ATTACHMENT A

FILED
02/21/20
04:59 PM

From: Moshfegh, Pejman <pejman.moshfegh@morganlewis.com>
Sent: Monday, October 28, 2019 10:25 PM
To: Sher, Nicholas; Gruen, Darryl
Cc: Patel, Avisha A; Stoddard, F. Jackson
Subject: Meet & Confer Request Pursuant to Rule 11.3

Nicholas and Darryl,

As we discussed at our meet and confer last Thursday, SoCalGas is in receipt of your subpoena, which requests that a "Person or Persons most knowledgeable at SoCalGas about SoCalGas' allegations that SED's 'lead investigator' interfered with the RCA into the Aliso Gas leak" appear at the Commission's offices on November 1, 2019. The subpoena followed Darryl's October 18 email, which requested the appearance of a Person Most Knowledgeable (PMK) on the same topic, and specifically called out portions of the prehearing conference transcript, and SED Data Request 41. For the reasons described at our meeting yesterday, and as further described below, SoCalGas continues to object to SED's subpoena insofar as it is based on a mischaracterization of SoCalGas' position, is inappropriate, and premature. SoCalGas is not, at this time, affirmatively alleging that Ken Bruno acted to improperly influence either the Blade or SED investigations. Notwithstanding SoCalGas' clear position on this issue, SED refused SoCalGas' request that SED retract the subpoena for the PMK deposition. In accordance with Rule 11.3 of the Commission's Rules of Practice and Procedure, SoCalGas requests a meet and confer to further discuss an alternative resolution to this dispute before SoCalGas moves to quash.

SoCalGas has not made any factual statements or allegations that could serve as a reasonable or appropriate basis for a deposition or examination under oath. SoCalGas has asserted only that Mr. Bruno's dual roles as both a private plaintiff claiming personal injury as a result of the leak at Aliso Canyon and an investigator for the CPUC regarding the same incident present an apparent conflict of interest. This is a conflict of interest by definition. *See, e.g.*, CONFLICT OF INTEREST, Black's Law Dictionary (11th ed. 2019) ("[a] real or seeming incompatibility between one's private interests and one's public or fiduciary duties."). SoCalGas has plainly described Mr. Bruno's conflict of interest in its filings with the Commission:

> SoCalGas has not stated that SED's lead investigator committed an improper act with respect to Blade's or SED's investigation into the Aliso Canyon incident. Rather, SoCalGas has identified a serious concern regarding an apparent conflict of interest: the lead investigator who directed and oversaw the Aliso Canyon investigation for over three years filed, the next business day after the final of Blade's supplemental reports were issued, a personal injury lawsuit against SoCalGas for injuries he allegedly sustained as a result of his involvement in the Aliso Canyon investigation. SoCalGas has not prejudged the issue—only stated a fact that warrants further inquiry.

(Reply Comments of SoCalGas in Response to ALJ's Ruling Regarding Reimbursement of the State's Investigation-Related Costs, Sept. 11, 2019, pp. 6-7). While this is one example, SoCalGas' statements on this issue in other submittals and at the PHC are generally consistent with the above excerpt. SoCalGas is still in the process of investigating and evaluating whether Mr. Bruno did in fact engage in any inappropriate conduct related to Blade's or SED's investigations in to the Aliso Canyon Incident.

Indeed, as SoCalGas described at yesterday's meeting, SoCalGas has reviewed Blade's recent document production, which appears to include some but not all communications between Mr. Bruno and Blade. SoCalGas has not, however, received any documents from the CPUC in response to its June 19 Public Records Act request. The materials requested in this PRA request were specifically designed to help SoCalGas evaluate whether Mr. Bruno acted improperly. Further, several of these PRA requests call for information distinct from the documents produced by Blade. SoCalGas has been in frequent contact with the Commission regarding the status of this PRA request, but has not yet received a single document as of today.

Further, SoCalGas has not yet had an opportunity to depose either Mr. Bruno or Blade personnel with whom Mr. Bruno communicated. These depositions will likely provide additional information regarding Mr. Bruno's conflict of interest and whether and to what degree it affected how he performed his duties. As we informed SED yesterday, the deposition of Mr. Bruno has been noticed, and the deposition of Mr. Krishnamurthy has been scheduled for November.

