

**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 5, 2020, SoCalGas was served with a Subpoena to Produce Access to Company Accounting Databases dated May 4, 2020, signed by Alice Stebbins, Executive Director of the California Public Utilities Commission (the "Subpoena"). (A true and correct copy of the Subpoena is attached as Exhibit A.)

4. On April 6, 2020, Administrative Law Judge Regina M. DeAngelis issued a decision concerning SoCalGas's Emergency Motion to File Under Seal and Motion for a Protective Order (Not in a Proceeding). (A true and correct copy of this ruling is attached as Exhibit B.)

5. On May 1, 2020, the Public Advocates Office (Cal Advocates) served SoCalGas with Data Request No. CalAdvocates-TB-SCG-2020-03 outside of a proceeding. (A true and correct copy of the data request is attached as Exhibit C.)

6. On May 5, 2020, Traci Bone, counsel for Cal Advocates, transmitted the Subpoena to SoCalGas via email. (A true and correct copy of the email is attached as Exhibit D.)

7. On May 6, 2020, SoCalGas and Cal Advocates held a meet and confer conference call concerning the Subpoena and the May 1 data request. Jason Wilson, counsel for SoCalGas in relation to this matter, sent a letter dated May 8, 2020 to Traci Bone, counsel for Cal Advocates, summarizing this call. (A true and correct copy of the letter is attached as Exhibit E.)

8. On May 8, 2020 at 9:45 AM, Traci Bone sent an email to me, copying two Cal Advocates staff members and several members of SoCalGas's legal team concerning this matter. (A true and correct copy of the email is attached as Exhibit F.)

9. On May 8, 2020, SoCalGas and Cal Advocates held a second meet and confer conference call concerning the Subpoena. Jason Wilson, counsel for SoCalGas in relation to this matter, sent a letter to Traci Bone dated May 11, 2020 summarizing this call. (A true and correct copy of the letter is attached as Exhibit G.) This call and the subsequent email (*see below*) prompted concerns about information protected from disclosure under the attorney-client privilege, the attorney work-product privilege, and the First Amendment that would be accessible in SAP. CalPA indicated on this call that it agreed that it should not have access to attorney-client privileged information.

10. Later on May 8, 2020, Traci Bone, counsel for Cal Advocates, sent an email to me, copying two Cal Advocates staff members and several members of SoCalGas's legal team concerning this matter, following up on the May 8 meet and confer. (A true and correct copy of the email is attached as Exhibit H.) It is my understanding that the SAP system contains information concerning approximately 71 law firms that have provided legal services to SoCalGas.

11. During the May 8 conference call, counsel for SoCalGas explained to Cal Advocates' counsel and others from Cal Advocates that the unrestricted access to SAP sought by Cal Advocates through the Subpoena exceeded the scope of access previously provided to Cal Advocates as a part of the standard General Rate Case process. To my knowledge, that level of access had never been granted before to the CPUC. Later, I sent Ms. Bone an email further explaining that the one instance where SoCalGas provided external access to SAP was to a hired contractor, and so the privilege and First Amendment issues raised by Cal Advocates' request were not present then. (A true and correct copy of my email is attached as Exhibit I.)

12. On May 13, 2020, SoCalGas and Cal Advocates held a third meet and confer conference call concerning the Subpoena. Jason Wilson, counsel for SoCalGas in relation to this

matter, sent a letter to Traci Bone dated May 18, 2020 summarizing this call. (A true and correct copy of the letter is attached as Exhibit J.)

13. On May 18, 2020, SoCalGas and Cal Advocates held a fourth meet and confer conference call concerning the Subpoena. I was present for this meet and confer. During the call, counsel for SoCalGas requested that the compliance deadline for the Subpoena be extended until May 29, 2020, so that SoCalGas could implement a custom-built software solution necessary to provide Cal Advocates with access to the SAP system in a manner that did not permit it access to SoCalGas's material protected under the attorney-client privilege, the attorney work-product doctrine, and the First Amendment. Counsel for Cal Advocates did not agree to this request, and instead suggested that SoCalGas provide its staff with real-time access to the database no later than the following day. Cal Advocates further explained that in its view SoCalGas's failure to provide remote access by that date would cause SoCalGas to be in violation of the Subpoena, and that it would recommend filing "some sort of motion" to obtain access as soon as possible. Counsel for Cal Advocates also stated that the parties were at an impasse regarding the confidentiality of the 100% shareholder-funded information, and that the dispute would be resolved only via motion practice. Cal Advocates also refused under any circumstances to await resolution of SoCalGas's pending appeal to the full Commission regarding whether Cal Advocates can lawfully obtain SoCalGas's First Amendment-protected material. Although Cal Advocates' counsel mentioned discussing the deadline with her client and told SoCalGas to continue with creating a program, Cal Advocates has not granted an extension to the Subpoena deadline as of the filing of this Motion and has not indicated that Cal Advocates is no longer seeking immediate access to information subject to the Appeal. Because today is the last day to comply and there is a clear impasse on certain issues, SoCalGas is filing the Motion. Later that same day, SoCalGas produced fixed copies of two years of SAP data (2016-2017) for accounts specifically identified by Cal Advocates.

