additional information after providing an answer to any request, you must supplement your response following the receipt of such additional information.

This data request does not diminish or excuse any pending written or oral data requests to you.

The Public Advocates Offices expects you to respond to this data request in a timely manner and with the highest level of candor

Responses:

Responses shall restate the text of each question prior to providing the response, identify the person providing the answer to each question and his/her contact information, identify all documents provided in response to the question, and clearly mark such documents with the data request and question number they are responsive to.

Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word format, send the Word document and do not send the information as a PDF file.) All electronic documents submitted in response to this data request should be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. Each page should be numbered. If any of your answers refer to or reflect calculations, provide a copy of the supporting electronic files that were used to derive such calculations, such as Excel-compatible spreadsheets or computer programs, with data and formulas intact and functioning. Documents produced in response to the data requests should be Bates-numbered, and indexed if voluminous.

¹ Because SoCalGas has routinely failed to comply with the Instructions provided in the data requests in this investigation, portions of these Instructions are highlighted to bring your attention to the Instructions. Cal Advocates' expects that you will comply with all of the Instructions, including those that are highlighted.

Requests for Clarification:

If a request, definition, or an instruction, is unclear, notify the people listed above in writing within five (5) business days, including a specific description of what you find unclear and why, and a proposal for resolving the issue. In any event, unless directly otherwise by the people listed above, answer the request to the fullest extent possible, explain why you are unable to answer in full, and describe the limitations of your response.

Objections:

If you object to any of portion of this Data Request, please submit specific objections, including the specific legal basis for the objection, to the people listed above within five (5) business days.

Assertions of Privilege:

If you assert any privilege for documents responsive to this data request, please notify Cal Advocates of your intent to make such claims within five (5) business days, and provide a privilege log no later than the due date of this data request, including: (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.

Assertions of Confidentiality:

If you assert confidentiality for any of the information provided, please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion. No confidential information should be blacked out. Assertions of confidentiality will be carefully scrutinized and are likely to be challenged absent a strong showing of the legal basis and need for confidentiality.

Signed Declaration:

The data response shall include a signed declaration from a responsible officer or an attorney under penalty of perjury that you have used all reasonable diligence in preparation of the data response, and that to the best of their knowledge, it is true and complete.

In addition, any claim of confidentiality or privilege shall be supported by a declaration from your attorney under penalty of perjury stating that your attorney is familiar with the relevant case law and statutes pertaining to claims of confidentiality and privilege such that there is a good faith basis for the claim.

DEFINITIONS

- A. As used herein, the terms “you,” “your(s),” “Company,” “SCG,” and “SoCalGas” and mean Southern California Gas Company and 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 its parent, Sempra Energy Company.
- B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- C. Date ranges shall be construed to include the beginning and end dates named. For example, the phrases “from January 1 to January 31,” “January 1-31,” “January 1 to 31,” and “January 1 through January 31” should be understood to include both the 1st of January and the 31st of January. Likewise, phrases such as “since January 1” and “from January 1 to the present” should be understood to include January 1st, and phrases such as “until January 31,” “through January 31,” and “up to January 31” should also be understood to include the 31st.
- D. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- E. The term “communications” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, notes, correspondence, and all memoranda concerning the requested communications. Where communications are not in writing, provide copies of all memoranda and documents made relating to the requested communication and describe in full the substance of the communication to the extent that the substance is not reflected in the memoranda and documents provided.
- F. The term “document” shall include, without limitation, all writings and records of every type in your possession, control, or custody, whether printed or reproduced by any process, including documents sent and received by electronic mail, or written or produced by hand.
- G. “Relate to,” “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.

H. When requested to “state the basis” for any analysis (including studies and workpapers), proposal, assertion, assumption, description, quantification, or conclusion, please describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, and analysis known to you which you believe to support the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which you contend to be evidence of the truth or accuracy thereof.

