

DECLARATION OF  
SHARON COHEN

## DECLARATION OF SHARON L. COHEN

I, Sharon L. Cohen, 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 Senior Counsel – Regulatory.

3. I am submitting this Declaration in Support of Southern California Gas Company's (SoCalGas) Motion for Reconsideration/Appeal to the Full Commission of 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) issued on November 1, 2019.

4. I am informed that on or about August 26, 2019, the Public Advocates Office served Data Requests No. PubAdv-SDG&E-001-SCS to SDG&E and Data Requests No. PubAdv-SCG-001-SCS to SoCalGas, which pose identical questions. I am the attorney representing SDG&E and SoCalGas on these data requests. Question 1 of the data requests states: "Please provide a list of all contracts active in the last 18 months associated with communications, advocacy, and/or public outreach. For each contract, include: scope of work, contract number, expense to date, account (cost center) where cost was recorded, and designation of whether that account was originally recorded to a ratepayer or shareholder funded account. For each contract, indicate whether the contract was competitively bid. If not competitively bid, please provide the sole-source justification documentation, and a copy of the executed contract. Please see attached Excel template." A true and correct copy of the Data Requests Nos. PubAdv-SDG&E-001-SCS and PubAdv-SCG-001-SCS are attached here to as Exhibits A and B without Excel template.

5. On November 4, 2019, after meet and confer sessions with representatives of the Public Advocates Office, which modified the scope of

Question 1 and the time for responses, SDG&E and SoCalGas timely served their responses to Question 1 agreeing to produce (and produced) certain contracts and objecting to the production of contracts that are 100% shareholder funded.

6. On November 12, 2019, I received an e-mail from Kerriann Sheppard, Counsel for the Public Advocates Office. In the e-mail, Ms. Sheppard stated that SoCalGas and SDG&E are required to produce all responsive contracts, whether or not they are shareholder funded. To support the Public Advocates Office's assertion, Ms. Sheppard cited to Administrative Law Judge Regina DeAngelis' November 1, 2019 Ruling stating that the ALJ has "ruled on this same issue and ordered SoCalGas to provide the contracts it alleged were 100% shareholder funded. In light of this ruling, we request that you provide the omitted contracts so that another motion to compel would not be necessary." A true and correct copy of Ms. Sheppard's November 12, 2019 e-mail is attached hereto as Exhibit C.

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

Executed on November 27, 2019.



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Sharon L. Cohen

# EXHIBIT A



*Public Advocates Office  
California Public Utilities Commission*

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

## **DATA REQUEST**

**Date:** 26 August 2019

**Responses Due:** 10 September 2019

**To:** Chuck Manzuk  
[REDACTED]  
[REDACTED]

**From:** Clayton Tang and Truman Burns, Project Coordinators  
Office of Ratepayer Advocates  
505 Van Ness Avenue, Room 4205  
San Francisco, CA 94102

**Originated by:** Stephen Castello

**Phone:** [REDACTED]

**Email:** [REDACTED]

**Data Request No:** PubAdv-SDG&E-001-SCS

**Subject:** Communications, Advocacy & Public Outreach

### **Please provide the following:**

1. Please provide a list of all contracts active in [the](#) last 18 months associated with communications, advocacy, and/or public outreach. For each contract, include: scope of work, contract number, expense to date, account (cost center) where cost was recorded, and designation of whether that account was originally recorded to a ratepayer or shareholder funded account. For each contract, indicate whether the contract was competitively bid. If not competitively bid, please provide the sole-source justification documentation, and a copy of the executed contract. Please see attached Excel template.
2. Please provide a headcount of personnel associated with governmental relations (not [including](#) personnel who primarily work with CPUC staff). Provide the percentage of time that is recorded to ratepayer funded accounts (and list those accounts). Provide the percentage of time that is recorded to shareholder accounts. Provide a list of any journal entries (including unique identification information) associated with the recorded time of these personnel from 1/1/2019 to present. Please see attached Excel template.

## END OF REQUEST

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### **INSTRUCTIONS**

You are instructed to answer the following Data Requests in the above-captioned proceeding, with written, verified responses per 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. Restate the text of each request prior to providing the response. If you have any questions regarding this data request, please contact the Originator at the email address or phone number above.

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 this date, notify the Originator and ORA Project Coordinator(s) as soon as possible, 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.

Identify the person providing the answer to each data request and his/her contact information. All data responses need to have each page numbered, referenced, and indexed so worksheets can be followed. If any numbers are calculated, include a copy of all supporting electronic files, with data and formulas intact and functioning, so that the formula and their sources can be reviewed. Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word or Excel format, send the Word document or Excel file and do not send the information only 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.

Documents produced in response to the data requests should be numbered, and indexed if voluminous. Responses to data requests that refer to or incorporate documents should identify the particular documents referenced by page numbers.