14. On October 7, 2019, Cal Advocates moved to compel production of certain 100% shareholder-funded contracts associated with a SoCalGas account termed the BALANCED

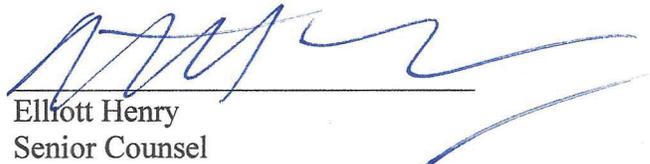
ENERGY IO. On October 17, 2019, SoCalGas filed its Response of SoCalGas Pursuant to October 7, 2019 Motion to Compel Further Responses from Southern California Gas Company to Data Request—Cal Advocates-SC-SCG-2019-05 (Not in a Proceeding). (A true and correct copy of this filing is attached as Exhibit K.)

15. On November 1, 2019, Administrative Law Judge Regina DeAngelis issued a ruling granting Cal Advocates motion to compel. (A true and correct copy of this order is attached as Exhibit L.) On December 2, 2019, SoCalGas filed a 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), seeking reversal of the November 1, 2019 order. (A true and correct copy of this filing is attached as Exhibit M.)

16. On March 25, 2020, SoCalGas received an Email Ruling from Administrative Law Judge Valerie Kao Clarifying Scope of Order to Show Cause and Providing Further Instructions for Hearing concerning whether SoCalGas has ever used ratepayer funds to advocate against local government's adoption of reach codes. (A true and correct copy of this filing is attached as Exhibit N.)

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

Executed on May 19, 2020 at San Gabriel, California.

  
Elliott Henry  
Senior Counsel  
Southern California Gas Company

# EXHIBIT A

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102

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

IN THE MATTER OF THE PUBLIC  
ADVOCATES OFFICE INVESTIGATION  
PERTAINING TO SOUTHERN CALIFORNIA  
GAS COMPANY'S ACCOUNTING  
PRACTICES, USE OF RATEPAYER  
MONIES TO FUND ACTIVITIES RELATED  
TO THE ADOPTION OF ANTI-  
DECARBONIZATION AND GAS  
THROUGHPUT POLICIES, AND OTHER  
ACTIVITIES POTENTIALLY CONTRARY  
TO STATE POLICIES

**SUBPOENA TO PRODUCE ACCESS TO  
COMPANY ACCOUNTING DATABASES**

**Public Utilities Code Sections 311, 314, 314.5,  
314.6, 581, 582, 584, 701, 702, and 771**

THE PEOPLE OF THE STATE OF CALIFORNIA,  
TO: **SOUTHERN CALIFORNIA GAS COMPANY**

1. Pursuant to sections 311(a), 314, 314.5, 314.6, 581, 582, 584, 701, 702, and 771 *et seq.* of the California Public Utilities Code, you are ordered to make available to the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), and staff and consultants working on its behalf, access to all databases associated in any manner with the company's accounting systems no later than three business days after service of this Subpoena.
2. Such access shall include both on-site and remote access; on-site access shall be provided at the times and locations requested by Cal Advocates.
3. Both on-site and remote access shall be as near to identical in quality as the access provided to the company's own employees and/or auditors, including, without limitation, any instructional materials or access to persons knowledgeable about the databases, including knowledge about both on-site and remote access to those databases.
4. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, CONTACT THE FOLLOWING PERSON:

Name: Traci Bone

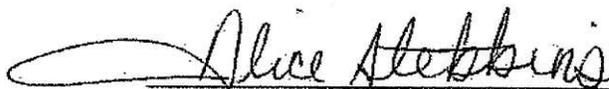
E-Mail: [tbo@cpuc.ca.gov](mailto:tbo@cpuc.ca.gov)

Telephone: 415-703-2048

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COMMISSION.**

By order of the Public Utilities Commission of the State of California.

Dated this 4<sup>th</sup> day of May, 2020.



By: Alice Stebbins

Title: Executive Director

## DECLARATION IN SUPPORT OF SUBPOENA

I, TRACI BONE, declare as follows:

1. I am an attorney duly licensed to practice before all courts of the State of California and am employed as a staff attorney for the California Public Utilities Commission (Commission). My business address is 505 Van Ness Avenue, San Francisco, California, 94102.
2. The California Constitution and the Public Utilities Code confer jurisdiction on the Commission to regulate public utilities in California in a number of areas, including, without limitation, cost, safety and maintenance of facilities.
3. The Public Utilities Code provides for an independent Public Advocate's Office to represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the Commission.
4. The Commission's Public Advocates Office is currently conducting an investigation of Southern California Gas Company's (SoCalGas') accounting practices, use of ratepayer monies to fund activities related to the adoption of anti-decarbonization and gas throughput policies, and other activities potentially contrary to state policies.
3. Section 314(a) of the Public Utilities Code, and others, authorize the Commission and persons employed by the Commission to inspect the accounts, books, papers and documents of any public utility. Section 311 authorizes the Commission, each Commissioner, the executive director, and the assistant executive directors to issue subpoenas for, among other things, accounts and documents in any investigation in any part of the state.
4. SoCalGas' responses to data requests in the investigation have been incomplete and untimely. Consequently, good cause exists for SoCalGas to be ordered to produce both

remote and on-site access to its accounting databases so that the Public Advocates Office, its staff and/or consultants may conduct their own examination of the utility's records.