I. Terms related in any way to “lobbying,” lobbyist,” “lobbying firm” and “lobbyist employer” shall, without limitation, be construed broadly and, without limitation, to be inclusive of how those terms are described in the Sempra Energy Political Activities Policy (Policy) and the training materials related to the Policy.²

² The Sempra Energy Political Activities Policy defines lobbying broadly on page 3 as: “any action intended to influence legislative or administrative action, including activities to influence government officials, political parties, or ballot measures. Lobbyists can be individual employees or the company that employees them, referred to as a Lobbyist-Employer.”

DATA REQUEST

1. Please provide any form of non-disclosure agreement between SoCalGas or Sempra Energy Company and the following former SoCalGas employees:
 - a. Kenneth Drew Chawkins
 - b. George Minter

2. Please provide a privilege log for all information in its SAP system that SoCalGas seeks to exclude from Commission review on the basis of privilege claims

Consistent with the Instructions above, the privilege log should be similar to the following sample and contain, at a minimum, all of the information identified in this sample so that the validity of the privilege claim is evident from the log:³

<i>Doc No.</i>	<i>Doc Location</i>	<i>Date</i>	<i>Author</i>	<i>Recipient</i>	<i>Privileges</i>	<i>Description</i>
1-2		1/1/2015	John Doe, Sales Mgr.	Sally Smith, CEO Jane Roe, General Counsel	Atty-Client	Portion of email to in-house counsel seeking advice on contract negotiations redacted.
15-20		7/1/2018	Jane Roe, General Counsel	Sally Smith, CEO	Atty-Client, Work Product	Memorandum from in-house counsel to CEO regarding options for litigation

³ Cal Advocates notes that such a table is standard practice in the production of privilege logs. Indeed, this “sample” is the same as one recommended by in a practice article featured on the American Bar Association’s website, with a column added to identify the location of the document. Cal Advocates provides this sample to avoid any misunderstandings given that Cal Advocates has been advised that SoCalGas has failed to provide accurate and complete privilege logs in other investigations. See <https://www.lawpracticetoday.org/article/practical-advice-privilege-logs>

3. Please provide a declaration signed under penalty of perjury by a SoCalGas attorney affirming that there is a good faith basis in the law for all of the privilege claims asserted in the discovery log provided pursuant to Data Request 2 above.

Note that Public Utilities Code § 581 requires you to provide the information in the form and detail that we request and failure to do so may result in fines or other penalties.

**Exhibit G - SoCalGas 7-30-20 Response to Data Request
CalAdvocates-TB-SCG-2020-05**

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)

Date Received: July 16, 2020

Date Submitted: July 30, 2020

GENERAL OBJECTIONS AND OBJECTIONS TO “INSTRUCTIONS”

1. SoCalGas objects to the Instructions and Definitions submitted by Cal Advocates on the grounds that they are overbroad and unduly burdensome. Special interrogatory instructions of this nature are expressly prohibited by California Code of Civil Procedure Section 2030.060(d). SoCalGas further objects to the Instructions to the extent they purport to impose requirements exceeding that required by CPUC General Order 66-D or the Discovery Custom and Practice Guidelines provided by the CPUC.
2. SoCalGas objects to the Request’s characterization of what Public Utilities Code § 581 requires (as stated in the first paragraph under “General”) and disclaims any obligation to respond “in the form and detail that we request” to the extent the request exceeds that required by Public Utilities Code § 581, the Commission’s Rules of Practice and Procedure, or the Discovery Custom and Practice Guidelines provided by the CPUC.
3. The highlighted sentence in the second paragraph under “General” states that if SoCalGas “acquire[s] additional information after providing an answer to any request, [it] must supplement [its] response following the receipt of such additional information.” SoCalGas objects to this instruction on the grounds that it is a continuing interrogatory expressly prohibited by Code of Civil Procedure § 2030.060(g), has no basis in the Commission’s Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.
4. The highlighted paragraph under “Responses” purports to require SoCalGas identify “the person providing the answer to each question and his/her contact information.” SoCalGas objects to this instruction because it has no basis in the Commission’s Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.
5. The highlighted portion of the paragraph under “Requests for Clarification” purports to require SoCalGas to notify Cal Advocates “within five (5) business days” if “a request, definition, or an instruction is unclear”; the highlighted paragraph under “Objections” purports to require SoCalGas to “submit specific objections, including the specific legal basis to the objection . . . within five (5) business days”; and the highlighted portion of the paragraph under “Assertions of Privilege” in the “Instructions” section of this Request further purports to require SoCalGas to “assert any privilege for documents responsive to this data request . . . within five (5) business days.” SoCalGas objects to these requirements as unduly burdensome and unreasonable as SoCalGas cannot determine which aspects of the Request need clarification, formulate objections or identify privileged information and documents until SoCalGas has otherwise completed its investigation and prepared its response to the Request.
6. The highlighted paragraph under “Assertions of Confidentiality” purports to require SoCalGas, “[i]f it assert[s] confidentiality for any of the information provided,” to “please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion.” SoCalGas objects to this request the extent it purports to impose requirements exceeding the process for submitting confidential information to the Commission outlined in GO 66-D § 3, has no

