



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

FILED
12/06/19
04:59 PM

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).

I.19-06-016
(Filed June 27, 2019)

**DECLARATION OF PEJMAN MOSHFEGH IN SUPPORT OF THE REPLY OF
SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) TO THE SAFETY AND
ENFORCEMENT DIVISION'S RESPONSE TO SOUTHERN CALIFORNIA GAS
COMPANY'S MOTION TO QUASH SUBPOENA**

I, Pejman Moshfegh, declare that the following is true and correct to my best knowledge and belief:

1. I am an attorney licensed to practice law in the courts of the State of California and serve as outside counsel to the Southern California Gas Company ("SoCalGas") in this proceeding. All of the facts stated herein are within my personal knowledge and if called as a witness, I could and would testify competently thereto.

2. On June 26, 2019, pursuant to the California Public Records Act, Gov't Code § 6250 et seq., I submitted a set of 18 requests ("PRA Request") to the California Public Utilities Commission ("Commission") seeking, in part, documents and communications relating to the involvement of the Safety Enforcement Division's ("SED") former Program Manager with Blade Energy Partner's root cause investigation into the October 23, 2015 gas leak at Aliso Canyon. On November 1, 2019, I received a response from the Commission, which included a partial production in response to the PRA Request. A true and correct copy

of the Commission's November 1 submittal letter is attached to this declaration as

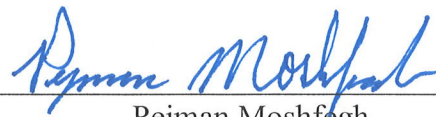
Exhibit 1.

3. The Commission's November 1 document production included approximately 360 records that reflect email communications between Blade and SED's former investigator.

4. On November 6, SoCalGas received SED's response to SoCalGas' first set of data requests. A true and correct copy of SED's response to SoCalGas' first set of data requests, dated November 5, 2019, is attached to this declaration as **Exhibit 2.**

5. On November 7, 2019 SoCalGas submitted to SED a set of email communications between Blade and SED's former Aliso Canyon investigator, which SoCalGas believes may warrant further discovery. A true and correct copy of SoCalGas' November 7 email transmittal to SED is attached to this declaration as **Exhibit 3.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed this 6 day of December, 2019 in San Francisco, California.



Pejman Moshfeq

EXHIBIT 1

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 1, 2019

VIA ELECTRONIC MAIL

Pejman Moshfegh
Morgan Lewis San Francisco
One Market, Spear St. Tower
San Francisco, CA 94105

pejman.moshfegh@morganlewis.com

**Re: Public Records Act Request regarding a copy of any documents that have been produced, or will be produced, by the California Public Utilities Commission (Commission) in response to CPRA Request Nos.: 17-29, 19-53, 19-321, 17-143, 18-99, 17-131, 17-215, 17-219, 17-254, etc.
CPUC Reference No.: PRA #19-331**

Dear Pejman Moshfegh:

On June 26, 2019, you asked the Commission to provide you a copy of the following:

“The following requests are made pursuant to the California Public Records Act (“CPRA”) Cal. Gov’t Code § 6250 *et seq.*, and relate to California Public Utilities Commission (“CPUC”) Program Manager Kenneth Bruno’s involvement in and oversight of Blade Energy Partner’s Root Cause Analysis Investigation of the gas leak that occurred at Aliso Canyon on October 23, 2015 (the “Aliso Canyon Incident”). Unless otherwise specified below, the timeframe for the requested documents is October 23, 2015 through present. As used below, the term “Written Communication” is defined to include, but is not limited to: emails, text messages, transcribed voicemail, and hard-copy correspondence.

1. Please produce any and all Written Communications between Mr. Bruno and any of the following law firms: Parris Law Firm, Panish Shea & Boyle, LLP, and Morgan & Morgan.