Executed under penalty of perjury under the laws of the State of California, on this 5<sup>th</sup> day of May, 2020, at San Francisco, California.



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Traci Lynn Bone  
Staff Counsel

## PROOF OF SERVICE

I am employed with the California Public Utilities Commission and I am over 18 years of age. My business address is 505 Van Ness Ave., San Francisco, CA 94102

On May 5<sup>th</sup>, 2020, I electronically served the attached **SUBPOENA TO PRODUCE ACCESS TO COMPANY ACCOUNTING DATABASES** on the following representatives for Southern California Gas Company:

Johnny Tran - JQTran@socalgas.com  
Corinne Sierzant - CSierzant@socalgas.com  
Brooke Holland - AHolland@socalgas.com  
Elliot Henry - EHenry@socalgas.com  
Jason Wilson – jwilson@willenken.com  
Sherin Varghese – svarghese@willenken.com

Executed under penalty of perjury of perjury under the laws of the State of California,  
on this 5<sup>th</sup> day of May 2020, at San Francisco, California.



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Traci Lynn Bone

# EXHIBIT B

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**From:** DeAngelis, Regina <regina.deangelis@cpuc.ca.gov>  
**Sent:** Monday, April 6, 2020 10:34 AM  
**To:** Bone, Traci; Trujillo, Leslie A; Batjer, Marybel; Simon, Anne; Ward, Alec; Castello, Stephen; Prusnek, Brian C; Sierzant, Corinne M; Lee, Shawane L; Tran, Johnny Q; Fohrer, Jeffrey B; Henry, Elliott S  
**Cc:** Farrar, Darwin; Serizawa, Linda; Campbell, Michael  
**Subject:** [EXTERNAL] RE: SoCalGas Emergency Motion to File Under Seal and Motion for a Protective Order (Not in a Proceeding)

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

Commission Staff, including California Public Advocates, has statutory rights to inspect the accounts, books, papers, and documents of any public utility at any time. Further, Public Utilities Code section 309.5(e) allows California Public Advocates Office to compel the production or disclosure of any information if there are any objections to any request for information. This code section does not provide such relief to regulated entities. SoCalGas' Emergency Motion for a Protective Order Staying all Pending and Future Data Requests from California Public Office of Advocates is asking the Commission to act contrary to California law both in substance and form. No further consideration of SoCalGas' motion is warranted.

However considering such extraordinary times, I ask the parties to work together to find a schedule that is mutually agreeable and accommodates the additional demands resulting from the COVID-19 shelter-in-place directive.

Thank you.

**Regina M. DeAngelis**  
Administrative Law Judge  
California Public Utilities Commission  
415.703.2011  
[regina.deangelis@cpuc.ca.gov](mailto:regina.deangelis@cpuc.ca.gov)

Notice: This communication may contain confidential and/or legally privileged information for the use of the intended recipient(s). Unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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**From:** Bone, Traci <traci.bone@cpuc.ca.gov>  
**Sent:** Thursday, March 26, 2020 12:02 PM  
**To:** Trujillo, Leslie A <LTrujillo@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>; Prusnek, Brian C <BPrusnek@semprautilities.com>; Sierzant, Corinne M <CSierzant@socalgas.com>; Lee, Shawane L <SLee5@socalgas.com>; Tran, Johnny Q <JQTran@socalgas.com>; Fohrer, Jeffrey B <JFohrer@socalgas.com>; Henry, Elliott S <EHenry@socalgas.com>  
**Cc:** 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>  
**Subject:** RE: SoCalGas Emergency Motion to File Under Seal and Motion for a Protective Order (Not in a Proceeding)

Ms. Trujillo:

The Public Advocates Office is in receipt of SoCalGas' Motion and will be filing a Reply in Opposition to the Motion, which will be served on all of the people on this email, and any others listed on the SoCalGas Certificate of Service.

We ask that SoCalGas follow the same protocol for all future filings regarding this Motion.