In the meantime, SoCalGas will agree to produce to SED communications from the set of Blade emails, which SoCalGas believes are relevant and which may warrant further investigation. To that end, SoCalGas will produce an initial set of emails under separate cover. Your confirmation during our call that Mr. Bruno was not authorized to direct Blade's investigation was helpful in this regard.

Thanks,
Pejman

Pejman Moshfegh
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Assistant: Christine Mustin | +1.415.442.1508 | chris.mustin@morganlewis.com

ATTACHMENT B

From: Sher, Nicholas
Sent: Tuesday, October 29, 2019 11:44 AM
To: Moshfegh, Pejman; Gruen, Darryl
Cc: Patel, Avisha A; Stoddard, F. Jackson
Subject: RE: Meet & Confer Request Pursuant to Rule 11.3

Good Morning Pejman,

Thank you for your email. Being that the below issues were discussed at last week's meet and confer I do not believe that an additional meet and confer will resolve anything. At this point, SoCalGas is free to file a motion to quash SED's subpoena.

On a separate note, we look forward to receiving the emails mentioned in your email below, do you have an estimated time frame in which they will be produced?

Yours,
Nicholas

From: Moshfegh, Pejman <pejman.moshfegh@morganlewis.com>
Sent: Monday, October 28, 2019 10:25 PM
To: Sher, Nicholas <nicholas.sher@cpuc.ca.gov>; Gruen, Darryl <darryl.gruen@cpuc.ca.gov>
Cc: Patel, Avisha A <APatel@socalgas.com>; Stoddard, F. Jackson <fjackson.stoddard@morganlewis.com>
Subject: Meet & Confer Request Pursuant to Rule 11.3

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Canyon and an investigator for the CPUC regarding the same incident present an apparent conflict of interest. This is a conflict of interest by definition. *See, e.g.*, CONFLICT OF INTEREST, Black's Law Dictionary (11th ed. 2019) ("[a] real or seeming incompatibility between one's private interests and one's public or fiduciary duties."). SoCalGas has plainly described Mr. Bruno's conflict of interest in its filings with the Commission:

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Thanks,
Pejman

Pejman Moshfegh
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ATTACHMENT C

From: Patel, Avisha A <APatel@socalgas.com>
Sent: Thursday, October 31, 2019 12:32 PM
To: Gruen, Darryl
Cc: Sher, Nicholas
Subject: RE: Your Voice Message
Attachments: [EXTERNAL] RE: Meet & Confer Request Pursuant to Rule 11.3

Hi Darryl,

SoCalGas has consistently cooperated with SED's investigation and, in fact, that was the purpose of my call yesterday. I left you a courtesy voicemail letting you know that we were filing our motion to quash today so you could timely cancel the court reporter. The basis for the motion to quash is the same as the concerns we raised during our meet-and-confer discussion last week. On Monday we advised you via email of our intent to file the motion to quash and requested a second meet-and-confer. Receipt of the email was confirmed in Nicholas's email from October 29 (attached). Nicholas politely declined our request for a second meet-and-confer, explaining: "Being that the below issues were discussed at last week's meet and confer I do not believe that an additional meet and confer will resolve anything. At this point, SoCalGas is free to file a motion to quash SED's subpoena."

Your email notes you understood my voice message to say you could cancel the court reporter. To confirm your understanding: we are filing the motion to quash today and we will not be attending the deposition tomorrow.

Be well,
Avisha

Avisha A. Patel | Senior Counsel
Southern California Gas Company
Tel. (213) 244-2954

From: Gruen, Darryl <darryl.gruen@cpuc.ca.gov>
Sent: Wednesday, October 30, 2019 7:35 PM
To: Patel, Avisha A <APatel@socalgas.com>
Cc: Sher, Nicholas <nicholas.sher@cpuc.ca.gov>
Subject: [EXTERNAL] Your Voice Message

Avisha,

I received your voice message at 4:12 pm today (October 30, 2019) providing for the first time a notice to SED that SoCalGas intends to file a motion to quash the subpoena for SoCalGas's person or person(s) most knowledgeable related to the PHC transcripts pages 88-90 and related documents to appear at the Commission headquarters at 505 Van Ness Avenue. I understood your voice message to say that we could cancel the court reporter.