2. Please produce any and all Written Communications between Mr. Bruno and the law firms Parris Law Firm, Panish Shea & Boyle, LLP, and Morgan & Morgan, related the Root Cause Analysis Investigation of Blade Energy Partners into Aliso Canyon Incident.
3. Please produce any and all Written Communications between any agent, employee, supervisor, manager, director, or Commissioner of the CPUC, and any of the following law firms: Parris Law Firm, Panish Shea & Boyle, LLP, and Morgan & Morgan.
4. Please produce any and all phone records describing the dates and times that Mr. Bruno called, or received calls, from any of the following law firms: Parris Law Firm, Panish Shea & Boyle, LLP, and Morgan & Morgan.
5. Please produce any and all Written Communications between Mr. Bruno and Mr. Ravi Krishnamurthy, or any other individuals employed by Blade Energy Partners.
6. Please produce any and all phone records describing the dates and times that Mr. Bruno called, or received calls from Blade Energy Partners regarding the Aliso Canyon Root Cause investigation.
7. Please produce any and all Written Communications between Mr. Bruno and the Division of Oil, Gas, and Geothermal Resources (“DOGGR”) regarding the Aliso Canyon Incident.
8. Please produce any and all records or Written Communications between Mr. Bruno and any agent, employee, supervisor, manager, director, or Commissioner of the CPUC, related to Mr. Bruno’s role and involvement in the Aliso Canyon Incident Investigation.
9. Please produce any and all Written Communications between Mr. Bruno and any agent, employee, supervisor, manager, director, or Commissioner of the CPUC, related to Mr. Bruno’s complaint (Case No. 19STCV19104), which Mr. Bruno filed in Los Angeles Superior Court on June 3, 2019.
10. Please produce any and all Written Communications, attachments, or records related to the Aliso Canyon Incident that Mr. Bruno transmitted electronically from his @cpuc.ca.gov email account to any personal email account held by Mr. Bruno.
11. Please produce any and all records in Mr. Bruno’s personnel file related to the health condition detailed in his Complaint (Case No. 19STCV19104).

12. Please produce any and all records evidencing Mr. Bruno's travel arrangements to and from the Aliso Canyon Facility.
13. Please produce and all records evidencing Mr. Bruno's travel arrangements to and from Houston, Texas in connection with the Aliso Canyon Investigation.
14. Please produce any and all training materials, manuals, and policies related to any safety equipment, clothing, or special devices issued to CPUC personnel who visit, or conduct on-site investigations of utilities regulated by the CPUC.
15. Please produce any and all records evidencing that Mr. Bruno has been walled off from the CPUC's investigation of the Aliso Canyon Incident.
16. Please produce the litigation hold notice distributed to any CPUC personnel related to, and following the filing of Mr. Bruno's Complaint (Case No. 19STCV19104).
17. Please produce any and all Written Communications between CPUC agents, employees, supervisors, managers, directors, or Commissioners, and any third parties, elected officials or other governmental agency, regarding Aliso Canyon, the Aliso Canyon Incident, or the Root Cause Analysis Investigation of Blade Energy Partners into Aliso Canyon Incident.
18. Please produce all documents that have been produced, or will be produced, by the CPUC in response to CPRA Request Nos.: 17-29, 19-53, 19-321, 17-143, 18-99, 17-131, 17-215, 17-219, 17-254."

We did not locate any records responsive to items 1 or 2 of your request. For item 3, we have attached all responsive documents. For item 4, the Commission only keeps records going back two months, and we located no responsive records in that time frame. For item 5, we have attached most documents, but are still reviewing some for confidentiality. For item 6, we have no records. We have attached all records related to item 8 and 9. We found no records responsive to item 10. Records related to Item 11 are confidential employee health records. We have attached all records responsive to items 12, 13. Items 15 and 16 are confidential per the attorney client privilege.

We are still working on responses to items 5, 7, 14, 17, and 18.

Please refer to **PRA #19-331** in your communications with the Commission regarding the above-referenced matter.

Very truly yours,

/s/ GARRETT TOY
Garrett Toy
Staff Counsel

EXHIBIT 2

Proceeding Number I.19-06-016
SED Data Response to Southern California Gas Company Data Request 1
Date: 11/5/19

Disclaimer: SED reserves the right to update its data response if SED learns additional information after the date of this response.

DATA RESPONSE

1. Admit that SoCalGas' Storage Integrity Management Program, as proposed by SoCalGas in 2014, was not specifically required by any Commission decision, order, regulation or law.

SED objects to this question on the grounds that this calls for legal conclusion. SED objects in that this places an undue burden on SED to answer a question that SoCalGas can research itself and make its own determination. SED requested that SoCalGas withdraw this question in a meet and confer with SoCalGas on October 24, 2019 in that it requested SED to spend limited staff resources answering a question that SoCalGas could research itself. However, SoCalGas has not withdrawn this question.

a. If YOUR answer is not an unqualified admission, please identify all decisions, orders, regulations, or laws that mandated such a program.