Traci Bone, Attorney  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Work: (415) 703-2048  
Cell: (415) 713-3599  
[tbo@cpuc.ca.gov](mailto:tbo@cpuc.ca.gov)

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**From:** Trujillo, Leslie A <[LTrujillo@socalgas.com](mailto:LTrujillo@socalgas.com)>

**Sent:** Wednesday, March 25, 2020 4:51 PM

**To:** Batjer, Marybel <[Marybel.Batjer@cpuc.ca.gov](mailto:Marybel.Batjer@cpuc.ca.gov)>; Simon, Anne <[anne.simon@cpuc.ca.gov](mailto:anne.simon@cpuc.ca.gov)>; Bone, Traci <[traci.bone@cpuc.ca.gov](mailto:traci.bone@cpuc.ca.gov)>; Ward, Alec <[Alec.Ward@cpuc.ca.gov](mailto:Alec.Ward@cpuc.ca.gov)>; Castello, Stephen <[Stephen.Castello@cpuc.ca.gov](mailto:Stephen.Castello@cpuc.ca.gov)>; Prusnek, Brian C <[BPrusnek@semprautilities.com](mailto:BPrusnek@semprautilities.com)>; Sierzant, Corinne M <[CSierzant@socalgas.com](mailto:CSierzant@socalgas.com)>; Lee, Shawane L <[SLee5@socalgas.com](mailto:SLee5@socalgas.com)>; Tran, Johnny Q <[JQTran@socalgas.com](mailto:JQTran@socalgas.com)>; Fohrer, Jeffrey B <[JFohrer@socalgas.com](mailto:JFohrer@socalgas.com)>; Henry, Elliott S <[EHenry@socalgas.com](mailto:EHenry@socalgas.com)>

**Subject:** SoCalGas Emergency Motion to File Under Seal and Motion for a Protective Order (Not in a Proceeding)

Sent on Behalf of Attorney Johnny Tran

Dear President Batjer,

Attached please find *Southern California Gas Company's (SoCalGas) 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), and the accompanying Motion to File Under Seal. This discovery dispute is not part of any open Commission proceeding, therefore SoCalGas is submitting this motion to the President's office per Public Utilities Code § 309.*

Due to the current Coronavirus (COVID-19) health crisis, accordingly, pursuant to CPUC COVID-19 Temporary Filing and Service Protocol for Formal Proceedings, paper copies of these documents are not being filed at this time, and will not be mailed to the Administrative Law Judge or to parties on the service list, and the sealed documents will be delivered to the Docket Office by April 14, 2020 or as directed by the assigned judge.

Sincerely,

Leslie Trujillo

**Leslie Trujillo**

**Legal Administrative Associate**

**Southern California Gas Company | Law Department**

555 West 5th Street, GT14E7 | Los Angeles, CA 90013

Tel: 213.244.2972 | Fax: 213.629-9620 | E-mail: [LTrujillo@socalgas.com](mailto:LTrujillo@socalgas.com)



# EXHIBIT C



**Public Advocates Office**  
California Public Utilities Commission

505 Van Ness Avenue  
San Francisco, CA 94102  
Phone: (415) 703-2544  
Fax: (415) 703-2057

<http://publicadvocates.cpuc.ca.gov>

**PUBLIC ADVOCATES OFFICE DATA REQUEST**  
**No. CalAdvocates-TB-SCG-2020-03**

**Date: May 1, 2020**

**Conference Call: No later than May 6, 2020**

**Access to Accounts: No later than May 8, 2020 for remote access; if remote access is not available, no later than May 11, 2020 for physical access**

**To: Corinne Sierzant**  
Regulatory Affairs for SoCalGas  
CSierzant@semprautilities.com

Phone: (213) 244-5354

Email:

**Johnny Q. Tran**  
Attorney for SoCalGas

Phone: (213) 244-2981

Email: JQTran@semprautilities.com

**Shawane Lee**  
Attorney for SoCalGas

Phone: (213) 244-8499

Email: SLee5@socalgas.com

**Stacy Van Goor**  
Sempra Energy

Email: SVanGoor@sempra.com

**From: Traci Bone**  
Attorney for the  
Public Advocates Office

Phone: (415) 713-3599

Email: Traci.Bone@cpuc.ca.gov

**James Wuehler**  
Accountant for the  
Public Advocates Office

Phone: (415) 703-2671

Email: [James.Wuehler@cpuc.ca.gov](mailto:James.Wuehler@cpuc.ca.gov)

**INSTRUCTIONS**

**General:**

You are instructed to answer the following Data Requests in the above-captioned proceeding, with written, verified responses pursuant to Public Utilities Code §§ 309.5

and 314, and Rules 1.1 and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure within ten (10) business days.

Each Data Request is continuing in nature. Provide your response as it becomes available, but no later than the due date noted above. If you are unable to provide a response by the due date, notify the Public Advocates Office within five (5) business days, with a written explanation as to why the response date cannot be met and a best estimate of when the information can be provided. If you acquire additional information after providing an answer to any request, you must supplement your response following the receipt of such additional information.

This data request does not diminish or excuse any pending written or oral data requests to you.

The Public Advocates Offices expects you to respond to this data request in a timely manner and with the highest level of candor

### **Responses:**

Responses shall restate the text of each question prior to providing the response, identify the person providing the answer to each question and his/her contact information, identify all documents provided in response to the question, and clearly mark such documents with the data request and question number they are responsive to.

Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word format, send the Word document and do not send the information as a PDF file.) All electronic documents submitted in response to this data request should be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. Each page should be numbered. If any of your answers refer to or reflect calculations, provide a copy of the supporting electronic files that were used to derive such calculations, such as Excel-compatible spreadsheets or computer programs, with data and formulas intact and functioning. Documents produced in response to the data requests should be Bates-numbered, and indexed if voluminous.

