



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

FILED
11/01/19
08:00 AM

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon storage facility and the release of natural gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility. (U904G).

I.19-06-016
(Filed June 27, 2019)

**DECLARATION OF PEJMAN MOSHFEGH IN SUPPORT OF THE MOTION OF
SOUTHERN CALIFORNIA GAS COMPANY FOR ORDER TO QUASH THE
SUBPOENA OF THE SAFETY AND ENFORCEMENT DIVISION**

I, Pejman Moshfegh, declare that the following is true and correct to my best knowledge and belief:

1. I am an attorney licensed to practice law in the courts of the State of California and serve as outside counsel to the Southern California Gas Company ("SoCalGas") in this proceeding. All of the facts stated herein are within my personal knowledge and if called as a witness, I could and would testify competently thereto.

2. On June 26, 2019, pursuant to the California Public Records Act, Gov't Code § 6250 et seq., I submitted a set of 18 requests ("PRA Request") to the California Public Utilities Commission ("Commission") seeking, in part, documents and communications relating to the involvement of the Safety Enforcement Division's ("SED") former Program Manager with Blade Energy Partner's root cause investigation into the October 23, 2015 gas leak at Aliso Canyon. A copy of this submission is available at

<https://publicrecords.cpuc.ca.gov/requests/19-331#>.

3. Since June 26, 2019, I have contacted the Commission's point of contact for the PRA Request several times regarding the status of the Commission's response, but have not yet received any documents from the Commission in response to the public records request.

4. On August 21, 2019, SED propounded Data Request ("DR") 41 on SoCalGas. A true and correct copy of SED DR 41 is attached to this declaration as **Exhibit 1**.

5. On August 29, 2019, SoCalGas provided its response to SED's DR 41. A true and correct copy of SoCalGas' response to SED DR 41, Question 1, is attached to this declaration as **Exhibit 2**.

6. On October 14, 2019, SoCalGas issued its first set of data requests to SED, and requested SED's response by October 28, 2019. A true and correct copy of SoCalGas' First Set of Data Requests to SED is attached to this declaration as **Exhibit 3**. On October 29, 2019, SED requested an extension of time to provide its responses.

7. On October 18, 2019, SED's counsel emailed SoCalGas, and requested that SoCalGas produce its person or persons most knowledgeable ("PMK") at the Commission's offices November 1, 2019. The email further stated that a subpoena would follow. A true and correct copy of SED's email is attached to this declaration as **Exhibit 4**.

8. On October 22, 2019, SoCalGas received a subpoena (the "Subpoena") from SED. A true and correct copy of the Subpoena is attached hereto as **Exhibit 5**.

9. On October 24, 2019, counsel to SoCalGas met and conferred with counsel for SED to discuss SED DR 41 and the Subpoena. At this meeting I requested that SED withdraw the Subpoena, and counsel for SED declined my request.

10. On October 28, 2019, I sent an e-mail to counsel for SED requesting another meet and confer to further discuss an alternative resolution to the parties' dispute regarding the Subpoena. On October 29, 2019, counsel for SED responded, declining SoCalGas' request and stating that SoCalGas was free to file a motion to quash. A true and correct copy of SED's email is attached hereto as **Exhibit 6**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed this 31 day of October, 2019 in San Francisco, California.

A handwritten signature in blue ink, appearing to read "Pejman Moshfegh", is written over a horizontal line.

Pejman Moshfegh

EXHIBIT 1

DATA REQUEST / PRELIMINARY INVESTIGATION RELATED TO SOUTHERN CALIFORNIA GAS COMPANY'S ALISO CANYON FACILITY

Data Request No: **SED DR-41**

Date of this Request: **August 21, 2019**

Date Responses Due: **On or before August 29, 2019**

To: Gregory Healy
 Regulatory Case Manager
 Southern California Gas Company
 Phone: (213) 244-3314
 Email: ghealy@semprautilities.com

 Sabina Clorfeine
 Email: SClorfeine@semprautilities.com

From: Project Coordinator:
 Karen Shea
 California Public Utilities Commission Safety and Enforcement Division
 kms@cpuc.ca.gov
 (415) 703-2349

Originator: Darryl Gruen
Email: darryl.gruen@cpuc.ca.gov
Phone: (415) 703-1973

Cc: Darryl Gruen
 Nicholas Sher
 Mahmoud Intably
 Karen Shea

INSTRUCTIONS

You are instructed to answer the following Data Requests in the above-captioned proceeding, with written, verified responses per Public Utilities Code §§ 309.5, 314, 314.5, 581 and 582, and Rules 1.1 and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure. Restate the text of each request prior to providing the response. For any questions, email the SED contact(s) above with a copy to the SED attorney.