If a request, definition, or an instruction, is unclear, notify ORA as soon as possible. In any event, answer the request to the fullest extent possible, specifying the reason for your inability to answer the remaining portion of the Data Request.

Provide two copies of the above information as it becomes available but no later than the due date identified above. Provide electronic responses if possible, and set of hard copy responses with your submittal to the data request Originator and the ORA Project Coordinator(s).

# EXHIBIT B



*Public Advocates Office  
California Public Utilities Commission*

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

## **DATA REQUEST**

**Date:** 26 August 2019

**Responses Due:** 10 September 2019

**To:** Chuck Manzuk  
[REDACTED]  
[REDACTED]

**From:** Clayton Tang and Truman Burns, Project Coordinators  
Office of Ratepayer Advocates  
505 Van Ness Avenue, Room 4205  
San Francisco, CA 94102

**Originated by:** Stephen Castello

**Phone:** [REDACTED]

**Email:** [REDACTED]

**Data Request No:** PubAdv-SCG-001-SCS

**Subject:** Communications, Advocacy & Public Outreach

### **Please provide the following:**

1. Please provide a list of all contracts active in [the](#) last 18 months associated with communications, advocacy, and/or public outreach. For each contract, include: scope of work, contract number, expense to date, account (cost center) where cost was recorded, and designation of whether that account was originally recorded to a ratepayer or shareholder funded account. For each contract, indicate whether the contract was competitively bid. If not competitively bid, please provide the sole-source justification documentation, and a copy of the executed contract. Please see attached Excel template.
2. Please provide a headcount of personnel associated with governmental relations (not [including](#) personnel who primarily work with CPUC staff). Provide the percentage of time that is recorded to ratepayer funded accounts (and list those accounts). Provide the percentage of time that is recorded to shareholder accounts. Provide a list of any journal entries (including unique identification information) associated with the recorded time of these personnel from 1/1/2019 to present. Please see attached Excel template.



## END OF REQUEST

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### **INSTRUCTIONS**

You are instructed to answer the following Data Requests in the above-captioned proceeding, with written, verified responses per 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. Restate the text of each request prior to providing the response. If you have any questions regarding this data request, please contact the Originator at the email address or phone number above.

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 this date, notify the Originator and ORA Project Coordinator(s) as soon as possible, 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.

Identify the person providing the answer to each data request and his/her contact information. All data responses need to have each page numbered, referenced, and indexed so worksheets can be followed. If any numbers are calculated, include a copy of all supporting electronic files, with data and formulas intact and functioning, so that the formula and their sources can be reviewed. Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word or Excel format, send the Word document or Excel file and do not send the information only 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.

Documents produced in response to the data requests should be numbered, and indexed if voluminous. Responses to data requests that refer to or incorporate documents should identify the particular documents referenced by page numbers.

If a request, definition, or an instruction, is unclear, notify ORA as soon as possible. In any event, answer the request to the fullest extent possible, specifying the reason for your inability to answer the remaining portion of the Data Request.

Provide two copies of the above information as it becomes available but no later than the due date identified above. Provide electronic responses if possible, and set of hard copy responses with your submittal to the data request Originator and the ORA Project Coordinator(s).

# EXHIBIT C

## Trujillo, Leslie A

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**From:** Sheppard, Kerriann [REDACTED]  
**Sent:** Tuesday, November 12, 2019 9:28 AM  
**To:** Cohen, Sharon L  
**Cc:** Castello, Stephen  
**Subject:** [EXTERNAL] Re: PubAdv-SCE-001-SCS

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Sharon,

I received your voicemail yesterday. However we were closed for Veterans Day.

The omitted information are the contracts which Sempra utilities allege are 100% shareholder funded. These contracts are responsive to our data request and are not privileged information. So whether or not they are shareholder funded does not provide a proper basis to withhold this information from the Public Advocates Office.

In a recent ruling on a motion to compel regarding DR **CalAdvocates-SC-SCG-2019-05, On November 1, 2019**, Administrative Law Judge Regina DeAngelis ruled on this same issue and ordered SoCalGas to provide the contracts it alleged were 100% shareholder funded. In light of this ruling, we request that you provide the omitted contracts so that another motion to compel would not be necessary. Especially since an ALJ has recently ruled against one of your companies on the same issue.

Please let me know what time today would work for a meet and confer conference call.

Or let us know if Sempra Utilities will provide the omitted information in light of ALJ DeAngelis' ruling.

Regards,

Kerriann Sheppard  
Counsel for the Public Advocates Office

On Nov 6, 2019, at 12:39 PM, Sheppard, Kerriann [REDACTED] wrote:

Ms. Cohen,

The Public Advocates Office would like to schedule a meet and confer teleconference call regarding SDG&E's and SoCalGas' response to Question 1 of the Public Advocates Office's recent data request PubAdv-SCG-001-SCS.