### **Requests for Clarification:**

If a request, definition, or an instruction, is unclear, notify the people listed above in writing within five (5) business days, including a specific description of what you find unclear and why, and a proposal for resolving the issue. In any event, unless directly otherwise by the people listed above, answer the request to the fullest extent possible, explain why you are unable to answer in full, and describe the limitations of your response.

### **Objections:**

If you object to any of portion of this Data Request, please submit specific objections, including the specific legal basis for the objection, to the people listed above within five (5) business days.

#### **Assertions of Privilege:**

If you assert any privilege for documents responsive to this data request, please provide within five (5) business days to the people listed above a privilege log identifying each withheld document, and: (a) a summary description of the document; (b) the date of the document; (c) the name of each author or preparer; (d) the name of each person who received the document; and (e) the legal basis for withholding the document.

#### **Assertions of Confidentiality:**

If you assert confidentiality for any of the information provided, please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion. Assertions of confidentiality will be carefully scrutinized and are likely to be challenged absent a strong showing of the need for confidentiality, with the exception of the confidentiality for sensitive personal identifying information as described below.

#### **Sensitive Personal Identifying Information:**

Any sensitive personal identifying information other than an employee's name shall be fully redacted unless otherwise directed. Sensitive personal identifying information includes, without limitation:

- Social security numbers.
- Bank account numbers.
- Passport information.
- Healthcare related information.
- Medical insurance information.
- Student information.
- Credit and debit card numbers.
- Drivers license and State ID information.

#### **Signed Declaration:**

The data response shall include a signed declaration from a responsible officer or an attorney under penalty of perjury that you have used all reasonable diligence in preparation of the data response, and that to the best of their knowledge, it is true and complete.

In addition, any claim of confidentiality or privilege shall be supported by a declaration from your attorney stating that your attorney is familiar with the relevant case law and statutes pertaining to claims of confidentiality and privilege such that there is a good faith basis for the claim.

### **DEFINITIONS**

- A. As used herein, the terms “you,” “your(s),” “Company,” “SCG,” and “SoCalGas” mean Southern California Gas Company and any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf.
- B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- C. Date ranges shall be construed to include the beginning and end dates named. For example, the phrases “from January 1 to January 31,” “January 1-31,” “January 1 to 31,” and “January 1 through January 31” should be understood to include both the 1<sup>st</sup> of January and the 31<sup>st</sup> of January. Likewise, phrases such as “since January 1” and “from January 1 to the present” should be understood to include January 1<sup>st</sup>, and phrases such as “until January 31,” “through January 31,” and “up to January 31” should also be understood to include the 31<sup>st</sup>.
- D. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- E. The term “communications” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, notes, correspondence, and all memoranda concerning the requested communications. Where communications are not in writing, provide copies of all memoranda and documents made relating to the requested communication and describe in full the substance of the communication to the extent that the substance is not reflected in the memoranda and documents provided.
- F. The term “document” shall include, without limitation, all writings and records of every type in your possession, control, or custody, whether printed or reproduced by

any process, including documents sent and received by electronic mail, or written or produced by hand.

- G. “Relate to,” “concern,” and similar terms and phrases shall mean consist of, refer to, reflect, comprise, discuss, underlie, comment upon, form the basis for, analyze, mention, or be connected with, in any way, the subject of these Data Requests.
- H. When requested to “state the basis” for any analysis (including studies and workpapers), proposal, assertion, assumption, description, quantification, or conclusion, please describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, and analysis known to you which you believe to support the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which you contend to be evidence of the truth or accuracy thereof.
- I. Terms related in any way to “lobbying,” lobbyist,” “lobbying firm” and “lobbyist employer” shall, without limitation, be construed broadly and, without limitation, to be inclusive of how those terms are used in the Sempra Energy Political Activities Policy (Policy) and the California Political Reform Act (Act). For purposes of this data request, the Act’s definitions shall be understood to include all manner of state, regional, and local governments or agencies.<sup>1</sup>

## **DATA REQUEST**

Public Advocates Office (Cal Advocates) requests a conference call with SoCalGas by no later than Wednesday, May 6, 2020 to arrange for SoCalGas’ provision of the following to Cal Advocates:

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.
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.

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<sup>1</sup> The Sempra Energy Political Activities Policy defines lobbying broadly on page 3 as: “any action intended to influence legislative or administrative action, including activities to influence government officials, political parties, or ballot measures. Lobbyists can be individual employees or the company that employees them, referred to as a Lobbyist-Employer.”

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.
4. Training and assistance for the auditor to access all SoCalGas accounts, including FERC accounts.
5. Training and assistance for the auditor to access information regarding all contracts, invoices, and payments made to third parties.
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.

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.
8. Training and assistance so that the auditor can record their findings, including downloading, and screen shot applications.