These data requests should be considered continuing so that if any information provided changes, or new information becomes available that is responsive to a request, respondent is requested to supplement its response to SED.

If the respondent objects to any of these data requests, please submit specific objections within five business days. If respondent asserts any privilege, please provide within ten business days a privilege log listing all documents the respondent claims are privileged and the following information for each document: the basis for the privilege claimed, a summary of the purpose and subject of the document withheld, the date of the document, the author(s), and all recipients of the document.

In responding to each request please restate the text of the request prior to providing the response and provide the name of the person(s) answering the request, the title of such person(s), and the name and title of the person they work for. With respect to each document produced, identify the number of the data request and question number that the document is responding to.

These data requests do not-supersede or excuse any pending oral data requests to the respondent unless that is expressly stated in the written data request.

Identify the person providing the answer to each data request and his/her contact information. 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. Responses to data requests that refer to or incorporate documents should identify the particular documents referenced by Bates-numbers or Bates-range.

If a request, definition, or an instruction, is unclear, notify SED as soon as possible. In any event, answer the request to the fullest extent possible, specifying the reason for your inability to answer the remaining portion of the Data Request.

In answering these data requests, the respondent should adhere to the Commission's Rules of Practice and Procedure (Rules), with particular attention to Rule 1.1 of those

Rules, which requires the respondent to “never mislead the Commission or its staff by an artifice or false statement of law of fact.” The respondent should keep in mind that “Violations of Rule 1.1 can occur by a failure to correctly cite a proposition of law, a lack of candor, withholding information, providing incorrect information, or a failure to correct mistaken information.”^[1] SED expects the respondent to respond to these data requests with the highest level of candor.

DEFINITIONS

Unless the request indicates otherwise, the following definitions are applicable in providing the requested information:

1. The terms “document,” “documents,” “documentary material”, or “documentation” include, without limitation, the following items, whether in electronic form, printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions, and orders, intra-office and interoffice communications, correspondence, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries of records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, bulletins, records or representations or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, emails, and records) other data compilations (including without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of these data requests.
2. “Relating to” or “related to” means concerning, addressing, referring, discussing, commenting upon, analyzing, mentioning or involving in any way.
3. “Identify”:
 - a. When used in reference to a person includes stating his or her full name, his or her most recent known business address and telephone number, and his or her present title or position;

^[1] Administrative Law Judge’s Ruling Denying Southern California Edison Company’s Motion For Summary Adjudication Of Alleged Rule 1.1 Violations Related To Data Request Responses Dated December 10, 2010, I.09-01-018, January 10, 2012, p. 6.

- b. When used in reference to documents includes stating the nature of the document (e.g., letter, memorandum), the date (if any), the title of the document, the identity of the author and/or the document, the location of the document, the identity of the person having possession, control or custody of the document, and the general subject matter of the document.
- 4. "CPUC" as used herein refers to the California Public Utilities Commission.
- 5. "SED" as used herein refers to the Safety and Enforcement Division.
- 6. "SCG" or "SoCalGas" as used herein refers to the Southern California Gas Company and/or its affiliates.

General Instructions to Be Followed when Providing a Data Response:

- 2. When providing documentation in response to a particular question, please follow these instructions.
 - a. Create a folder with the Data Request and Question Number that a specific document is responding to. For example, if the document responds to SED Data Request 5, Question 5e, please create a folder entitled SoCalGas Response to SED Data Request 5, Question 5e. Only documents responsive to that question can be put in that folder.
 - b. Do not duplicate documents in a response to a data request. For example, if there is an email thread with five responses to an initial email that responds to a question, please only provide the entire thread once.
 - c. Do not redact any items in an email thread unless SCG is asserting a specific privilege. As a matter of practice moving forward, SED requests that the entire thread related to a responsive email be provided in unredacted form (except where a privilege is asserted), and that the part of the thread that SoCalGas believes is responsive to the data request be highlighted in yellow.
 - d. For each instance where an item in an email thread is redacted because of privilege, please provide the asserted privilege directly on the redaction.
 - e. Keep an ongoing spreadsheet list that contains all of SED's Data Requests. Please provide that updated spreadsheet as part of the response to each of the future responses to SED. Please save that spreadsheet with the file name " Aliso Canyon Data Request Master Document Index ".

