

**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 for Southern California Gas Company ("SoCalGas"). I have directed the review of the documents located in the folder "DR-09 SoCalGas Response," and provided guidance on how to mark the documents for confidentiality purposes." 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 6<sup>th</sup> day of December 2019, at Los Angeles, California.

Respectfully submitted on behalf of  
SOUTHERN CALIFORNIA GAS COMPANY

By: \_\_\_\_\_



SHARON TOMKINS

Vice President of Strategy & Engagement

**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
<p>Highlighted information marked as “Confidential” in SoCalGas’ response to “DR-09.</p>	<p>Identity of contracting party for non-ratepayer funded activity.</p> <p>Consultant pricing information</p>	<p>(U.S. Const. amends. I, XIV; Cal. Const., art. I, §§ 2(a), 3(a.)</p> <p><i>NAACP v. Alabama</i> (1958) 357 U.S. 449, 462</p> <p><i>Roberts v. U.S. Jaycees</i> (1984) 468 U.S. 609, 618; see also</p> <p><i>Golden Gateway Center v. Golden Gateway Tenants Assn.</i> (2001) 26 Cal.4th 1013, 1019 [given its “more definitive and inclusive” language, the California Constitution’s free-speech clause is interpreted even “more expansive[ly]” than the First Amendment, citation omitted].) In fact, that right of association has been called “an <i>indispensable</i> means of preserving other individual liberties,” like the right to engage in political speech. (<i>Roberts, supra</i>, 468 U.S. at p. 618, italics added; see also <i>Buckley v. Valeo</i> (1976) 424 U.S. 1, 15 [“The First Amendment protects political association as well as political expression.”].)</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"> <li>• See, e.g., D.11-01-036, 2011 WL 660568 (2011) (agreeing that confidential prices and contract terms specifically negotiated with a program vendor is proprietary and commercially sensitive and should remain confidential)</li> <li>• <i>Valley Bank of Nev. v. Superior Court</i>, 15 Cal.3d 652, 658 (1975) (financial information is protected – especially of non-parties)</li> <li>• Cal. Evid. Code § 1060</li> <li>• Cal. Civil Code §§ 3426 <i>et seq.</i> (relating to trade secrets)</li> </ul>	<p>Disclosing the identity of a contracting party for non-ratepayer funded activity violates SoCalGas’ and others’ constitutionally protected associational, expressive and political activity.</p> <p>Based on input received by third party, and based on SoCalGas’s concurring position, the pricing terms are confidential, 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.</p>

<b>Location of Data</b>	<b>Description of Data</b>	<b>Legal Citations</b>	<b>Narrative Justification</b>