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)

Date Received: July 16, 2020

Date Submitted: July 30, 2020

basis in the Code of Civil Procedure or the Commission's Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.

7. The first highlighted paragraph under "Signed Declaration" purports to require SoCalGas to provide "a signed declaration from a responsible officer or an attorney under penalty of perjury that [SoCalGas has] used all reasonable diligence in preparation of the data response, and that to the best of [his or her] knowledge, it is true and complete." SoCalGas objects to this instruction because it has no basis in the Code of Civil Procedure or the Commission's Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC. SoCalGas further objects to the extent it purports to limit SoCalGas from amending its responses should additional information be later discovered. SoCalGas reserves its right to amend its responses to these requests should additional information relevant to SoCalGas's responses is discovered at a later date.
8. SoCalGas objects to the second highlighted paragraph under "Signed Declaration" to the extent it purports to impose requirements exceeding the process for submitting confidential information to the Commission outlined in GO 66-D § 3, has no basis in the Code of Civil Procedure or the Commission's Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.
9. SoCalGas objects to the definition of "you," "your(s)," "Company," "SCG," and "SoCalGas" to the extent it seeks information from Sempra Energy. The responses below are made on behalf of SoCalGas only. SoCalGas objects to the definition of "you," "your(s)," "Company," "SCG," and "SoCalGas" to the extent it seeks information from Sempra Energy. The responses below are made on behalf of SoCalGas only.

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)
Date Received: July 16, 2020
Date Submitted: July 30, 2020

QUESTION 1:

Please provide any form of non-disclosure agreement between SoCalGas or Sempra Energy Company and the following former SoCalGas employees:

Confidential and Protected Material pursuant to PUC Section 583, GO 66-D, D.17-09-023

- a.
- b. George Minter

RESPONSE 1:

See attached documents titled:
Staff A_Agreement_Confidential
Staff A_NDA_Confidential
Staff B_NDA_Confidential

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)

Date Received: July 16, 2020

Date Submitted: July 30, 2020

QUESTION 2:

Please provide a privilege log for all information in its SAP system that SoCalGas seeks to exclude from Commission review on the basis of privilege claims

Consistent with the Instructions above, the privilege log should be similar to the following sample and contain, at a minimum, all of the information identified in this sample so that the validity of the privilege claim is evident from the log:

<i>Doc No.</i>	<i>Doc Location</i>	<i>Date</i>	<i>Author</i>	<i>Recipient</i>	<i>Privileges</i>	<i>Description</i>
1-2		1/1/2015	John Doe, Sales Mgr.	Sally Smith, CEO Jane Roe, General Counsel	Atty-Client	Portion of email to in-house counsel seeking advice on contract negotiations redacted.
15-20		7/1/2018	Jane Roe, General Counsel	Sally Smith, CEO	Atty-Client, Work Product	Memorandum from in-house counsel to CEO regarding options for litigation