At a minimum, SoCalGas should be prepared to identify the following information on the conference call:

- The date remote access to the SAP system will be provided, and if not feasible, the specific reasons why it is not feasible, including confirmation of whether or not any SoCalGas employees or auditors have remote access to the SAP system.
- If remote access is not available, the date and location for a site visit so that the auditor can access the SAP system.
- At least two primary points of contact to ensure that the Cal Advocates auditor is able to access the SAP system and any accounts the auditor seeks to review. These contacts must be highly knowledgeable about SoCalGas' SAP system and available to answer questions that will facilitate Cal Advocates' inquiry.
- An afterhours contact to resolve SAP issues if such a contact exists for SoCalGas employees or auditors.
- Any other SAP resources available to SoCalGas employees or auditors.

**END OF REQUEST**

# EXHIBIT D

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**From:** Bone, Traci <traci.bone@cpuc.ca.gov>  
**Sent:** Tuesday, May 5, 2020 1:49 PM  
**To:** Jason Wilson  
**Cc:** Ward, Alec; Castello, Stephen; JQTran@socalgas.com; EHenry@socalgas.com; CSierzant@socalgas.com; AHolland@socalgas.com; Campbell, Michael; Sherin Varghese  
**Subject:** Proposed Agenda for Cal Advocates / SoCalGas 11:00 Conference Call on Wednesday, May 6, 2020  
**Attachments:** Subpoena to SoCalGas for Accounting Database Access - Service Copy.pdf

Jason:

In preparation for our call tomorrow, please find attached hereto a Subpoena to Produce Access To Company Accounting Databases signed by the Commission's Executive Director. The subpoena is consistent with the data request we served on Friday, May 1, 2020. While a subpoena is not a prerequisite to obtaining access to a utility's accounts, given our history with SoCalGas on this investigation, the Public Advocates Office (Cal Advocates) opted for the additional authority provided by a subpoena.

Consistent with Friday's data request and our goal to obtain access to SoCalGas' accounts as soon as practicable, we propose to focus our discussion at tomorrow's scheduled meeting on how and when our staff will be able to access SoCalGas' accounting systems both remotely and on-site. As the Friday data request explained:

At a minimum, SoCalGas should be prepared to identify the following information on the conference call:

- The date remote access to the SAP system will be provided, and if not feasible, the specific reasons why it is not feasible, including confirmation of whether or not any SoCalGas employees or auditors have remote access to the SAP system.
- If remote access is not available, the date and location for a site visit so that the auditor can access the SAP system.
- At least two primary points of contact to ensure that the Cal Advocates auditor is able to access the SAP system and any accounts the auditor seeks to review. These contacts must be highly knowledgeable about SoCalGas' SAP system and available to answer questions that will facilitate Cal Advocates' inquiry.
- An afterhours contact to resolve SAP issues if such a contact exists for SoCalGas employees or auditors.
- Any other SAP resources available to SoCalGas employees or auditors.

In addition, while I had committed to provide a list of questions related to the SoCalGas/Sempra "Lobbying Activity Tracking System" or "LATS" on the same call, it appears that many of the documents provided by SoCalGas regarding LATS training, which would inform that discussion, have been redacted, and several appear to be missing pages of information that would have been in the original version. In addition, as communicated to you yesterday, the list of LATS data fields provided in response to DR #13, Question 2 appears to be incomplete. Consequently, we should plan to address those issues – is data missing and why are there redactions?

Regarding the redactions, we understand that these documents were provided by Sempra, but that does not excuse the failure to properly mark information claimed to be confidential with highlights –

rather than blackouts – or the failure to provide declarations identifying the legal basis for any confidentiality claims pursuant to General Order (GO) 66. Further, to the extent this information has been redacted because of assertions of privilege, SoCalGas/Sempra should provide a privilege log.

For context, you should understand that these are all issues that were raised in Cal Advocates' first Motion to Compel, which was granted. Consequently, Cal Advocates is understandably troubled by the fact that we are revisiting these issues now.

**Given these concerns, we propose to address the LATS issues as follows:**

- That SoCalGas and/or Sempra provide no later than this Friday, May 8, 2020, full and complete copies of all of the LATS training materials (including Appendices) with no redactions unless you or a SoCalGas attorney is willing to provide a declaration that there is a good faith basis for any claims or privilege or confidentiality asserted. In that case, any confidential information should be highlighted as provided in previous data requests, rather than redacted.
  - We note that SoCalGas and/or Sempra clearly have ready access to these documents and so producing them without the unjustified redactions should be easily accomplished.
  - We also note that the current black outs appear to be names of Sempra or SoCalGas employees. Please be advised that such information is not confidential absent other personal identifying information such as a social security number, bank account number, or medical information – in which case that personal identifying information (but not the employee's name) should be redacted consistent with the instructions in DR #13.
- That SoCalGas answer the question I posed yesterday, which is whether the list of LATS data fields provided in response to DR #13, Question 2 is complete and lists all LATS data fields, as requested.
- That, consistent with yesterday's request, a SoCalGas and/or Sempra employee knowledgeable about the LATS system, including how it works, what it contains, and when it is required to be used, be available for the Wednesday, May 6, 2020 scheduled conference call. These are the basic questions that need to be answered. In addition, employees should be available to explain the reasons for the redactions and whether information is missing from the LATS training documents. If such a person (or persons) is not available on Wednesday, they should be made available for the conference call we currently have scheduled for this Friday, May 8.