- f. If a Data Response cannot be provided as an email attachment, please contact the Project Coordinator to arrange to hand deliver a flash drive to Project Coordinator. By hand delivering, this means that the SCG messenger should ensure that they are handing the device upon which the information is stored to each/an SED representative. Dropping a device in the mail, at a CPUC mailroom, or elsewhere is not adequate. The device shall be presumed to not be delivered to SED until SED's attorney contacts SCG's attorney confirming receipt by all SED recipients. In cases where the documents are provided in response to a subpoena, SED will presume the subpoena has not been complied with unless and until SED's attorney emails SCG's attorney confirming receipt of documents by the due date identified on the subpoena.
- g. Provide PDF in batch documents with bates range of less than 3000 sheets or less than 1.5GB of memory in size, whichever is smaller.
- h. Make all documents searchable and printable format

Data Request 41 Questions

1. Has SoCalGas asked Blade to produce communications with Mr. Bruno pursuant to its contract with Blade? If so, which communications does SoCalGas contend influenced Blade/Blade Report? If so, which communication compromised the independence of Blade/Blade Report in any way?
2. Given SED's understanding that SoCalGas asserts that Blade's Report goes beyond the scope of the Blade RCA contract, exactly which portions of the Report go beyond the scope of the contract and why?
3. Referencing SoCalGas' June 13, 2019 letter to Arocles Aguilar, and in light of Mr. Bruno's alleged "profound conflict of interest", of those questions asked by SED in its preliminary investigation:
 - a. Which questions does SoCalGas assert were asked with the intent of benefiting Mr. Bruno's legal action?
 - b. What is the factual basis underlying the assertion that these questions intended to benefit Mr. Bruno's legal action?
 - c. Which of the questions that SoCalGas asserts were intended to benefit Mr. Bruno's legal action did SED not have the authority to ask?

End of questions, this request.

Please send your response to the Originator, and a copy of your response to Project Coordinator and e-copies to the following SED representatives:

karen.shea@cpuc.ca.gov
nicholas.sher@cpuc.ca.gov
darryl.gruen@cpuc.ca.gov
mahmoud.intably@cpuc.ca.gov

Please provide the above information as it becomes available but no later than the due date identified above. If you are unable to provide the information by this date, please notify the Originator and Project Coordinator **at least 3 days** before the data request is due and provide your best estimate of when the information can be provided. Please identify the person who provides the response and his/her phone number and email address.

EXHIBIT 2

ORDER INSTITUTING INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE OPERATIONS AND PRACTICES OF SOUTHERN CALIFORNIA GAS COMPANY WITH RESPECT TO THE ALISO CANYON STORAGE FACILITY AND THE RELEASE OF NATURAL GAS, AND ORDER TO SHOW CAUSE WHY SOUTHERN CALIFORNIA GAS COMPANY SHOULD NOT BE SANCTIONED FOR ALLOWING THE UNCONTROLLED RELEASE OF NATURAL GAS FROM ITS ALISO CANYON STORAGE FACILITY (I.19-06-016)

**SOUTHERN CALIFORNIA GAS COMPANY
(CPUC- SAFETY AND ENFORCEMENT DIVISION
DATA REQUEST DATED AUGUST 21, 2019)**

SOCALGAS RESPONSE DATED AUGUST 29, 2019

SoCalGas provides the following Responses to the CPUC – Safety and Enforcement Division (SED) data request dated August 21, 2019 in I.19-06-016. The Responses are based upon the best available, nonprivileged information that SoCalGas was able to locate through a diligent search within the time allotted to respond to this request, and within SoCalGas' possession, custody, or control.

SoCalGas submits these Responses, while generally objecting to any Request that fails to provide a defined time period to which SoCalGas may tailor its Response, and to the extent that any Request is overly broad, vague, ambiguous, unduly burdensome, assumes facts, or otherwise fails to describe with reasonable particularity the information sought. SoCalGas further submits these Responses without conceding the relevance of the subject matter of any Request or Response. SoCalGas reserves the right to object to use of these Responses, or information contained therein, in any dispute, matter or legal proceeding.

Question 1:

Has SoCalGas asked Blade to produce communications with Mr. Bruno pursuant to its contract with Blade? If so, which communications does SoCalGas contend influenced Blade/Blade Report? If so, which communication compromised the independence of Blade/Blade Report in any way?

Response 1:

SoCalGas objects to this request as vague and ambiguous. SoCalGas further objects to the extent that this data request requests information protected by the work product doctrine and calls for a legal conclusion. SoCalGas further objects to this request insofar as it is predicated on a mischaracterization of SoCalGas' position. SoCalGas maintains that Mr. Bruno's role as both a private plaintiff claiming personal injury as a result of the leak at Aliso Canyon and the CPUC's Program Manager overseeing the SED and Blade investigation into the same incident presents a conflict of interest on its face. SoCalGas, however, does not know many of the facts and details related to the conflict. Accordingly, SoCalGas has requested that the CPUC take appropriate steps to address the issue and conduct an investigation into the conflict, including whether Mr. Bruno improperly influenced Blade's investigation or the RCA Report. To date, however, SoCalGas has not received any written response from the CPUC regarding how or whether it is addressing the conflict of interest or whether the CPUC has initiated any investigation or review.