RESPONSE 2:

SoCalGas objects to this Request as overbroad and unduly burdensome, in that seeks on its face a log covering data on the SAP system since 1999, which is not reasonable or practicable. SoCalGas further objects to this Request as harassing and oppressive in that Cal Advocates explicitly declared in meet and confer discussions and in the declaration of Stephen Castello that “it had no desire to review any privileged information in the SAP database[.]” (Decl. of Stephen Castello, ¶ 13, May 28, 2020.)

SoCalGas is willing to meet and confer regarding a sufficiently narrowed request.

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)

Date Received: July 16, 2020

Date Submitted: July 30, 2020

QUESTION 3:

Please provide a declaration signed under penalty of perjury by a SoCalGas attorney affirming that there is a good faith basis in the law for all of the privilege claims asserted in the discovery log provided pursuant to Data Request 2 above.

RESPONSE 3:

SoCalGas objects to this Request as overbroad, unduly burdensome, harassing and oppressive because it has no basis in the Code of Civil Procedure or the Commission's Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC. SoCalGas further objects to this Request in that it purports to require SoCalGas to create documents not already produced in the ordinary course of business, on the grounds that it exceeds SoCalGas's discovery obligations under the California Code of Civil Procedure.

SoCalGas further objects to this Request because it calls for information that is protected by the attorney-client privilege or the attorney work product doctrine. Indeed, this question seeks a forced waiver of the attorney-client privilege or the attorney work product doctrine. When an attorney verifies a discovery request (which is what this question seeks), the opposing party can claim that the attorney has waived attorney client privilege and attorney work product doctrine regarding the identity of the sources of the information contained in the response. *Melendrez v. Superior Court*, 215 Cal. App. 4th 1343, 1349 (2013) ("However, when an attorney verifies the response, the party "waives any lawyer-client privilege and any protection for work product ... during any subsequent discovery from that attorney *concerning the identity of the sources of the information contained in the response.*"); see also Cal. Civ. Proc. Code § 2030.250 (attorney verification of interrogatories causes limited waiver); Cal. Civ. Proc. Code § 2033.240 (same for requests for admission).

Furthermore, this question seeks to make counsel for SoCalGas a material witness in this matter. Depositions of counsel are highly disfavored, *Spectra-Physics, Inc. v. Superior Court*, 198 Cal.App.3d 1487, 1493 (1988) ("The practice of taking the deposition of opposing counsel should be severely restricted . . .") (citation omitted), yet this question seeks to make counsel for SoCalGas a witness in this case.

Finally, this question is completely contrary to black letter California law on privilege. "The party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise, i.e., a communication made in the course of an

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-05)

Date Received: July 16, 2020

Date Submitted: July 30, 2020

attorney-client relationship. [Citations omitted.] Once that party establishes facts necessary to support a prima facie claim of privilege, the communication is presumed to have been made in confidence and the opponent of the claim of privilege has the burden of proof to establish the communication was not confidential or that the privilege does not for other reasons apply.” *Costco Wholesale Corp. v. Superior Court*, 47 Cal.4th 725, 733 (2009). Now, Cal Advocates claims that its investigator powers enable it to change California law and add an additional requirement—which is unsupported by California law. (Nor can the ALJ or a court force a waiver of a privilege after an objection has been duly made. *Catalina Island Yacht Club v. Superior Court*, 242 Cal.App.4th 1116, 1126 (2015).)

