

**DECLARATION OF
ELLIOTT S. HENRY**

DECLARATION OF ELLIOTT S. HENRY

I, Elliott S. Henry, declare and state as follows:

1. I am a Senior Counsel in the Regulatory Group for the Southern California Gas Company (SoCalGas). My responsibilities in this position include handling legal aspects of regulatory proceedings and providing legal advice to SoCalGas employees. I have been employed at SoCalGas for almost three years.

2. I have personal knowledge of the facts set forth in this declaration, except as to those matters that are stated on belief or understanding, and as to those matters I believe them to be true. If called as a witness, I could and would testify competently as to the following:

3. On May 6, 2020, SoCalGas and the Public Advocates Office (Cal Advocates) held a meet and confer concerning the Subpoena to Produce Access to Company Accounting Databases served on May 5, 2020 (the "Subpoena"). During that meet and confer, counsel for Cal Advocates stated that SoCalGas should make its SAP database (its accounting system) available online as quickly as possible, and requested whether onsite access could be provided in San Francisco, which is subject to its own safer-at-home ordinance generally requiring non-essential employees to work from home.

4. On May 13, 2020, SoCalGas and Cal Advocates held an additional meet and confer concerning the Subpoena. During that meet and confer, counsel for Cal Advocates insisted on getting some level of access "pronto," that the need to prevent Cal Advocates from accessing protected material was the company's "problem," and that the company needed to "fix" the issue permanently and quickly.

5. On March 25, 2020, SoCalGas filed an Emergency Motion for a Protective Order Staying All Pending and Future Data Requests from the California Public Advocates Office Served Outside of Any Proceeding (Relating to the Building Decarbonization Matter), and Any Motions and Meet and Confers Related Thereto, During California Government COVID-19 Emergency "Safer at Home" Orders (Emergency Motion). That motion explained how the pending COVID-19 emergency has caused key employees involved in SoCalGas's response to

Cal Advocates' discovery requests to be busy leading significant parts of SoCalGas's relief efforts that are critical to the public, or are juggling work responsibilities while providing childcare assistance due to school and day care closures.

6. Johnny Q. Tran, a Senior Counsel – Regulatory for SoCalGas, submitted a declaration in support of the March 24, 2020 Emergency Motion Emergency Motion). (A true and correct copy of the declaration is included as Attachment B to the accompanying Motion to Supplement (Motion to Supplement).) Mr. Tran explains in his declaration the challenges he was facing in the current pandemic and how his ability to work is limited because of those challenges. Other SoCalGas Employees involved in responding to Cal Advocates' data requests have also been assigned key roles in SoCalGas's COVID-19 relief efforts or are managing childcare and other personal duties. Four of them submitted declarations, two of which are attached to the Motion to Supplement as Attachments C (Declaration of Andy Carrasco in Support of Emergency Motion) and D (Declaration of Shawane Lee in Support of Emergency Motion).

7. As shown by the Declarations of Mr. Tran and Ms. Lee and the exhibits thereto, Cal Advocates has been generally dismissive of the impacts the COVID-19 pandemic has had on SoCalGas's ability to timely respond to Cal Advocates plethora of discovery requests. Ms. Bone has also asked why SoCalGas could not provide onsite access to SoCalGas's SAP system, despite the fact that the State of California, as well as the County and City of Los Angeles, have put in place Safer at Home Orders generally requiring all residents of the State of California to remain at home as much as possible and to avoid non-essential travel.

8. On May 20, 2020, Traci Bone, counsel for Cal Advocates, sent an email to me, informing SoCalGas that if it does not provide Cal Advocates with full remote access to its accounts and records by this Friday, May 22, Cal Advocates will, among other things, seek sanctions against SoCalGas. (A true and correct copy of this email is attached as Exhibit A.)

9. On May 15, 2020, SoCalGas served its objections and responses to Data Request No. CalAdvocates-TB-SCG-2020-02 outside of a proceeding. (A true and correct copy of the data request objections and responses is attached as Exhibit B.)

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

Executed on May 20, 2020.