Subject to and without waiving the foregoing objections, SoCalGas responds as follows:

ORDER INSTITUTING INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE OPERATIONS AND PRACTICES OF SOUTHERN CALIFORNIA GAS COMPANY WITH RESPECT TO THE ALISO CANYON STORAGE FACILITY AND THE RELEASE OF NATURAL GAS, AND ORDER TO SHOW CAUSE WHY SOUTHERN CALIFORNIA GAS COMPANY SHOULD NOT BE SANCTIONED FOR ALLOWING THE UNCONTROLLED RELEASE OF NATURAL GAS FROM ITS ALISO CANYON STORAGE FACILITY (I.19-06-016)

**SOUTHERN CALIFORNIA GAS COMPANY
(CPUC- SAFETY AND ENFORCEMENT DIVISION
DATA REQUEST DATED AUGUST 21, 2019)**

SOCALGAS RESPONSE DATED AUGUST 29, 2019

Yes, SoCalGas asked Blade Energy Partners Ltd. (“Blade”) to produce communications involving Mr. Bruno pursuant to SoCalGas’ contract with Blade. In response, Blade recently produced to SoCalGas 13,324 documents related to Blade’s root cause analysis investigation into the SS-25 gas leak. These documents include 9,422 emails and 3,902 attachments. Mr. Bruno appears on 4,533 of these emails as either the sender or recipient. SoCalGas is currently in the process of evaluating these email communications.

Based on SoCalGas’ review of those emails to date, it appears that Mr. Bruno was in frequent contact with Blade for over three-and-a-half years. SoCalGas is informed and believes that Mr. Bruno and Blade frequently communicated about the Aliso Canyon investigation. These communications occurred via phone, email, in-person meetings and text messaging. In addition to the production from Blade, SoCalGas has submitted a public records act request to the Commission for documents related to Mr. Bruno’s involvement in Aliso Canyon-related investigations. The Commission has not yet produced any records in response to this request. SoCalGas will not be able to discover whether and to what degree Mr. Bruno may have inappropriately influenced the Blade investigation until after it has received and reviewed all relevant information.

Question 2:

Given SED’s understanding that SoCalGas asserts that Blade’s Report goes beyond the scope of the Blade RCA contract, exactly which portions of the Report go beyond the scope of the contract and why?

Response 2:

The scope of the Blade RCA investigation expanded significantly from initial execution of the contract through completion of the RCA Report. The Standard Services Agreement (“Agreement”) between SoCalGas and Blade related to the project titled “Aliso Canyon Storage Well Technical Root Cause Analysis” describes the scope of Blade’s services as: “[p]erformance of a *technical* root cause analysis (“RCA”) on the nature of the failure of the Standard Sesnon 25 well and the *technical* cause of the leak.” See Agreement, p.1 (emphasis added).

SoCalGas understands “technical root cause” to be limited to the direct or primary technical mode and cause of the failure (*e.g.*, the failure was due to corrosion caused by microbially induced corrosion). SoCalGas contends that it initially understood that this limited scope would not take longer than a year.

EXHIBIT 3

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

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon storage facility and the release of natural gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility. (U904G).

I.19-06-016
(Filed June 27, 2019)

**SOUTHERN CALIFORNIA GAS COMPANY'S FIRST SET OF DATA REQUESTS TO
THE SAFETY AND ENFORCEMENT DIVISION**

PLEASE TAKE NOTICE that Southern California Gas Company ("SoCalGas") hereby requests the Safety and Enforcement Division of the California Public Utilities Commission ("SED") to provide a written response to this Data Request in accordance with the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission").

In accordance with Article 10 of the Commission's Rules of Practice and Procedure, please produce the following INFORMATION and described categories of DOCUMENTS. Please provide your response no later than the due date requested below. If you are unable to provide the information by this date, please provide a written explanation as to why the response date cannot be met and your best estimate of when the information can be provided. Please e-mail all responses that can be transmitted electronically. If attachments cannot be electronically transmitted, please notify the undersigned via e-mail or phone and arrangements will be made for the alternate submission of said attachments.

INSTRUCTIONS

1. Answer in the greatest detail you are able for each of the Data Requests.
2. Include a copy of each data request that the response addresses before each response.