Exhibit H - Privilege Log M&C Sept 22 2020

From: [Bone, Traci](#)
To: [Sierzant, Corinne M](#); [Castello, Stephen](#); [Ward, Alec](#)
Cc: [Jason Wilson](#); [Sherin Varghese](#)
Subject: Meet and Confer re: SoCalGas Response - CalAdvocates-TB-SCG-2020-05
Date: Tuesday, September 22, 2020 4:54:00 PM

Jason:

Cal Advocates notes that in response to data request CalAdvocates-TB-SCG-2020-05, SoCalGas objected to providing a privilege log for those portions of its SAP system that it claims are privileged, but that it proposed a meet and confer to discuss a “sufficiently narrowed request.” Specifically:

SoCalGas objects to this Request as overbroad and unduly burdensome, in that seeks on its face a log covering data on the SAP system since 1999, which is not reasonable or practicable. SoCalGas further objects to this Request as harassing and oppressive in that Cal Advocates explicitly declared in meet and confer discussions and in the declaration of Stephen Castello that “it had no desire to review any privileged information in the SAP database[.]” (Decl. of Stephen Castello, ¶ 13, May 28, 2020.)

SoCalGas is willing to meet and confer regarding a sufficiently narrowed request.

Cal Advocates would like to meet and confer via this email.

Cal Advocates proposes that SoCalGas provide the privilege log as set forth in the original data request for all documents that SoCalGas claims are privileged in its SAP system from 2015 to the present. Cal Advocates also proposes that the privilege log be provided no later than October 5, 2020.

We note that SoCalGas appeared to object to providing the log for information going as far back as 1999, and so this proposal addresses that concern.

We also note that SoCalGas asserted in its May 22, 2020 Motion to Quash that law firm invoices were privileged if they “communicate information for the purpose of legal consultation or risk exposing information that was communicated for such a purpose.” We also note that the declaration supporting the utility’s claim that the law firm invoices contained potentially confidential information was executed by a SoCalGas “Financial Systems and Client Support Manager.” (This declaration accompanied the May 22, 2020 Motion to Quash.) Clearly, such an individual has no expertise to make a legal determination regarding whether a document is privileged under the law.

Because utility books and records are open to regulator inspection pursuant to numerous statutes, SoCalGas law firm invoices should not contain such information as a matter of course. In my experience managing over 20 law firms, the invoices did not contain legal consultation. In addition, to Cal Advocates’ knowledge, this issue

has never been raised before to prevent CPUC staff from fully auditing a utility's books and records. Consequently, we anticipate that there will be very few legitimate claims of privilege. Further, given that such invoices, and how the costs of those invoices are booked, are directly relevant to the issue of Cal Advocates' AstroTurf Funding Investigation, it is necessary for Cal Advocates to have access to all of the non-privileged information in those invoices. In the unlikely event that privileged information is contained in a law firm invoice, SoCalGas should propose a process for providing redacted versions of those invoices to Cal Advocates.

Finally, any privilege log should specifically identify where the document can be found in the SAP system, as specified in the privilege log template provided with the original data request.

Please respond to this email at your earliest convenience. To the extent any proposal herein is not acceptable to SoCalGas, please propose a counter-proposal.

To the extent you believe that a telephonic meet and confer would be productive, please identify a date and time no later than September 25 for such a meeting.

We look forward to your prompt response to this proposal,

Traci Bone, Attorney
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Work: (415) 703-2048
Cell: (415) 713-3599
tbo@cpuc.ca.gov

From: Sierzant, Corinne M <CSierzant@socalgas.com>

Sent: Thursday, July 30, 2020 4:01 PM

To: Bone, Traci <traci.bone@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>; Ward, Alec <Alec.Ward@cpuc.ca.gov>

Cc: Jason Wilson <jwilson@willenken.com>; Sherin Varghese <svarghese@willenken.com>

Subject: SoCalGas Response - CalAdvocates-TB-SCG-2020-05

Good Afternoon,

Attached is SoCalGas' response to CalAdvocates-TB-SCG-2020-05 (DR-16). This includes documents in response to question 1 with a confidentiality declaration. As these are sensitive documents, we appreciate you treating them as such.