We look forward to SoCalGas' prompt resolution of these matters on tomorrow's conference call.

Traci Bone, Attorney  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Work: (415) 703-2048  
Cell: (415) 713-3599  
tbo@cpuc.ca.gov

# EXHIBIT E

May 7, 2020

**VIA E-MAIL ONLY**

Traci Bone  
Public Advocates Office  
505 Van Ness Ave.  
San Francisco, CA 94102  
Email: [tbo@cpuc.ca.gov](mailto:tbo@cpuc.ca.gov)

Re: *Meet and Confer Regarding Data Requests*

Dear Traci:

I am writing to confirm our discussion in the meet and confer held on Wednesday, May 6, 2020. We look forward to working together cooperatively to ensure Cal Advocates access to the SAP system. We appreciate and take seriously the subpoena that Cal Advocates has served.

**DR 14/Subpoena**

**Possible Ways Cal Advocates Can Obtain Remote Access**

SoCalGas presented two possible options for providing remote access to the SAP system. The first is to essentially copy portions of the database you requested, which would preserve a copy of the database and allow Mr. Wuehler to view the necessary databases without altering the underlying system (“Copy Access”). To our understanding, this is the arrangement used in the GRC with Cal Advocates previously, although such access was previously provided on site. We were made aware that if organizations and cost centers were identified, this process typically takes a couple days, depending on how broad the request is. You noted your concern that Cal Advocates would not know which cost centers it wanted access to until it had a chance to view the full system, so would need access to all cost centers available in SAP. We apprised you that we did not know how long creating a copy of the entire system would take, but that it would be likely to take longer than the “few days” deadline we were given for a limited set of data.

The second option we discussed would be remote access to the database, but with additional controls included (“Read-Only Access”). We informed you that SoCalGas has only completed this task on one other occasion using an RSA token. You asked whether accounting personnel currently had access, and whether the San Francisco computers had access to the SAP system. We answered affirmatively to the former and agreed to look into the other question. However, we noted that both company laptops used by accounting personnel and any other computer would be connected to a live SAP system. As the auditor would undoubtedly need a read-only copy, neither of these are complete options. We are waiting for additional information on how long the process of creating Read-Only Access would take, particularly as we navigate



restrictions due to coronavirus. While we did not discuss in-depth, the parties seemed to agree that this also made physical access more difficult.

### **Extension of Time to Respond to the Subpoena**

In light of the uncertainty as to exactly how long it will take to set up remote access, Cal Advocates agreed to extend SoCalGas' response date to the subpoena accompanying Data Request 14 from Friday, March 8, 2020 to Wednesday, March 13, 2020. SoCalGas appreciates your professional courtesy.

You further agreed that you would discuss with Mr. Wuehler whether any narrowing identification could be provided to expedite Copy Access of the relevant SAP databases.

SoCalGas agreed to continue to obtain additional information about how long broad Copy Access would take to prepare, as well as identify a timeline for Read-Only Access. We further agreed to investigate whether a member of the IT department could answer additional questions regarding RSA tokens and copying data for Cal Advocates to further adjust the timeline, as long as the questioning was limited to those topics. SoCalGas further agreed to investigate and consider your proposal regarding after hours support. We will be prepared to discuss these issues further on Friday.

### **Preservation of SoCalGas's Confidentiality Objection**

Regarding confidential information, you agreed that SoCalGas could review any outputs you desired to use for confidentiality, and that such items would be held securely and branded as confidential to prevent any public release via a CPRA request or any similar requirement to make public records in Cal Advocates' possession.

Regarding technical assistance, you agreed that any party provided to answer questions from Mr. Wuehler would be solely for technical advice and that you personally would not be on calls with this individual. You clarified your request regarding after hours support to indicate that you are only seeking the same level of after-hours support currently available to SoCalGas employees.

### **DR 13**

Regarding our response to DR-13, Question 1, you indicated that employee names and emails should not be redacted but highlighted for confidentiality and should have been provided in native PowerPoint format. You further asked to view trainings from 2019 and 2020, to the extent they were not previously provided.

SoCalGas further explained that while it might have appeared as if pages were missing, the documents were provided in an as-saved format, and those pages never existed as part of the saved presentation.

SoCalGas also informed you of additional dependent fields that exist in LATS and agreed to amend its response accordingly, as well as to investigate additional fields that you believed might exist.

Cal Advocates noted that it is amenable to narrowing its requests related to LATS by reviewing Ken Chawkins' LATS entries for 2015 through 2020 in the first instance. You proposed this in a follow up email, indicating that Cal Advocates would be satisfied if SoCalGas provided all of Ken Chawkins LATS entries for the past five years.