3. Return the completed and signed copy of your answers to APatel@socalgas.com and GHealy@socalgas.com as an attachment to electronic mail by close of business on **October 28, 2019**.
4. Any of the Data Requests and your answers thereto may be offered as evidence in any hearing in the above-styled and numbered cause.
5. In answering the Data Requests, you are required to set forth each responsive fact, circumstance, act, omission, or course of conduct, whether or not admissible in evidence at trial about which you have or had information, or which is or will be the basis for any contention made by you with respect to the Application.
6. The Data Requests shall be interpreted to make requests for information inclusive rather than exclusive.
7. You are required to supplement your answers to include information acquired after filing your responses to the Data Requests if you obtain information upon the basis of which you know that the response was incorrect or incomplete when made, or you know that the response that was originally correct and complete when made is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.
8. If you are not capable of answering any of the Data Requests completely, please state the portion of the Data Request that you are unable to answer, and to the extent possible set forth the reasons for your inability to answer more fully, and state whatever knowledge or information you have concerning the unanswered portion.
9. If requested information is not available in exactly the form requested, furnish carefully prepared estimates, designated as such, and explain the basis of the estimate, or indicate that you are unable to obtain the information and explain the reason that you cannot obtain the information. Where information is supplied pursuant to this instruction, explain why the information is being supplied in a form different from that requested.
10. If you withhold under a claim of privilege any document(s) responsive to the Data Requests, furnish a list specifying each document so identified, then set forth separately with respect to each document:
 - a. the type of document;
 - b. the date of the document;
 - c. for email or other correspondence, the author, sender(s), and recipient(s); and,
 - d. the legal and factual basis of privilege claim.
11. Please include such privilege log in service of responses to the Data Requests.

12. If a responsive document has been destroyed, is alleged to have been destroyed, or exists but is unavailable or no longer in your possession, custody or control, please provide the following:
 - a. the date of the document;
 - b. the names and titles of the author(s), sender(s), and recipients(s) of the document;
 - c. the reason for the document's destruction, disposition, or non-availability;
 - d. person(s) having knowledge of its destruction, disposition, or non-availability;
and
 - e. the person(s) responsible for its destruction, disposition, or non-availability.
13. As to any document produced in response to the Data Request, state the Data Request to which the document is made available as a response.
14. Where the context herein makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. All words and phrases shall be construed as masculine, feminine or neuter gender according to the context.
15. Documents to be produced include all documents in your possession, custody or control, which includes not only actual physical possession, but constructive possession, and the right to obtain possession from a third party, such as an agent or representative.
16. For each request below that calls for an admission, please state whether you admit or deny. For any response that is not an unqualified admission, 1) state all facts upon which you base your response; 2) state the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and 3) identify all documents and other tangible things that support your response, and state the name, address, and telephone number of the person who has each document or thing.

DEFINITIONS

1. "ALISO CANYON" means Aliso Canyon natural gas storage facility.
2. "BLADE" means Blade Energy Partners.
3. "COMMISSION PERSONNEL" means any and all of the Commission's present and former directors, officers, employees, agents, individuals acting or purporting to act on its behalf, contractors, and/or consultants.
4. "COMMUNICATION" means any contact, oral or written, formal or informal, at any time or place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred.
5. "HALLIBURTON COMPANY" means any and all of Halliburton Company's present and former directors, officers, employees, agents, in-house counsel, outside counsel, and/or any other person acting or purporting to act on its behalf.

6. "INCIDENT" means the release of gas that occurred at well SS-25 at ALISO CANYON from October 23, 2015 through February 11, 2016.
7. "PERSONAL INJURY CLAIM" means the lawsuit that Kenneth Bruno filed against SoCalGas in the Superior Court of California, County of Los Angeles on June 3, 2019, Case No. 19STCV19104.
8. "ROOT CAUSE ANALYSIS INVESTIGATION" means BLADE's investigation into the root cause of the INCIDENT.
9. "YOU," "YOUR," or "SED" means the Commission's Safety and Enforcement Division or its predecessors.

DATA REQUESTS

1. Admit that SoCalGas' Storage Integrity Management Program, as proposed by SoCalGas in 2014, was not specifically required by any Commission decision, order, regulation or law.
 - a. If YOUR answer is not an unqualified admission, please identify all decisions, orders, regulations, or laws that mandated such a program.
2. Admit that Boots & Coots, Inc. produced employees for an examination under oath at the Commission's headquarters in San Francisco in August 2018.
3. Identify all COMMISSION PERSONNEL who were on site at ALISO CANYON during the INCIDENT.
 - a. For each individual identified, provide the dates each respective individual was on site.
 - b. For each individual identified, describe what roles and responsibilities the individual had while on site.
4. Identify the total amount of costs that YOU have incurred to date, broken out by year, related to YOUR investigation of the INCIDENT.
5. Identify all instances in which YOU allege SoCalGas did not cooperate with SED's investigation.
6. Identify all instances in which YOU allege SoCalGas did not cooperate with BLADE's Root Cause Analysis investigation.
7. Describe YOUR role with respect to BLADE's investigation of the INCIDENT.
8. Did YOU provide BLADE with any instruction or direction regarding the scope of BLADE's ROOT CAUSE ANALYSIS INVESTIGATION?