Sincerely,

Corinne Sierzant, Regulatory Affairs
213-244-5354 (Office); 215-290-3144 (Cell)
csierzant@socalgas.com

Exhibit I - Privilege Log M&C Sept 25 2020

From: [Bone, Traci](#)
To: [Jason Wilson](#)
Cc: [Sierzant, Corinne M](#); [Willenken-CalPA](#); [Ward, Alec](#); [Castello, Stephen](#)
Subject: RE: DR 16, Privilege Log Issue: Meet and Confer
Date: Friday, September 25, 2020 4:05:00 PM
Attachments: [Meet and Confer re SoCalGas Response - CalAdvocates-TB-SCG-2020-05.msg](#)

Jason:

Thank you for responding to Cal Advocates' meet and confer email of Tuesday, September 22, 2020. A copy of that email is attached hereto.

That email reflects that Cal Advocates made a good faith offer to narrow the scope of the privilege log and requested SoCalGas to either agree to the proposal, provide a counter proposal, or set a conference call to discuss the issues no later than Friday, September 25.

In lieu of providing a counter proposal, SoCalGas continues to raise legally infirm objections to providing a privilege log, which basic rules of Civil Procedure required SoCalGas to produce months ago.

It is clear the parties are at an impasse. Consequently, Cal Advocates will pursue other options to compel the production of the privilege log.

Traci Bone, Attorney
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Work: (415) 703-2048
Cell: (415) 713-3599
tbo@cpuc.ca.gov

From: Jason Wilson <jwilson@willenken.com>
Sent: Friday, September 25, 2020 10:28 AM
To: Bone, Traci <traci.bone@cpuc.ca.gov>
Cc: Sierzant, Corinne M <CSierzant@socalgas.com>; Willenken-CalPA <willenken-calpa@willenken.com>; Ward, Alec <Alec.Ward@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>
Subject: DR 16, Privilege Log Issue: Meet and Confer

Dear Traci,

Thank you for narrowing your request to cover documents only from 2015 to the present. While that is a step in the right direction to alleviate the extreme burden associated with Cal Advocates' original request, it still consists of nearly five years' of transactions and therefore does not entirely resolve our objections. Therefore, we would suggest we meet and confer via telephone. Would you be available next week Friday, October 2 at 11:30 am?

In addition, we would dispute certain characterizations in your email regarding the nature and scope of privilege of legal invoices, and their relevance to this matter.

First, you seem to cast doubt on the validity of having the manager in charge of the database to which Cal Advocates is seeking access testify about the contents of that database, because “such an individual has no expertise to make a legal determination regarding whether a document is privileged under the law.” This argument is misplaced. Cal Advocates has demanded unfettered access to SoCalGas’s database, which contains material that is likely privileged. SoCalGas has stated its legal objections, and provided evidence that potentially privileged information is contained in the database. Now the parties are meeting and conferring about a privilege log, which will establish “the preliminary facts necessary to support” the privilege. *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733.

It is true that the determination of privilege requires a document-by-document review. As the California Supreme Court has explained, “[T]he information contained within certain [billing] invoices may be within the scope of the [attorney-client] privilege.” *Los Angeles County Bd. of Supervisors v. Superior Court* (2016) 2 Cal. 5th 282, 298. For example, “[t]o the extent that billing information is conveyed ‘for the purpose of legal representation’—perhaps to inform the client of the nature or amount of work occurring in connection with a pending legal issue—such information lies in the heartland of the attorney-client privilege.” *Id.* Even amounts paid for legal services “may come close enough to this heartland to threaten the confidentiality of information directly relevant to the attorney’s distinctive professional role.” *Id.* Thus, as SoCalGas cited in its Motion to Quash, law firm invoices can be privileged “if they either communicate information for the purpose of legal consultation or risk exposing information that was communicated for such a purpose.” *Id.* at 300.

This is precisely why Cal Advocates’ request for a log on an entire database, or even five years’ of entries in that database, is incredibly burdensome. Determining whether a legal invoice threatens the heartland of the attorney-client privilege will take time and resources. Our preliminary rough estimate is that even limited to five years, there could be more than 10,000 entries to log. That is not reasonable or feasible, and requires additional narrowing via meet and confer.