SED incorporates its answer to question 1 by reference.

2. Admit that Boots & Coots, Inc. produced employees for an examination under oath at the Commission's headquarters in San Francisco in August 2018.

SED objects to this question in that it places an undue burden on SED to answer when SoCalGas already has the answer to it. SED requested that SoCalGas withdraw this question in a meet and confer on October 24, 2019 in that it requested SED to spend limited staff resources answering a question that SoCalGas already has the answer to. However, SoCalGas has not withdrawn this question.

3. Identify all COMMISSION PERSONNEL who were on site at ALISO CANYON during the INCIDENT.

SED objects to this question in that it places an undue burden on SED to answer when SoCalGas already has the answer to it. At a meet and confer on October 24, 2019, SED's counsel pointed out that he observed that SoCalGas had checkpoint at the entrance of the Aliso Canyon facility with a sign in sheet containing the name of each individual entering the facility and the date of entrance. SoCalGas did not refute that statement at the meet and confer, and has not denied it since then. During this meet and confer, SED requested that SoCalGas withdraw this question in that it requested SED to spend limited staff resources answering a question that SoCalGas already has the answer to. However, SoCalGas has not withdrawn this question.

SED also objects to the term “during the incident” as unduly burdensome. This would require SED to recall more than four years after the dates in question the exact date or dates they were present.

SED also objects to use of the term “all Commission personnel” as overly broad, and unduly burdensome. Except for those who are presently within SED advocacy in the instant proceeding, SED does not represent the Commission’s present and former, officers, employees, agents, individuals acting or purporting to act on its behalf, contractors, and/or consultants. SED also does not represent individuals who formerly were part of SED or its predecessors. Even if SED could represent any or all of those individuals, the undue burden of finding and talking to them to answer this question would distract the limited pool of SED staff from preparing testimony in this proceeding that is due on November 22nd. In this context, many of these individuals would be as accessible to SoCalGas as they would to SED. Further, to the extent that “officers” identified in this question include the Administrative Law Judges, Commissioners or advisors, this data request would have SED violate ex parte requirements to not communicate with decision makers about matters related to the instant proceeding.

a. For each individual identified, provide the dates each respective individual was on site.

SED incorporates its answer to question 3 by reference.

b. For each individual identified, describe what roles and responsibilities the individual had while on site.

SED incorporates its answer to question 3 by reference.

Notwithstanding these objections, SED can only answer for individuals who are part of SED advocacy. This answer is limited to only those individuals. With that qualification, the roles and responsibilities of each individual while on site was investigating the Aliso Canyon incident subject to SED’s investigatory authority over SoCalGas.

4. Identify the total amount of costs that YOU have incurred to date, broken out by year, related to YOUR investigation of the INCIDENT.

SED objects to this question as outside the scope of Phase 1 of this proceeding. SED further objects to this question as prematurely asking SED to analyze costs it has incurred to date, as costs are included in Phase 2 of the instant proceeding. Specifically, an August 23rd Scoping Memo and Ruling at page 9, sets up the schedule the scoping memo provides that, “The following issues will be considered in Phase 2: Issues 2, 5, 6, and 7.” As further defined in the Scoping Memo and Ruling at pages 4 and 5, the Commission has asked,

What are the accumulated amounts and the appropriate ratemaking treatment of costs incurred by Commission staff, SoCalGas, and other public utilities as a result of the Aliso Canyon gas leak? Such costs include, but are not necessarily limited to, the following:

- a. The costs incurred by SoCalGas to respond to, and stop, the gas leak.
- b. The costs incurred by Commission staff to investigate the incident.
- c. The costs of the Blade investigation, the Blade Report, and Blade's participation in this proceeding.
- d. The cost of Aliso Canyon storage inventory gas that was lost during the uncontrolled gas leak.
- e. The costs tracked by Southern California Edison Company's Aliso Canyon Energy Storage Balancing Account.
- f. The costs for public utility conservation programs, demand response programs, and energy storage programs that were implemented by public utilities as a result of the Aliso Canyon gas leak.

SED requested that SoCalGas be judicious in asking questions of limited SED staff in a meet and confer on October 24, 2019. SED views this question as an example of a question that is not judicious; wasting SED's limited staff time addressing a question that is clearly not within the scope of Phase 1. SED notes for the record that SoCalGas has not withdrawn this question.