9. If the answer to Data Request No. 8 is “Yes,” identify all such instructions or directions.
10. Identify all steps YOU took to manage the costs of the BLADE ROOT CAUSE ANALYSIS INVESTIGATION.
 - a. Identify all relevant facts necessary to support YOUR response.
11. Did YOU direct, instruct, or authorize BLADE to draw any adverse inferences concerning BLADE’s ROOT CAUSE ANALYSIS INVESTIGATION?
12. If YOUR response to Data Request No. 11 is “Yes,” please describe the nature of the adverse inferences that YOU asked BLADE to draw with respect to the ROOT CAUSE ANALYSIS INVESTIGATION.
13. Describe Kenneth Bruno’s duties and responsibilities in connection with YOUR investigation of the INCIDENT.
14. Identify all SED personnel who communicated with BLADE regarding BLADE’S ROOT CAUSE ANALYSIS INVESTIGATION.
15. Identify the date on which YOU were informed or became aware of Kenneth Bruno’s PERSONAL INJURY CLAIM against SoCalGas.
16. Identify all actions taken by the Commission with respect to Kenneth Bruno’s involvement in investigations related to the INCIDENT after SED became aware of Mr. Bruno’s PERSONAL INJURY CLAIM against SoCalGas.
17. Identify all actions taken by the Commission with respect to Kenneth Bruno’s involvement in investigations related to the INCIDENT after the Commission became aware of Mr. Bruno’s PERSONAL INJURY CLAIM against SoCalGas.
18. At the prehearing conference on August 30, 2019, counsel to SED stated that: “Through the past three years of the investigation SED has come across issues of failure to adequately keep records at the Aliso facility and specifically with regard to SS-25.” Identify all instances in which YOU allege SoCalGas failed to “adequately keep records” for SS-25.
19. Produce all COMMUNICATIONS between YOU and Parris Law Firm related to the INCIDENT.
20. Produce all COMMUNICATIONS between YOU and Panish Shea & Boyle, LLP related to the INCIDENT.
21. Produce all COMMUNICATIONS between YOU and Morgan & Morgan related to the INCIDENT.

22. Produce all COMMUNICATIONS between YOU and HALLIBURTON COMPANY related to the INCIDENT.
23. Produce all COMMUNICATIONS between YOU and BLADE.
24. Produce timesheets for all COMMISSION PERSONNEL for all time recorded in connection with the INCIDENT.

EXHIBIT 4

Patel, Avisha A

From: Gruen, Darryl <darryl.gruen@cpuc.ca.gov>
Sent: Friday, October 18, 2019 1:52 PM
To: Clorfeine, Sabina B.; Patel, Avisha A; Stoddard, F. Jackson; Sher, Nicholas
Subject: [EXTERNAL] Coordination in Advance of Subpoena for SoCalGas Person(s) Most Knowledgeable to Appear in CPUC Headquarters on November 1st

Sabina/Avisha/Jack:

SED will require SoCalGas to produce its person or persons most knowledgeable on November 1st at the CPUC headquarters in San Francisco with regards to:

The statements that SoCalGas's counsel made during the pre-hearing conference, as reflected in the Pre-hearing conference transcripts on pages 88-90, as well statements in SoCalGas's prepared pre-hearing conference statement pertaining to this matter.

The questions asked by SED of SoCalGas in SED Data Request 41 of I.19-06-016.

In the interest of advance coordination, SED will also require SoCalGas to produce all documents it has in its possession that provide what SoCalGas asserts provide a factual basis in support of what it has stated it believes is a conflict, as stated on pages 88-90 of the PHC transcripts, and any matters pertaining to that in its PHC statement.

Unfortunately, due to limited court reporter time, we do not have flexibility to arrange for a different date, but we wanted to let you know about this as soon as we could.

Please confirm the availability of the witnesses to comply with this request. The subpoena will come for this next week.

Thanks,

Darryl

Darryl Gruen
Staff Counsel
California Public Utilities Commission
505 Van Ness Ave. - San Francisco, CA 94102
(415) 703-1973 - djg@cpuc.ca.gov

This email originated outside of Sempra Energy. Be cautious of attachments, web links, or requests for information.

EXHIBIT 5

NICHOLAS SHER, STAFF COUNSEL
CALIFORNIA PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102
415.703.4232

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility. (U904G.)