Second, you also seem to be taking the incorrect position that SoCalGas may not even assert its privilege, because utility books and records “are open to regulator inspection pursuant to numerous statutes.” But inspection rights do not obviate a utility’s claim of legal privilege. SoCalGas and the Commission have litigated this very issue all the way to the California Supreme Court, and the Court has explicitly held that the Commission’s power to inspect SoCalGas’s books and records is “tempered by the attorney-client privilege” and that “no provision exempts [the Commission] from complying with the statutory attorney-client privilege.” *Southern California Gas Co. v. Public Utilities Com.* (1990) 50 Cal. 3d 31, 38-39. The US Supreme Court has also rejected this very argument. *United States v. Louisville & Nashville Railroad Co.* (1915) 236 U.S. 318, 336.

Finally, contrary to your office’s prior representation that “it had no desire to review any privileged information in the SAP database,” Decl. of Stephen Castello, ¶ 13, May 28, 2020, you now seem to suggest that such information is “directly relevant to the issue of Cal Advocates’ AstroTurf Funding Investigation.” We dispute this characterization, as certainly it is not the case that every law firm utilized by SoCalGas works on issues relevant to Cal Advocates’ AstroTurfing investigation. However, if Cal Advocates is able to identify particular law firms in which it is interested, we believe this would be a fruitful area for the parties to explore in meet and confer to narrow the scope of the log.

We look forward to discussing these issues with you further and are hopeful we can negotiate a

resolution.

All the best,

Jason



Jason H. Wilson

Direct: 213.955.8020 | Fax: 213.955.9250 | jwilson@willenken.com | www.linkedin.com/in/jason-h-wilson

WILLENKEN LLP | 707 Wilshire Blvd. | Suite 3850 | Los Angeles, CA 90017 | willenken.com

Exhibit J - Privilege Log M&C Sept 28-29 2020.

From: [Bone, Traci](#)
To: [Jason Wilson](#); [Ward, Alec](#); [Castello, Stephen](#)
Cc: [Willenken-CalPA](#); [Sierzant, Corinne M](#)
Subject: RE: DR 16, Privilege Log Issue: Meet and Confer
Date: Tuesday, September 29, 2020 11:40:00 AM

Jason:

Cal Advocates does not accept SoCalGas' proposal to limit the scope of the privilege log to only identify documents related to Cal Advocates' investigation of SoCalGas' astroturf funding activities. Consequently, Cal Advocates and SoCalGas are at impasse and Cal Advocates will pursue other options to compel the production of the privilege log.

To be clear, the subpoena providing Cal Advocates access to SoCalGas' books and records does not limit the scope of the materials that Cal Advocates may access. Rather, it required SoCalGas to "make available to the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), and staff and consultants working on its behalf, **access to all databases associated in any manner with the company's accounting systems no later than three business days after service of this Subpoena.** (Emphasis added)." Thus, SoCalGas was ordered by the Commission to provide full access no later than Friday, May 8, 2020.

That has not occurred.

Instead, on May 22, 2020 – 13 days after it was required to comply with the subpoena - SoCalGas submitted a Motion to Partially Quash the subpoena on the basis that its accounts and records contain materials protected by the First Amendment right to association or the attorney-client or attorney work product privileges.

Because SoCalGas made such objections, the law required SoCalGas to provide "sufficient factual information for other parties to evaluate the merits of [those claims], including, if necessary, a privilege log." California Code of Civil Procedure §2031.240(c)(1). However, SoCalGas did not do this. Instead, it provided a declaration from a SoCalGas "Financial Systems and Client Support Manager" for the proposition that its accounts and records contained privileged information.

Clearly, such an individual has no expertise to make a legal determination regarding whether a document is privilege under the law, and even if they were, the facts set forth in the declaration do not provide information sufficient for other parties, such as Cal Advocates and the Commission, to evaluate the merits of the claims.