5. Identify all instances in which YOU allege SoCalGas did not cooperate with SED's investigation.

SED objects to this question on the grounds that the answer is protected by attorney client privilege, and attorney work product privilege. This question prematurely requests information from SED that SED may address in testimony.

6. Identify all instances in which YOU allege SoCalGas did not cooperate with BLADE's Root Cause Analysis investigation.

SED objects to this question on the grounds that the answer is protected by attorney client privilege, and attorney work product privilege. This question prematurely requests information from SED that SED may address in testimony.

7. Describe YOUR role with respect to BLADE's investigation of the INCIDENT.

SED objects to this question on the grounds of relevance, being outside the scope of this proceeding, creating undue burden on SED, vagueness, and overbreadth. This question is not reasonably calculated to lead to evidence that addresses any of the issues called out in the scoping memo, pp. 4-5. Even if it did, this question would require SED to ask each and every one of its staff and managers this question at a time when its testimony is coming due in this proceeding (November 22nd, 2019), thereby placing an undue burden on the limited staff with the expertise and knowledge to produce testimony. SED further objects that this question is vague in that it does not specify which staff of SED to which this question is addressed. SED also objects that the question refers to SED in an overly broad manner, referring to all of SED or its predecessors. Such a request would require SED to ask not only all current staff in SED, including those that have nothing to do with the Aliso Canyon Order Instituting Investigation and Order to Show Cause, but SED "predecessors", many of whom contain staff who no longer work at the Commission.

8. Did YOU provide BLADE with any instruction or direction regarding the scope of BLADE's ROOT CAUSE ANALYSIS INVESTIGATION?

SED incorporates the answer to question 7 by reference here. SED adds that this question is unduly burdensome in that it is captured by SoCalGas Public Records Act Request #19-331, question 17, which asks, "Please produce any and all Written Communications between CPUC agents, employees, supervisors, managers, directors, or Commissioners, and any third parties, elected officials or other governmental agency, regarding Aliso Canyon, the Aliso Canyon Incident, or the Root Cause Analysis Investigation of Blade Energy Partners into Aliso Canyon Incident."

SED also adds that this question is unduly burdensome in the following fashion. When asked by SED, Data Request 41, Question 1:

"Has SoCalGas asked Blade to produce communications with Mr. Bruno pursuant to its contract with Blade? If so, which communications does SoCalGas contend influenced Blade/Blade Report? If so, which communication compromised the independence of Blade/Blade Report in any way?"

And SoCalGas responded in its response dated August 29, 2019,

"Yes, SoCalGas asked Blade Energy Partners Ltd. ("Blade") to produce communications involving Mr. Bruno pursuant to SoCalGas' contract with Blade. In response, Blade recently produced to SoCalGas 13,324 documents related to Blade's root cause analysis investigation into the SS-25 gas leak. These documents include 9,422 emails and 3,902 attachments. Mr. Bruno appears on 4,533 of these emails as either the sender or recipient. SoCalGas is currently in the process of evaluating these email communications."

SED requested that SoCalGas be judicious in asking questions of limited SED staff in a meet and confer on October 24, 2019. SED views this question as an example of a question that is not judicious; wasting SED's limited staff time addressing a question to which SoCalGas already has the means to answer. SED notes for the record that SoCalGas has not withdrawn this question.

9. If the answer to Data Request No. 8 is "Yes," identify all such instructions or directions.

SED incorporates the answer to questions 7 and 8 by reference here.

10. Identify all steps YOU took to manage the costs of the BLADE ROOT CAUSE ANALYSIS INVESTIGATION.

SED incorporates the answer to questions 4, 7 and 8 by reference here.

a. Identify all relevant facts necessary to support YOUR response.

SED incorporates the answer to question 4, 7 and 8 by reference here.

11. Did YOU direct, instruct, or authorize BLADE to draw any adverse inferences

concerning BLADE's ROOT CAUSE ANALYSIS INVESTIGATION?

SED incorporates the answer to questions 7 and 8 by reference here.

12. If YOUR response to Data Request No. 11 is "Yes," please describe the nature of the adverse inferences that YOU asked BLADE to draw with respect to the ROOT CAUSE ANALYSIS INVESTIGATION.