Elliott S. Henry
Senior Counsel
Southern California Gas Company

EXHIBIT A

Henry, Elliott S

From: Bone, Traci <traci.bone@cpuc.ca.gov>
Sent: Wednesday, May 20, 2020 1:15 PM
To: Henry, Elliott S; DeAngelis, Regina
Cc: Carman, Teresa A; Simon, Anne; Ward, Alec; Castello, Stephen; Sierzant, Corinne M; Tran, Johnny Q; Prusnek, Brian C; jwilson@willenken.com; Farrar, Darwin; Serizawa, Linda; Campbell, Michael; Hovsepian, Melissa A
Subject: [EXTERNAL] RE: SoCalGas (U 904 G) Motion to Quash and Motion to File Under Seal

*** EXTERNAL EMAIL - Be cautious of attachments, web links, and requests for information ***

Elliott:

Cal Advocates requests that pursuant to the subpoena issued by the Commission's Executive Director and served May 5, 2020, SoCalGas provide Cal Advocates with full read-only remote access to its accounts and records – including access to all attachments in its accounting system – no later than this Friday, May 22, 2020. Absent SoCalGas providing such access, Cal Advocates will, among other things, move for sanctions against SoCalGas for violation of the subpoena.

In addition, SoCalGas' refusal to provide the confidential versions of the declarations provided to support its motions served May 19, 2020 is unacceptable. Confidential versions of all documents should immediately be provided to all Commission staff who were previously served, including Cal Advocates staff. Absent such information, Cal Advocates, for one, will be prejudiced in its ability to respond.

Traci Bone, Attorney
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From: Henry, Elliott S <EHenry@socalgas.com>
Sent: Wednesday, May 20, 2020 10:45 AM
To: Bone, Traci <traci.bone@cpuc.ca.gov>; DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>
Cc: Carman, Teresa A <TCarman@socalgas.com>; Batjer, Marybel <Marybel.Batjer@cpuc.ca.gov>; Simon, Anne <anne.simon@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>; jwilson@willenken.com; Farrar, Darwin <darwin.farrar@cpuc.ca.gov>; Serizawa, Linda <linda.serizawa@cpuc.ca.gov>; Campbell, Michael <Michael.Campbell@cpuc.ca.gov>; DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>; Randolph, Liane <Liane.Randolph@cpuc.ca.gov>; Guzman Aceves, Martha <Martha.GuzmanAceves@cpuc.ca.gov>; Rechtschaffen, Cliff <Cliff.Rechtschaffen@cpuc.ca.gov>; Shiroma, Genevieve <Genevieve.Shiroma@cpuc.ca.gov>; Hovsepian, Melissa A <MHovsepian@socalgas.com>
Subject: RE: SoCalGas (U 904 G) Motion to Quash and Motion to File Under Seal

ALJ DeAngelis,

We would initially note that litigation and argument via email is improper and inadequate. Any legal arguments Cal Advocates wishes to make should be raised in a responsive brief. In the interest of at least briefly addressing Ms. Bone's comments, we request that you please consider the following.

Because Cal Advocates has chosen to act outside of any proceeding, there are no clear procedural rules, which is why SoCalGas is seeking leave to file *two* motions so that it can preserve fundamental attorney-client and attorney work product privileges and First Amendment rights. As you are aware, the non-proceeding procedures for the CPUC are largely undefined, but we have consulted Chief ALJ Simon's instructions dated October 29, 2019 for this non-proceeding. If Your Honor deems this the inappropriate procedure for resolution of such matter, we appreciate your guidance in clarifying the procedural path to preserve our rights as appropriate. The motion has already been tendered and states that "SoCalGas has no recourse but to seek the Commission's intervention" (p.4 of Motion to Quash), which does not specify who should ultimately rule on it from the Commission. The second motion to supplement the record for the December 2 appeal and request an expedited ruling if the first motion is not granted is explicitly addressed to the full Commission. Either of these motions can be readily provided to the appropriate decisionmakers (the full Commission is included on the service list).