Please let me know the earliest date and time that you are able to meet and confer regarding this matter. Please include any other SDG&E and SoCalGas employees/counsel that would need to be present to resolve this matter.

Regards,

Kerriann Sheppard  
Counsel for the Public Advocates Office

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**From:** Cohen, Sharon L [REDACTED]  
**Sent:** Monday, November 04, 2019 12:36 PM  
**To:** Castello, Stephen [REDACTED]  
**Cc:** Sheppard, Kerriann [REDACTED]  
**Subject:** RE: PubAdv-SCE-001-SCS

Hi Stephen,

Our response was served on Friday for both Companies, and you appear to be copied on the email transmittal of the responses. I can forward them to you separately in case there was a glitch with your email address. We did receive a receipt confirmation from Mr. Burns. Please let me know if you receive the forwarded two packages. Thank you.

Best regards,  
Sharon

*Sharon L. Cohen*  
*Regulatory Counsel*  
San Diego Gas & Electric Company  
8330 Century Park Ct.,  
San Diego, CA 92123

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**From:** Castello, Stephen [REDACTED]  
**Sent:** Monday, November 4, 2019 12:22 PM  
**To:** Cohen, Sharon L [REDACTED]  
**Cc:** Sheppard, Kerriann [REDACTED]  
**Subject:** [EXTERNAL] PubAdv-SCE-001-SCS

Hi Sharon,

Hope you've been well. I have not received SoCalGas' response to PubAdv-SCE-001-SCS. I was expecting the complete production on Friday (11/1/19) as we discussed. Could you give me an update on the status? Just so you are aware, we received a response from SDG&E on Friday.

Thanks,  
Stephen

Stephen Castello, Regulatory Analyst  
Public Advocates Office  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

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This email originated outside of Sempra Energy. Be cautious of attachments, web links, or requests for information.

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This email originated outside of Sempra Energy. Be cautious of attachments, web links, or requests for information.

# DECLARATION 3

## DECLARATION OF SHARON TOMKINS

I, Sharon Tomkins, 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 Southern California Gas Company (SoCalGas) as Vice President, Strategy, Engagement and Chief Environmental Officer. I have worked for SoCalGas since 2010. In my current role, my responsibilities include environmental services and developing and delivering the information that meets customers' energy needs and supports state environmental and social policy objectives.

3. I am submitting this Declaration in Support of Southern California Gas Company's (SoCalGas) Motion for Reconsideration/Appeal to the Full Commission of 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) issued on November 1, 2019 (ALJ Ruling). If the non-public contracts and communications SoCalGas has had regarding its political activity to advance natural gas are required to be disclosed in response to the demands of the Public Advocates Office, it will alter how SoCalGas and its partners, consultants, and others work together and communicate in the future regarding matters of shared political interest.

4. In response to the ALJ Ruling requiring SoCalGas to produce the contracts within two business days, SoCalGas filed an Emergency Motion to Stay the ALJ's Ruling. Because SoCalGas did not receive a ruling on our Emergency Motion to Stay, we were required to produce the contracts or be subject to potential penalties up to \$100,000 a day and other consequences. SoCalGas produced the contracts under protest.

5. Forcing SoCalGas to provide the contracts under the threat of penalties has had a chilling effect on SoCalGas and our ability to engage in activities which are lawful. We had to make the choice of violating an ALJ Ruling or violating our First Amendment right to political expression and association.

6. In connection with SoCalGas' political activity to advance natural gas solutions, I communicate with SoCalGas' consultants, partners, and other entities and individuals about contractual terms, scope of work and matters of public debate. I have helped formulate strategy and communicated with others on behalf of SoCalGas.

7. My work for SoCalGas has included sensitive discussions in furtherance of developing strategy and advocacy associated with natural gas solutions and selecting our message and the best means to promote that message. It also has included recommending that others become involved with SoCalGas in this political process.

8. I and SoCalGas will need to take into consideration the potential disclosure of such communication in the future as a result of such forced disclosure. As a result, it will have a chilling effect on those communications and associations and could limit our future associations.

9. In the future, I and SoCalGas will be less willing to engage in contracts and communications knowing that SoCalGas' non-public association and communication with consultants, business partners and others on SoCalGas' political interests may be required to be disclosed.


10. Based on conversations I have had, others may be less likely to associate with SoCalGas. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]






11. We know that information received from SoCalGas in response to data requests has been disclosed to the Los Angeles Times. Sharing SoCalGas' contracts with the media has further compounded the chilling effect on SoCalGas' right to political expression and association.

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

Executed on December 2, 2019.



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SHARON TOMKINS  
Vice President of Strategy, Engagement and  
Chief Environmental Officer