We agreed to convey your concern regarding native documents and redacted documents to Semptra, as custodian of the documents. We agreed to look into whether there were additional trainings in 2019 and 2020 you had not received and continue to dialogue on this question via email, calls, or the Friday meet and confer. SoCalGas also agreed to amend its response to DR-13, Question 2 by Wednesday, May 13, 2020 to provide dependent fields.

SoCalGas agreed to see if it was feasible to produce Ken Chawkins' LATS entries for a 5-year period quickly.

### **Other Requests**

You requested information about why SoCalGas does not provide the name of a staff member in its responses. We agreed to discuss this internally and provide additional information.

You stated your position that in responding to data requests, SoCalGas should use the LATS training definitions for all responses and define lobbying to include activities that are *either* (1) lobbying OR (2) "influencing" activities. You further sent an email stating that lobbying activity any activity that would be included in LATS and directed us to several pages of a LATS presentation. Accordingly, you state your position that "lobbying" should be defined to be, (1) lobbying activity ("[b]roadly defined as a communication with an elected or appointed official intended to influence legislative or administrative action; (2) administrative testimony; and (3) grassroots lobbying – public outreach.

SoCalGas stated it was working on revised responses which clarify its answers in DR 12.

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Traci Bone  
May 7, 2020  
Page 4

In addition to talking by phone this Friday, we also scheduled a further meet and confer for Wednesday, May 13, 2020 at 11:30 AM. Please feel free to contact me if you have any questions.

Very truly yours,



Jason H. Wilson



# EXHIBIT F

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**From:** Bone, Traci <traci.bone@cpuc.ca.gov>  
**Sent:** Friday, May 8, 2020 9:45 AM  
**To:** Henry, Elliott S  
**Cc:** Ward, Alec; Castello, Stephen; Tran, Johnny Q; Jason Wilson; Sierzant, Corinne M; Holland, Brooke; Campbell, Michael; Sherin Varghese  
**Subject:** RE: SAP questions

Elliott:

Thank you for arranging for someone familiar with the SAP system to be on the call today. We had a chance to speak with our auditor, James Wuehler (Jim), and he confirmed that Cal Advocates can work with SoCalGas to identify specific databases we want to access, rather than requiring SoCalGas to create a fixed database of the entire SAP system.

**First**, we propose that SoCalGas make fixed database copies of the following accounts, ideally in the order set forth below:

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

We are basing this request on account numbers provided in response to SoCalGas data responses. In some instances, we do not have a full description of the account, and there may be typographical errors in those data responses or in our transcription of them. We have tried to associate an account number with a description where one was available to minimize the impact of incomplete or inaccurate information.

Ideally, before our call today, your SAP person could quickly run through these accounts and confirm that we have a working account number. If this is not possible, and if SoCalGas has any problem identifying any of the listed accounts, we ask that you please contact us as soon as practicable so that we can determine what the correct account is. Among other things, we can attempt to direct you to the relevant data response where the account was identified.

Our hope is that you can start providing the fixed databases of these accounts early next week on a rolling basis so that we can start our review immediately.

As we review these databases, Jim is likely to send additional queries to his contact at SoCalGas for additional accounts.

**Second**, we ask that SoCalGas produce fixed databases for all accounts that are 100% shareholder funded.

**Third,** we ask that SoCalGas produce fixed databased for all accounts housing costs for activities related to influencing public opinion on decarbonization policies.

**Fourth,** we ask that SoCalGas identify all accounts housing costs for lobbying activities related to decarbonization policies. For this request, please be sure to identify those accounts housing costs related to CPUC Proceedings R.13-11-005 and R.19-01-011 and explain whether the costs in those accounts are limited to those proceedings, or contain costs for other lobbying activities related to decarbonization policies.

Of course, we reserve the right to request access to additional databases as we continue our audit.

Please let us know as soon as practicable if this start-up proposal is acceptable to SoCalGas and when we can expect to see our first delivery.

We thank you, in advance, for your assistance in this matter,

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Cell: (415) 713-3599  
tbo@cpuc.ca.gov

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**From:** Henry, Elliott S <EHenry@socalgas.com>  
**Sent:** Thursday, May 07, 2020 1:23 PM  
**To:** Bone, Traci <traci.bone@cpuc.ca.gov>  
**Cc:** Ward, Alec <Alec.Ward@cpuc.ca.gov>; Castello, Stephen <Stephen.Castello@cpuc.ca.gov>; Tran, Johnny Q <JQTran@socalgas.com>; Jason H. Wilson (jwilson@willenken.com) <jwilson@willenken.com>; Sierzant, Corinne M <CSierzant@socalgas.com>; Holland, Brooke <AHolland@socalgas.com>; Campbell, Michael <Michael.Campbell@cpuc.ca.gov>; Sherin Varghese <svarghese@willenken.com>  
**Subject:** SAP questions

Hello Traci,

We should have someone on tomorrow who is familiar with the SAP system. They probably will not be able to be on the entire time (which I would guess you wouldn't need anyway), but I'll try to let you know their constraints before the meeting. Since different people are more familiar with different aspects of SAP, it would be helpful and most efficient to know what clarifications you are looking to find out ahead of time.

Thank you,  
Elliott

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