

# **ATTACHMENT 1**

**[PROPOSED] PROTECTIVE ORDER CONCERNING FINANCIAL DATA RELATED  
TO DRAFT RESOLUTION ALJ-391**

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

Resolution ALJ-391  
Administrative Law Judge Division

**[PROPOSED] PROTECTIVE ORDER CONCERNING FINANCIAL DATA RELATED  
TO DRAFT RESOLUTION ALJ-391**

Dated: November 19, 2020

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TO THE PARTIES AND THEIR COUNSEL OF RECORD:

Having reviewed the comments submitted by the Parties, the [Proposed] Protective Order (“Order”) is effective as of the date of Resolution ALJ-391, the Commission imposes the following Order:

WHEREAS, certain information that Southern California Gas Company (SoCalGas) may produce or disclose in the non-proceeding investigation, after the date of this Order that relates to the subpoena served on May 5, 2020, may constitute confidential, proprietary, or otherwise protected materials, including, but not limited to, nonpublic financial information (such as audited and unaudited financial information, regarding Sempra Energy and its subsidiaries and affiliates), other financial information, proprietary information, information constituting trade secrets, competitively sensitive documents, personal/private information such as employee or customer data, geographic information systems (GIS) data, and/or sensitive security or critical energy infrastructure information (CEII) (*see, e.g.*, 18 C.F.R. § 388.113(c)(1); 6 U.S.C. §131(3); 49 C.F.R. § 1520.5) (all collectively, the Protected Materials); and

WHEREAS, the level and type of real-time immediate access to SoCalGas’s internal financial accounting system requested by Public Advocates Office at the California Public Utilities Commission (CalPA) would make it impossible for SoCalGas to mark information as confidential and submit the supporting confidentiality declaration before being reviewed or copied by CalPA as required under General Order 66-D, Section 3.2.

IT IS NOW ORDERED, FOR GOOD CAUSE, that this Order shall govern the use of information made available by SoCalGas to CalPA from its financial accounting system:

1. With respect to the CalPA subpoena, this Order shall govern access to and the use of all financial data made available or produced by or on behalf of SoCalGas for purposes of the non-proceeding investigation or any related proceeding. The term of the Order shall be perpetual for CalPA to protect any Protected Materials.

2. For purposes of this Order:

(a) The term “Protected Materials” means the financial accounting information residing on the SAP system or elsewhere that SoCalGas makes accessible to CalPA based upon the subpoena that CalPA served on SoCalGas on May 5, 2020, whether or not reduced to other written or electronic form, any information contained in or obtained from such designated materials, hardcopy or electronic notes of Protected Materials, and any other hardcopy or electronic copies of Protected Materials.

(b) Because there is no practical method of marking the Protected Materials as confidential prior to providing it to CalPA, it is Ordered that:

(1) All information on SoCalGas’s SAP system or any other financial information that is accessed, received, or viewed by CalPA shall be preliminarily deemed confidential under Public Utilities Code § 583, General Order 66-D (GO 66-D), and D.17-09-023 and shall be deemed “PROTECTED MATERIALS.” PROTECTED MATERIALS shall also include “memoranda, handwritten notes, or any other form on information (including electronic form), whether copied onto a computer network, computer hard drives or any other medium, electronic or otherwise, which copies or discloses Protected Materials. Any electronic or hard copies of Protected Materials made by CalPA will be marked “PROTECTED MATERIALS” or words of similar import, such as “Confidential and Protected Materials Pursuant to PUC Section 583, GO 66-D, and D.17-09-023,” as long as the term “Protected Materials” or “Confidential” is included in that designation to indicate that there are Protected Materials on each page. If the Protected Materials are produced in electronic form, the “PROTECTED MATERIALS” designation shall be inserted on each page as a header or footer. To the extent CalPA is unable to mark Protected Materials accordingly, CalPA will identify the information as Confidential in some other reasonable manner.

(2) With respect to any copy that CalPA takes pursuant to the subpoena, CalPA shall provide to SoCalGas the PROTECTED MATERIALS it has copied and allow SoCalGas at least twenty (20) business days to review the PROTECTED MATERIALS and mark them in compliance with GO 66-D. In the event CalPA identifies a large number of PROTECTED MATERIALS at one time, the parties shall meet and confer in good faith to expand to a number of days that is reasonable.

3. Any disputes arising under this Agreement must be resolved through the Commission ADR process or through presenting the dispute to the Chief ALJ. Prior to presenting any dispute under this Agreement to the Chief ALJ, the Parties shall use their best efforts to resolve such dispute.

This Order is effective today.

Dated: \_\_\_\_\_

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MARYBEL BATJER  
President

LIANE M. RANDOLPH  
MARTHA GUZMAN ACEVES  
CLIFFORD RECHTSCHAFFEN  
GENEVIEVE SHIROMA  
Commissioners