With respect to whether your Honor has authority to rule on the motion to quash itself, as mentioned above, Commission President Batjer referred this matter to Chief ALJ Simon who designated your Honor to handle this matter going forward. Thus, beyond seeking leave to file from your Honor for purposes of submission to the Docket Office, you have authority to rule on these matters through that authority conferred on you. Furthermore, the propriety of a motion in these circumstances is, coincidentally, supported by comments Ms. Bone has made several times in meet and confers. Ms. Bone has stated more than once that if SoCalGas would not provide access in the manner Cal Advocates wanted, then Cal Advocates would file a motion to compel (which is discussed in the motion served yesterday). If a motion to compel could be brought to your Honor, then surely a motion to modify or interpret a subpoena must also be appropriate for your consideration – because the power to deny a motion to compel for a subpoena is tantamount to the power to modify or quash a subpoena.

As for the claim that the motion is untimely, as an initial matter, SoCalGas not only raised the issues in the motion in a meet and confer by even the initial deadline for the subpoena, but SoCalGas also timely made these objections in response to the companion data request sent for the subpoena. Moreover, Cal Advocates again cites no authority to support its contention that where compliance with a subpoena is extended all potential objections are implicitly waived. Nor did Cal Advocates provide any such instruction to SoCalGas. Such a rule would certainly be problematic, would force premature and unnecessary motions to quash, and discourage the informal resolution of disputes. Perhaps more importantly, Cal Advocates never stated that SoCalGas had to waive its right to quash in exchange for additional time to comply.

The issues raised in the motion are serious. They concern fundamental rights concerning attorney client privileges and protections afforded by the First Amendment. SoCalGas requests that the motion (and the companion motion being to be filed) be considered and ruled on.

Thank you for your consideration.

Ms. Bone,

With respect to the confidential versions of the documents, as noted in our email to Judge DeAngelis yesterday which you were copied on, we will tender a confidential hard copy for filing within a week. As shown by what is discussed in the brief, because the confidential information in the declarations overlaps with information we are requesting not to disclose to Cal Advocates in response to the Subpoena, the confidential versions will not be provided to Cal Advocates.

If you have further questions of this nature, please feel free to contact me directly instead of the entire service list.

Respectfully,
Elliott Henry

Elliott S. Henry
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From: Bone, Traci <traci.bone@cpuc.ca.gov>
Sent: Tuesday, May 19, 2020 6:22 PM
To: DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>
Cc: Hovsepian, Melissa A <MHovsepian@socalgas.com>; Carman, Teresa A <TCarman@socalgas.com>; Batjer, Marybel <Marybel.Batjer@cpuc.ca.gov>; Simon, Anne <anne.simon@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>; jwilson@willenken.com; Farrar, Darwin <darwin.farrar@cpuc.ca.gov>; Serizawa, Linda <linda.serizawa@cpuc.ca.gov>; Campbell, Michael <Michael.Campbell@cpuc.ca.gov>; DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>; Randolph, Liane <Liane.Randolph@cpuc.ca.gov>; Guzman Aceves, Martha <Martha.GuzmanAceves@cpuc.ca.gov>; Rechtschaffen, Cliff <Cliff.Rechtschaffen@cpuc.ca.gov>; Shiroma, Genevieve <Genevieve.Shiroma@cpuc.ca.gov>
Subject: [EXTERNAL] RE: SoCalGas (U 904 G) Motion to Quash and Motion to File Under Seal

*** EXTERNAL EMAIL - Be cautious of attachments, web links, and requests for information ***

Judge DeAngelis:

Southern California Gas Company's (SoCalGas') motion to partially quash and for extension provided in the email below is in response to a subpoena signed by the Executive Director on May 4, 2020 and issued May 5, 2020, requiring SoCalGas to provide remote or onsite access to all of its accounts no later than May 8, 2020. A copy of that subpoena is attached hereto. Rather than address the numerous and significant misrepresentations made by SoCalGas in its motion, this email serves to draw your attention to two significant legal issues that warrant consideration and argue against any ruling being issued.

Because the subpoena is an order of the Commission issued pursuant to the Executive Director's statutory authority, it is not clear, and SoCalGas has made no attempt to establish, that the Administrative Law Judge Division has the authority to either quash the subpoena or grant an extension of the subpoena. This significant legal question does not address the equally important policy question of whether the Administrative Law Division should act in contravention of an Executive Director's order. In addition, any SoCalGas objections to

the subpoena must be deemed waived as untimely. SoCalGas should have raised any such objections prior to the date it was required to perform under the subpoena, which was more than ten days ago. While the Public Advocates Office (Cal Advocates) has agreed to several extensions that SoCalGas requested in order to comply with the subpoena, at no point did Cal Advocates agree to extend the time for SoCalGas to raise substantive objections to the subpoena. At this point, any ruling on SoCalGas' instant motion would serve only to encourage non-compliance with Commission orders and revitalize the right to appeal the subpoena which SoCalGas has otherwise already waived.