Based on the foregoing, it is clear that SoCalGas had, and continues to have, a statutory obligation to support its privilege claims in a specific manner. Cal Advocates agreed in its email of September 22, 2020, to limit the time frame of privilege log to January 1, 2015 to the present. However, SoCalGas' refusal to provide the privilege log unless Cal Advocates' agrees to narrow the scope of the inquiry to the astroturf funding investigation is not acceptable.

At this point, as explained above, Cal Advocates believes it is appropriate to move forward to compel the production of the appropriate privilege log.

Last, as a professional courtesy, we ask that you return to the procedure of responding to emails so that they include all of the preceding emails on a matter to facilitate understanding, access, and archiving.

Traci Bone, Attorney
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Work: (415) 703-2048
Cell: (415) 713-3599
tbo@cpuc.ca.gov

From: Jason Wilson <jwilson@willenken.com>
Sent: Monday, September 28, 2020 11:23 AM
To: Bone, Traci <traci.bone@cpuc.ca.gov>; Ward, Alec <Alec.Ward@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>
Cc: Willenken-CalPA <willenken-calpa@willenken.com>; Sierzant, Corinne M <CSierzant@socalgas.com>
Subject: DR 16, Privilege Log Issue: Meet and Confer

Traci:

We do not see an impasse and we believe that motion practice is unnecessary and premature at this point. We believe that this dispute can be resolved with further meet and confer. To be clear, SoCalGas is willing to do a privilege log consistent with the scope of your investigation, which you say is related to astroturfing. SoCalGas is not insisting on any further date limitation. Your proposed starting date of January 1, 2015 is fine.

The problem with your current position is that the vast majority of the law firms that SoCalGas retains cannot possibly have worked on matters related to the stated scope of your investigation. For example, SoCalGas retains law firm to handle employment matters. What does an employment lawsuit have to do with “astroturfing?” SoCalGas retains law firms represent them in personal injury matters. What does “astroturfing” have to do with personal injury matters? SoCalGas retains law firms to litigate commercial disputes with vendors. Again, what does a commercial dispute have to do with “astroturfing?” Does Cal Advocates really want to bring a motion to compel to force SoCalGas to do a privilege log on invoices from a personal injury case?

Why can't Cal Advocates exclude unrelated legal matters from the privilege log exercise? We understand that this dispute has grown contentious. However, in our view, distrust should not replace common sense. Can we talk on Friday to find common ground?

For the record, there are four statements we would like to dispute.

First, SoCalGas was not required by so-called “basic rules of Civil Procedure” to produce a log “months ago.” Rather, on July 30, 2020, SoCalGas stated its objections to Cal Advocates’ unduly burdensome request, and offered to meet and confer about reasonable means of narrowing the scope of the requested privilege log. Cal Advocates first responded on September 22, 2020, and SoCalGas believes the parties are still meeting and conferring on the scope of the requested log. After waiting 54 days to

engage a meet and confer, Cal Advocates is now declaring an impasse in three days. This position is untenable.

Second, we disagree that SoCalGas's objections to the privilege log request are "legally infirm." We provided several relevant citations cited in our email that have gone unaddressed.

Third, your email states that SoCalGas did not "provid[e] a counter proposal." We counter-proposed that "if Cal Advocates is able to identify particular law firms in which it is interested, we believe this would be a fruitful area for the parties to explore in meet and confer to narrow the scope of the log." You have not responded to this proposal.

Finally, you claim you have properly met and conferred. We do not believe you have attempted to meet and confer in good faith. You have refused our offer to speak over the phone and to try to settle our differences. You have ignored our counterproposal. Instead, you just want SoCalGas to comply with your latest demand without providing any legal justification for your position or addressing the issues we have raised. The idea that further meet and confer would be pointless (as you claim) is contradicted by the fact that the parties have narrowed their differences. And our most recent counter proposal further narrows the gap.

Jason



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