SUBPOENA TO APPEAR AND PROVIDE TESTIMONY UNDER OATH
Public Utilities Code Sections 311(a) and 314(a)

SUBPOENA TO PROVIDE DOCUMENTS
Public Utilities Code Sections 311, 314, 314.5, 581, 582, 584, 701, 702, and 1791

TO: Person or Persons Most Knowledgeable at Southern California Gas Company

Pursuant to sections 314, 701, 702, and 1791 *et seq.* of the California Public Utilities Code,

1. You are:

a. Ordered to appear in person on November 1, 2019, at 10:00 a.m. at 505 Van Ness Avenue, San Francisco, CA 94102.

b. Ordered to produce the documents described in ..., at least three full business days prior to the personal appearances described herein, i.e., at or before _____. The personal attendance of the custodian and other qualified witnesses and the production of the original records is required by this subpoena.

c. Not required to appear in person if you produce copies of the documents described in **Declaration in Support of Subpoena** to the person named in item 4, below, prior to the date and time indicated above.

2. If you have been subpoenaed as a witness, you are entitled to witness fees and mileage actually traveled, as provided by law. You may request one day's witness and mileage fees for travel to and from the place you are required to appear. You may demand these fees at the time of service from the process server or from the party or attorney requesting the subpoena. If they are not paid or tendered at that time, or unless the subpoena was obtained by the Commission staff, you are not required to appear (Public Utilities Code Section 1791).

4. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, OR YOU WANT TO BE CERTAIN WHETHER YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON: Name: Nicholas Sher, CPUC Staff Counsel Telephone: 415-703-4232

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 21st day of October 2019.



By: Alice Stebbins
Title: Executive Director

DECLARATION IN SUPPORT OF SUBPOENA

I, Nicholas Sher, 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.

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, specifically, Public Utilities Code § 315 requires the Commission to “investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and may make such order or recommendation with respect thereto as in its judgment seems just and reasonable.”

3. On October 23, 2015, a gas leak was discovered at Southern California Gas Company’s (SoCalGas) Aliso Canyon Natural Gas Storage Facility (Aliso Canyon).

4. On June 27, 2019, the Commission opened an Order Instituting Investigation (OII) on the Commission’s Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility.

5. In a number of instances, SoCalGas has alleged that the Safety and Enforcement Division’s (SED) “lead investigator”, due to a conflict of interest, improperly interfered with Blade Energy Partner’s Root Cause Analysis (RCA) of the gas leak.¹ For example, but not

¹ Blade Energy Partners conducted an independent RCA of the Aliso Canyon gas leak.

limited to, SoCalGas' response regarding reimbursement of CPUC investigation costs,² SoCalGas' opening response to the OII,³ and SoCalGas' prehearing conference statement.⁴

6. SED believes that the Person or Persons Most Knowledgeable may have information that will help determine SoCalGas' basis for alleging that SED's "lead investigator" may have improperly interfered with Blade's RCA of the Aliso Canyon gas leak.

Executed under penalty of perjury under the laws of the State of California, on this 21st day of October 2019, at San Francisco, California.

/s/ Nicholas Sher

Nicholas Sher
Staff Counsel
California Public Utilities Commission

² Response of SoCalGas regarding reimbursement of CPUC investigation costs, p. 6.

³ Opening Response of SoCalGas to OII I.19-06-016, pp. 2-3, 13-15.

⁴ Prehearing Conference Statement of SoCalGas, pp. 5, 10-11.

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 October 22, 2019, I caused to serve via email the following documents:

SUBPOENA TO APPEAR AND PROVIDE TESTIMONY UNDER OATH

on Ms. Sabina Clorfeine, Person or Persons Most Knowledgeable at the Southern California Gas Company.

Executed under penalty of perjury of perjury under the laws of the State of California, on this 22nd day of October 2019 at San Francisco, California.

/s/ Nicholas Sher

Nicholas Sher

EXHIBIT 6

Moshfegh, Pejman

From: Sher, Nicholas <nicholas.sher@cpuc.ca.gov>
Sent: Tuesday, October 29, 2019 11:44 AM
To: Moshfegh, Pejman; Gruen, Darryl
Cc: Patel, Avisha A; Stoddard, F. Jackson
Subject: RE: Meet & Confer Request Pursuant to Rule 11.3

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Good Morning Pejman,

Thank you for your email. Being that the below issues were discussed at last week's meet and confer I do not believe that an additional meet and confer will resolve anything. At this point, SoCalGas is free to file a motion to quash SED's subpoena.

On a separate note, we look forward to receiving the emails mentioned in your email below, do you have an estimated time frame in which they will be produced?

