

October 21, 2022

Client: 86020-01103

VIA TRUEFILING


Justices Rothchild, Chaney, and Bendix
California Court of Appeal
Second Appellate District, Division One
Ronald Reagan State Building
300 S. Spring Street, 2nd Floor, North Tower
Los Angeles, CA 90013

Re: *Southern California Gas Co. v. Public Utilities Commission*,
Case No. B310811: Proposed Order

Dear Justices:

As discussed with and requested by the Court at oral argument on October 19, 2022, undersigned counsel has met and conferred with Ms. Pratt, counsel for Respondent Commission. The parties could not agree on the text of one proposed order. Therefore, Petitioner Southern California Gas Company's proposed order is attached hereto as Attachment A and the Commission's proposed order is attached hereto as Attachment B.

Respectfully,



Julian W. Poon

Cc: All Counsel of Record

Document received by the CA 2nd District Court of Appeal.

ATTACHMENT A

PROPOSED ORDER

1. The Court hereby **VACATES and ANNULS** Respondent Public Utilities Commission (“Commission”)’s December 21, 2020 Resolution ALJ-391 [App. 1466–1503],¹ as modified by the March 2, 2021 Order Modifying Resolution ALJ-391 and, as Modified, Denying Rehearing of Resolution ALJ-391 (Decision 21-03-001) [App. 1843–1874].
2. The Court hereby **GRANTS** Southern California Gas Company’s March 8, 2021 Application for Leave to File Under Seal Volumes 9–10 of the Exhibits to the Petition for Writ of Review.
3. The Court hereby **INSTRUCTS** the Commission, on remand, to **GRANT** Petitioner Southern California Gas Company’s December 2, 2019 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) [App. 313–346], with further instructions to the Commission to withhold from the Public Advocates Office, any member of its staff, and anyone working with the Public Advocates Office or its staff, the sealed, unredacted form of the declarations attached to that Motion [App. 2006–2015].
4. The Court hereby **INSTRUCTS** the Commission, on remand, to **GRANT** Southern California Gas Company’s (U 904 G) May 22, 2020 Motion to Quash

¹ Citations of the Petitioner’s Appendix (“App.”), which comprise part of the certified administrative record in these proceedings, are provided for ease of reference.

Portion of the Subpoena to Produce Access to Certain Materials in Accounting Databases and to Stay Compliance Until the May 29th Completion of Software Solution to Exclude Those Protected Materials in the Databases (Not in a Proceeding) [App. 578–606].

5. The Court hereby **INSTRUCTS** the Commission, on remand, to **STRIKE** the Public Advocates Office’s June 23, 2020 Motion to Find Southern California Gas Company in Contempt of This Commission in Violation of Commission Rule 1.1 for Failure to Comply With a Commission Subpoena Issued May 5, 2020, and Fined for Those Violations From the Effective Date of the Subpoena [App. 904–933], as well as the Public Advocates Office’s July 9, 2020 Motion to Compel Confidential Declarations Submitted in Support of Southern California Gas Company’s December 2, 2019 Motion for Reconsideration of First Amendment Association Issues and Request for Monetary Fines for the Utility’s Intentional Withholding of This Information [App. 1107–1123].

6. The Court hereby **ORDERS** that the Commission and Public Advocates Office shall henceforth conform its actions and proceed any further (if at all) in the “non-proceedings” below, referenced in Resolution ALJ-391, in a manner consistent with the foregoing opinion of this Court, including but not limited to all the guarantees afforded by the First Amendment, the Due Process Clause, and other provisions of the United States and California Constitutions.

7. Petitioner Southern California Gas Company shall recover their costs pursuant to Rule 8.493 of the Rules of Court.

ATTACHMENT B

PROPOSED ORDER

Pursuant to Public Utilities Code section 1758(a), the Court sets aside Commission Resolution ALJ-391 with respect to the data sought by the Commission for which petitioner asserts its First Amendment right of association. As to that data, the Court remands the matter to the Commission for consideration in light of the United States Supreme Court decision in *Americans for Prosperity Foundation v. Bonta* (2021) 141 S.Ct. 2373, and the opinion of this Court. Resolution ALJ-391 is affirmed in all other respects.

PROOF OF SERVICE

I, David Lam, declare as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, CA 90071-3197, in said County and State. On October 21, 2022, I served the following document(s):

SOUTHERN CALIFORNIA GAS COMPANY’S LETTER REGARDING PROPOSED ORDER


on the parties stated below, by the following means of service:

<p>California Public Utilities Commission</p> <p>Christine Jun Hammond General Counsel cjh@cpuc.ca.gov</p> <p>Dale Holzschuh dale.holzschuh@cpuc.ca.gov</p> <p>Carrie G. Pratt carrie.pratt@cpuc.ca.gov</p> <p>Edward Moldavsky edm@cpuc.ca.gov</p> <p>505 Van Ness Avenue San Francisco, CA 94102 Telephone: (415) 703-2742 Facsimile: (415) 703-2262</p>	<p>California Advocates</p> <p>Matt Baker Director 505 Van Ness Avenue, San Francisco, CA 94102 415-703-2381 matt.baker@cpuc.ca.gov</p> <p>Darwin Farrar Chief Counsel 505 Van Ness Avenue, San Francisco, CA 94102 415-703-1599 darwin.farrar@cpuc.ca.gov</p> <p>Traci Bone Counsel 505 Van Ness Avenue, San Francisco, CA 94102 415-703-2048 traci.bone@cpuc.ca.gov</p>
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BY ELECTRONIC SERVICE THROUGH TRUEFILING: I caused the documents to be electronically served through TrueFiling.

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

Executed on October 21, 2022.



David Lam