SoCalGas's motion to quash is not sufficient to cancel the deposition. Short of the ALJ granting the motion to quash the subpoena, it is SED's position that SoCalGas is still required to attend the deposition. Failure to do so will constitute another failure on SoCalGas's part to cooperate with the investigation of Safety and Enforcement Division.

So that we can let our court reporters know whether to let them go from their time, SED is requesting to know whether SoCalGas intends to be present for the deposition on November 1st at 10 am.

Darryl Gruen
Staff Counsel
California Public Utilities Commission
505 Van Ness Ave. - San Francisco, CA 94102
(415) 703-1973 - djg@cpuc.ca.gov

ATTACHMENT D

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE

STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility. (U904G).

STATEMENT OF NON-APPEARANCE

REPORTER'S TRANSCRIPT
San Francisco, California
November 1, 2019
Pages 1 - 6

Reported by: Doris Huaman, CSR No. 10538

PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

I N D E X

SAN FRANCISCO, CALIFORNIA

NOVEMBER 1, 2019 - 10:17 A.M.

* * * * *

MR. SHER: On the record.

We are here today to conduct the deposition of the person or persons most knowledgeable at Southern California Gas Company with regards to Southern California Gas Company's allegation that Mr. Bruno may have inappropriately interfered with the root-cause analysis looking into the cause of the October 23rd, 2015 gas leak at the Aliso Canyon Gas Storage Facility.

In the room today is Karen Shea with SED. Last name S-H-E-A. K-A-R-E-N?

MS. SHEA: (Nodding head.)

MR. SHER: Would like to note for the record that SoCalGas has not shown up for the deposition even though they were subpoenaed to do so. I will also note that SoCalGas filed late last night a motion to quash the subpoena. Being that they are not present, I'd like to mark some exhibits for the record, and then there's no further purpose in having this deposition.

Also note that I went downstairs to see if SoCalGas was present, and SoCalGas was not present in the lobby.

The first document I would like to mark is the subpoena to SoCalGas. We can mark that as Exhibit 1.

(Exhibit No. 1 was marked for identification.)

MR. SHER: The second exhibit I would like to mark is entitled Kenneth Bruno's Response to Commentary (sic) by Southern California Gas Company and Sempra Energy Regarding Orders Instituting Investigation I.19-06-014 and I.19-06-016.

Mark that as Exhibit 2.

(Exhibit No. 2 was marked for identification.)

MR. SHER: The third exhibit I would like to mark is entitled R. Rex, R-E-X, Parris's, P-A-R-R-I-S's, Response to Allegations by Southern California Gas Company and Sempra Energy Regarding Orders Instituting Investigation I.19-06-014 and I.19-06-016.

That can be marked as No. 3.

(Exhibit No. 3 was marked for identification.)

MR. SHER: I would also like to mark as an exhibit a document entitled L.A. Firefighter (Retired) Daniel, D-A-N-I-E-L, Mehterian's -- that's M-E-H-T-E-R-I-A-N's --

Response to Allegations by Southern California Gas Company and Sempra Energy Regarding Orders Instituting Investigation I.19-06-014 and I.19-06-016.

This will be marked as Exhibit No. 4.

(Exhibit No. 4 was marked for identification.)

MR. SHER: Lastly, I would like to mark as an exhibit an email from Pejman Moshfegh. And it's P-E-J-M-A-N. Last name M-O-S-H-F-E-G-H. And it's -- the email address is pejman.moshfegh -- and again, that's p-e-j-m-a-n.m-o-s-h-f-e-g-h, @morganlewis.com, M-O-R-G-A-N L-E-W-I-S.com, sent on Monday, October 28th, 2019 at 10:25 p.m., and the subject is Meet and Confer Request Pursuant to Rule 11.3.

And this could be marked as Exhibit No. 5.

(Exhibit No. 5 was marked for identification.)

MR. SHER: Noting that SoCalGas is still not present, there is no purpose in continuing this deposition, and for that reason, this deposition is now closed.

Off the record.

(Whereupon, at the hour of 10:23 a.m., the Commission then adjourned.)