Yours,
Nicholas

From: Moshfegh, Pejman <pejman.moshfegh@morganlewis.com>
Sent: Monday, October 28, 2019 10:25 PM
To: Sher, Nicholas <nicholas.sher@cpuc.ca.gov>; Gruen, Darryl <darryl.gruen@cpuc.ca.gov>
Cc: Patel, Avisha A <APatel@socalgas.com>; Stoddard, F. Jackson <fjackson.stoddard@morganlewis.com>
Subject: Meet & Confer Request Pursuant to Rule 11.3

Nicholas and Darryl,

As we discussed at our meet and confer last Thursday, SoCalGas is in receipt of your subpoena, which requests that a "Person or Persons most knowledgeable at SoCalGas about SoCalGas' allegations that SED's 'lead investigator' interfered with the RCA into the Aliso Gas leak" appear at the Commission's offices on November 1, 2019. The subpoena followed Darryl's October 18 email, which requested the appearance of a Person Most Knowledgeable (PMK) on the same topic, and specifically called out portions of the prehearing conference transcript, and SED Data Request 41. For the reasons described at our meeting yesterday, and as further described below, SoCalGas continues to object to SED's subpoena insofar as it is based on a mischaracterization of SoCalGas' position, is inappropriate, and premature. SoCalGas is not, at this time, affirmatively alleging that Ken Bruno acted to improperly influence either the Blade or SED investigations. Notwithstanding SoCalGas' clear position on this issue, SED refused SoCalGas' request that SED retract the subpoena for the PMK deposition. In accordance with Rule 11.3 of the Commission's Rules of Practice and Procedure, SoCalGas requests a meet and confer to further discuss an alternative resolution to this dispute before SoCalGas moves to quash.

SoCalGas has not made any factual statements or allegations that could serve as a reasonable or appropriate basis for a deposition or examination under oath. SoCalGas has asserted only that Mr. Bruno's dual roles as both a private plaintiff claiming personal injury as a result of the leak at Aliso Canyon and an investigator for the CPUC regarding the same incident present an apparent conflict of interest. This is a conflict of interest by definition. *See, e.g.,* CONFLICT OF INTEREST, Black's Law Dictionary (11th ed. 2019) (“[a] real or seeming incompatibility between one's private interests and one's public or fiduciary duties.”). SoCalGas has plainly described Mr. Bruno's conflict of interest in its filings with the Commission:

SoCalGas has not stated that SED's lead investigator committed an improper act with respect to Blade's or SED's investigation into the Aliso Canyon incident. Rather, SoCalGas has identified a serious concern regarding an apparent conflict of interest: the lead investigator who directed and oversaw the Aliso Canyon investigation for over three years filed, the next business day after the final of Blade's supplemental reports were issued, a personal injury lawsuit against SoCalGas for injuries he allegedly sustained as a result of his involvement in the Aliso Canyon investigation. SoCalGas has not prejudged the issue—only stated a fact that warrants further inquiry.

(Reply Comments of SoCalGas in Response to ALJ's Ruling Regarding Reimbursement of the State's Investigation-Related Costs, Sept. 11, 2019, pp. 6-7). While this is one example, SoCalGas' statements on this issue in other submittals and at the PHC are generally consistent with the above excerpt. SoCalGas is still in the process of investigating and evaluating whether Mr. Bruno did in fact engage in any inappropriate conduct related to Blade's or SED's investigations in to the Aliso Canyon Incident.

Indeed, as SoCalGas described at yesterday's meeting, SoCalGas has reviewed Blade's recent document production, which appears to include some but not all communications between Mr. Bruno and Blade. SoCalGas has not, however, received any documents from the CPUC in response to its June 19 Public Records Act request. The materials requested in this PRA request were specifically designed to help SoCalGas evaluate whether Mr. Bruno acted improperly. Further, several of these PRA requests call for information distinct from the documents produced by Blade. SoCalGas has been in frequent contact with the Commission regarding the status of this PRA request, but has not yet received a single document as of today.

Further, SoCalGas has not yet had an opportunity to depose either Mr. Bruno or Blade personnel with whom Mr. Bruno communicated. These depositions will likely provide additional information regarding Mr. Bruno's conflict of interest and whether and to what degree it affected how he performed his duties. As we informed SED yesterday, the deposition of Mr. Bruno has been noticed, and the deposition of Mr. Krishnamurthy has been scheduled for November.

In the meantime, SoCalGas will agree to produce to SED communications from the set of Blade emails, which SoCalGas believes are relevant and which may warrant further investigation. To that end, SoCalGas will produce an initial set of emails under separate cover. Your confirmation during our call that Mr. Bruno was not authorized to direct Blade's investigation was helpful in this regard.

Thanks,
Pejman

Pejman Moshfegh

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105

Direct: +1.415.442.1451 | Main: +1.415.442.1000 | Fax: +1.415.442.1001

pejman.moshfegh@morganlewis.com | www.morganlewis.com

Assistant: Christine Mustin | +1.415.442.1508 | chris.mustin@morganlewis.com

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