For these reasons, Cal Advocates proposes that you reserve action on the SoCalGas motion. Cal Advocates will inform SoCalGas that it must comply with the Commission's subpoena and make unrestricted remote read-only access fully available no later than this Friday, May 22, 2020. Should SoCalGas fail to do so, Cal Advocates will file a request for penalties and sanctions against SoCalGas shortly thereafter.

Traci Bone, Attorney
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From: Carman, Teresa A <TCarman@socalgas.com>

Sent: Tuesday, May 19, 2020 5:00 PM

To: Batjer, Marybel <Marybel.Batjer@cpuc.ca.gov>; Simon, Anne <anne.simon@cpuc.ca.gov>; Bone, Traci <traci.bone@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>; jwilson@willenken.com; Farrar, Darwin <darwin.farrar@cpuc.ca.gov>; Serizawa, Linda <linda.serizawa@cpuc.ca.gov>; Campbell, Michael <Michael.Campbell@cpuc.ca.gov>; DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>; Randolph, Liane <Liane.Randolph@cpuc.ca.gov>; Guzman Aceves, Martha <Martha.GuzmanAceves@cpuc.ca.gov>; Rechtschaffen, Cliff <Cliff.Rechtschaffen@cpuc.ca.gov>; Shiroma, Genevieve <Genevieve.Shiroma@cpuc.ca.gov>

Cc: Hovsepian, Melissa A <MHovsepian@socalgas.com>

Subject: SoCalGas (U 904 G) Motion to Quash and Motion to File Under Seal

Judge DeAngelis,

Pursuant to my email to you earlier today requesting approval to file a Motion to Quash in Part / Motion to Stay Cal Advocates' May 5 subpoena (Subpoena), Southern California Gas Company (SoCalGas) is tendering the attached Motion (with several attachments and accompanying Motion To File Under Seal) for service to the service list today. As noted in my prior email, Chief ALJ Simon's instructions related to the DISCOVERY DISPUTE BETWEEN THE PUBLIC ADVOCATES OFFICE AND SOUTHERN CALIFORNIA GAS COMPANY, OCTOBER 7, 2019 (NOT IN A PROCEEDING) instructed to request such leave to file. The Subpoena at issue compels SoCalGas to provide unrestricted remote access to SoCalGas's financial database which includes information covered by SoCalGas' Motion for Reconsideration/Appeal (Appeal) filed on December 2, 2019. Based on meet and confers with Cal Advocates, the deadline for SoCalGas to comply with the Cal Advocates subpoena is today. To meet this unprecedented request, SoCalGas has explained that it needs until May 29 to create a custom program that will give access to all of the database other than materials protected by attorney client and attorney work product privileges, as well as materials implicating the same First Amendment issues currently on Appeal related to the October 2019 discovery dispute. Overall, Cal Advocates has indicated that

it is unwilling to agree to these limitations, and is prepared to file a motion to compel (in particular with respect to protecting the issues on Appeal). Because SoCalGas currently must comply by today or potentially be in violation of the subpoena, and because of Cal Advocates' position, SoCalGas must seek relief to preserve its rights.

As indicated in my earlier email today, we are also requesting permission to file a motion to supplement the record for the Appeal that is still pending before the Commission based on the overlapping legal and factual issues that have arisen since the briefing was completed.

This transmission is being sent in several parts. This is part 1.

The service list has been updated to reflect current counsel for Cal Advocates and SoCalGas.

Terri Carman
Senior Legal Administrative Associate
Southern California Gas Company / Law Department
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EXHIBIT B

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
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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)
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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)

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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

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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.

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

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DATE RECEIVED: May 1, 2020
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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

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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.

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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.

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DATE RECEIVED: May 1, 2020
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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.

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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.

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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.

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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.