SED incorporates the answer to questions 7 and 8 by reference here.

13. Describe Kenneth Bruno's duties and responsibilities in connection with YOUR investigation of the INCIDENT.

SED incorporates the answer to question 7 by reference here.

14. Identify all SED personnel who communicated with BLADE regarding BLADE'S ROOT CAUSE ANALYSIS INVESTIGATION.

SED incorporates the answer to questions 7 and 8 by reference here.

15. Identify the date on which YOU were informed or became aware of Kenneth Bruno's PERSONAL INJURY CLAIM against SoCalGas.

SED incorporates the answer to question 7 by reference here.

16. Identify all actions taken by the Commission with respect to Kenneth Bruno's involvement in investigations related to the INCIDENT after SED became aware of Mr. Bruno's PERSONAL INJURY CLAIM against SoCalGas.

SED incorporates the answer to question 7 by reference here. SED further objects to this question on the grounds that it asks SED to speak to actions taken by the Commission. This question is directly to the advocacy arm of SED, a party to I.19-06-019. SED's advocacy arm in I.19-06-019 does not and cannot represent or speak for the Commission in any way.

17. Identify all actions taken by the Commission with respect to Kenneth Bruno's involvement in investigations related to the INCIDENT after the Commission became aware of Mr. Bruno's PERSONAL INJURY CLAIM against SoCalGas.

SED incorporates the answer to questions 7 and 16 by reference here.

18. At the prehearing conference on August 30, 2019, counsel to SED stated that: "Through the past three years of the investigation SED has come across issues of failure to adequately keep records at the Aliso facility and specifically with regard to SS-25." Identify all instances in which YOU allege SoCalGas failed to "adequately keep records" for SS-25.

SED objects to this question on the grounds that the answer is protected by attorney client privilege, and attorney work product privilege. This question prematurely requests information from SED that SED may address in testimony.

19. Produce all COMMUNICATIONS between YOU and Parris Law Firm related to the INCIDENT.

SED incorporates the answer to question 7 by reference here. SED adds the objection that this request is unduly burdensome. SoCalGas has already asked a question that would capture the scope of this one in its entirety of the Commission via Public Records Act Request #19-331, question 3, which says, "Please produce any and all Written Communications between any agent, employee, supervisor, manager, director, or Commissioner of the CPUC, and any of the following law firms: Parries Law Firm, Panish Shea & Boyle, LLP, and Morgan and Morgan."

20. Produce all COMMUNICATIONS between YOU and Panish Shea & Boyle, LLP related to the INCIDENT.

SED incorporates the answer to questions 7 and 19 by reference here.

21. Produce all COMMUNICATIONS between YOU and Morgan & Morgan related to the INCIDENT.

SED incorporates the answer to questions 7 and 19 by reference here.

22. Produce all COMMUNICATIONS between YOU and HALLIBURTON COMPANY related to the INCIDENT.

SED incorporates the answer to question 7 by reference here.

23. Produce all COMMUNICATIONS between YOU and BLADE.

SED incorporates the answer to questions 7 and 8 by reference here.

24. Produce timesheets for all COMMISSION PERSONNEL for all time recorded in connection with the INCIDENT.

SED incorporates its answer to question 4 by referenced here.

EXHIBIT 3

From: Healy, Gregory <GHealy@socalgas.com>
Sent: Thursday, November 7, 2019 6:59 PM
To: 'Sher, Nicholas'; Gruen, Darryl; Gekker, Elena; Norman Pedersen; Katy Morsony; VidhyaPrabhakaran@dwt.com
Cc: Patel, Avisha A
Subject: I.19-06-016 - SoCalGas Supplemental Response to Safety and Enforcement Division Data Request: DR-41
Attachments: I1906016 SED DR 41 Supplemental 110719.pdf; I1906016_SCG_SED_DR_41.zip

[EXTERNAL EMAIL]

Parties to I.19-06-016:

Pursuant to the September 26, 2019 Assigned Commissioner's Scoping Memo and Ruling, attached please find Southern California Gas Company's supplemental response to the August 21, 2019 dated data request of the CPUC- Safety and Enforcement Division in I.19-06-016.

Please let me know if you have any questions. Thanks.

Gregory Healy

Regulatory Business Manager
Regulatory Affairs - Special Projects
Southern California Gas Company
PH: (213) 244-3314
ghealy@socalgas.com