

**BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF CALIFORNIA
DECLARATION OF SHARON TOMKINS
REGARDING CONFIDENTIALITY OF CERTAIN DATA**

I, Sharon Tomkins, do declare as follows:

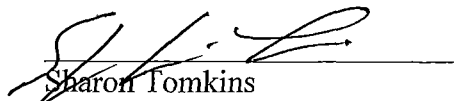
1. I am Sharon Tomkins, Vice President for Strategy and Engagement, and Chief Environmental Officer for Southern California Gas Company (“SoCalGas”). I have directed the review of the response “DR-10 SoCalGas Response,” and provided guidance on how to mark the documents for confidentiality purpose.” In addition, I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or information and belief.

2. I hereby provide this Declaration in accordance with Decision (“D.”) 17-09-023 and General Order (“GO”) 66-D to demonstrate that the confidential information (“Protected Information”) provided in the Response submitted concurrently herewith and as described in specificity in Attachment A is within the scope of data protected as confidential under applicable statutory provisions including, but not limited to, Public Utilities Code (“PUC”) § 583, Govt. Code § 6254(k) and/or GO 66-D.

3. In accordance with the statutory provisions described herein, the Protected Information should be protected from public disclosure.

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

Executed this January 13, 2020, at Los Angeles, California.



Sharon Tomkins
Vice President, Strategy and Engagement
Chief Environmental Officer

ATTACHMENT A

Confidentiality Justification for Protected Information as Provided in the Response

(Confidential Protected Information provided in the documents in response to this data request have been highlighted)

Location of Data	Description of Data	Legal Citations	Narrative Justification
Highlighted information in response to DR-10.	<p>SoCalGas' employee names and salary and expense information and third-party names.</p> <p>Consultant, pricing information</p>	<p>CPRA Exemption, Gov't Code § 6254(c) ("disclosure of which would constitute an unwarranted invasion of personal privacy")</p> <p><i>Britt v. Superior Court</i>, 20 Cal. 3d 844, 855-856 (1978) (even highly relevant information may be shielded from discovery if its disclosure would impair a person's inalienable right of privacy provided by the California Constitution).</p> <p>CPRA Exemption, Gov't Code § 6255(a) (Balancing Test)</p> <p>CPRA Exemption, Gov't Code § 6254(k) ("Records, the disclosure of which is exempted or prohibited pursuant to federal or state law")</p> <ul style="list-style-type: none"> • See, e.g., D.11-01-036, 2011 WL 660568 (2011) 	<p>Disclosing employee names in conjunction with other identifying information such as e-mail addresses, home addresses and telephone numbers could pose a risk to employee safety. Additionally, disclosure of such information increases the risks of cyber attacks, incessant robo-calls, targeted calls, and malicious emails. These risks are further increased where, as here, there is a history of employee names and contact information being shared with the public and/or media. The same justification is applicable to third-party names and contact information.</p> <p>Based on input received by third party, and based on SoCalGas's concurring position, the produced documents are proprietary and represent and contain proprietary, commercially sensitive, trade secrets, and content not intended for public disclosure. Third party conducts efforts which involve communications and work product</p>

		<p>(agreeing that confidential prices and contract terms specifically negotiated with a program vendor is proprietary and commercially sensitive and should remain confidential)</p> <ul style="list-style-type: none"> • Valley Bank of Nev. v. Superior Court, 15 Cal.3d 652, 658 (1975) (financial information is protected – especially of non-parties) • Cal. Evid. Code § 1060 • Cal. Civil Code §§ 3426 <i>et seq.</i> (relating to trade secrets) • <i>TMX Funding Inc. v. Impero Technologies, Inc.</i>, 2010 WL 2745484 at *4 (N.D. Cal. 2010) (defining trade secret in an injunction to include “business plans and strategies”) • <i>Morton v. Rank America, Inc.</i>, 812 F. Supp. 1062, 1073 (1993) (denying motion to dismiss because “actual or probable 	<p>which is intended only for access by designated members. Public disclosure would pose potential negative impacts and/or harm to third party.</p> <p>Also, the produced documents are proprietary to SoCalGas and represent and contain proprietary, commercially sensitive, trade secrets, and content not intended for public disclosure. Public disclosure of the commercially sensitive information would put SoCalGas at a competitive disadvantage because it would give other vendors/service providers insight into SoCalGas’ negotiating positions. SoCalGas conducts efforts which involve communications and work product which is intended only for access by designated employees. Public disclosure would pose potential negative impacts and/or harm to SoCalGas’ ratepayers and/or shareholders.</p>
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		<p>income, expenses and capital needs of [a company], the financial, operational, marketing and other business strategies and methods” could constitute trade secret)</p> <ul style="list-style-type: none">• 5 U.S.C. § 552(b)(4) (Exemption 4 of FOIA protecting “trade secrets and commercial or financial information obtained from a person and privileged or confidential”).	
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