

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2020-03)

DATE RECEIVED: May 1, 2020

DATE SUBMITTED: May 15, 2020

GENERAL OBJECTIONS AND OBJECTIONS TO “INSTRUCTIONS”

1. SoCalGas objects to the Instructions and Definitions submitted by Cal Advocates on the grounds that they are overbroad and unduly burdensome. Special interrogatory instructions of this nature are expressly prohibited by California Code of Civil Procedure Section 2030.060(d). Further, SoCalGas objects to the Instructions to the extent they purport to impose requirements exceeding that required by GO 66-D or the Discovery Custom and Practice Guidelines provided by the CPUC.
2. The Request purports to require that SoCalGas provide “Access to Accounts” by “[n]o later than May 8, 2020 for remote access” and “if remote access is not available, no later than May 11, 2020 for physical access.” SoCalGas objects to the time frame allotted for SoCalGas’s provision of the demanded access as unduly burdensome and unreasonable, particularly to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas’s offices to facilitate physical or remote access while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); see *also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend).
3. The highlighted paragraph under “Responses” purports to require SoCalGas identify “the person providing the answer to each question and his/her contact information.” SoCalGas objects to this instruction because it has no basis in the Commission’s Rules of Practice and Procedure and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.
4. The highlighted portion of the paragraph under “Requests for Clarification” purports to require SoCalGas to notify Cal Advocates “within five (5) business days” if “a request, definition, or an instruction is unclear”; the highlighted paragraph under “Objections” purports to require SoCalGas to “submit specific objections, including the specific legal basis to the objection . . . within five (5) business days”; and the highlighted portion of the paragraph under “Assertions of Privilege” in the “Instructions” section of this Request further purports to require SoCalGas to “assert any privilege for documents

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responsive to this data request . . . within five (5) business days.” SoCalGas objects to these requirements as unduly burdensome and unreasonable as SoCalGas cannot determine which aspects of the Request need clarification, formulate objections or identify privileged information and documents until SoCalGas has otherwise completed its investigation and prepared its response to the Request.

5. The highlighted paragraph under “Sensitive Personal Identifying Information” purports to exclude from the category of properly redacted information the names of SoCalGas employees. SoCalGas objects to this request on the grounds that it is inconsistent with GO 66-D and unilaterally pre-judges the outcome of the GO 66-D procedures.
6. The first highlighted paragraph under “Signed Declaration” purports to require SoCalGas to provide “a signed declaration from a responsible officer or an attorney under penalty of perjury that [SoCalGas has] used all reasonable diligence in preparation of the data response, and that to the best of [his or her] knowledge, it is true and complete.” SoCalGas objects to this instruction because it has no basis in the Commission’s Rules of Practice and Procedure. SoCalGas further objects to the extent it purports to limit SoCalGas from amending its responses should additional information be later discovered. SoCalGas reserves its right to amend its responses to these requests should additional information relevant to SoCalGas’s responses is discovered at a later date.
7. SoCalGas objects to the second highlighted paragraph under “Signed Declaration” to the extent it purports to impose requirements exceeding the process for submitting confidential information to the Commission outlined in GO 66-D § 3.
8. SoCalGas objects to the time period of information sought as overbroad.
9. SoCalGas objects to the extent the requests call for information that is protected by attorney-client privilege, and does not allow time to sufficiently respond in a manner that would not violate that privilege by making such information accessible.
10. SoCalGas objects to the extent the requests call for information that is protected by SoCalGas’s rights which are currently the subject of the appeal (filed December 2, 2019), and does not allow time to sufficiently respond in a manner that would not violate those rights by making such information accessible.
11. SoCalGas objects to the request to review SAP data related to Reach Codes. Whether SoCalGas has ever used ratepayer funds to advocate against local government’s adoption of reach codes has been ordered as within the scope of the Order to Show Cause Directing SoCalGas to Address Shareholder Incentives for Codes and Standards Advocacy Expenditures in R.13-11-005 (OSC). (See March 25, 2020 Email Ruling from Administrative Law Judge Valerie Kao Clarifying Scope of Order to Show Cause and Providing Further Instructions for Hearing). In particular, ALJ Kao’s ruling provides that among the factual question to be decided in the OSC is “Whether Respondent ever used ratepayer funds, regardless of the balancing account or other accounting mechanism to which such funds were booked, to advocate against local governments’ adoption of reach codes.” (*Id.*) Because there is an open and ongoing proceeding concerning SoCalGas’ reach code activity and the use of ratepayer funds, any discovery related to such activity should be served and addressed within the OSC in R.13-11-005. Addressing discovery related to the same

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issue both inside an ongoing proceeding and outside of a proceeding is inefficient, wastes resources, and risks inconsistent outcomes to the extent any disputes on such discovery result in motion practice and rulings by the Commission. For SAP accounts related to the OSC, for purpose of formality and distinction, SoCalGas will be treating that portion of this data request as related to the OSC proceeding, including for purposes of applying Rule 10.1 of the Commission's Rules of Practice and Procedure and resolving any discovery disputes that may arise related to those SAP accounts through the SoCalGas personnel handling that proceeding and the assigned administrative law judge (ALJ Kao).

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QUESTION 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.

RESPONSE 1:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the characteristics of the “[r]emote access” or “access” to the “SoCalGas SAP system” to which Cal Advocates seeks. SoCalGas further objects to this Request to the extent that it seeks to provide CalAdvocates’ auditor to access to SoCalGas’ 100% shareholder-funded accounts as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

SoCalGas further objects to this Request as unduly burdensome to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas’ offices to facilitate physical or remote faccess while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); *see also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend). Requiring SoCalGas employees working from home to travel to SoCalGas’s offices solely to provide or facilitate the access demanded by Cal Advocates imposes an unnecessary risk of being exposed to and contracting the novel coronavirus, which is well known to pose severe health risks including death.

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: SoCalGas intends to provide access to

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SAP information and any assistance needed in navigating the system as soon as it is able to adequately protect its privileged information, its rights indicated in the December 2, 2019 appeal, and its confidential information. As SoCalGas has stated in several meet and confer calls, the level of access requested by the CalPA has never been provided to the CPUC before and there are unique and serious issues with allowing such access that SoCalGas is working diligently to resolve. SoCalGas has agreed to provide in the interim specific requested financial data identified by CalPA on May 8, 2020 (see below), in a similar fashion to how such information has been disclosed to CalPA previously (subject to the foregoing objections).

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

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QUESTION 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.

RESPONSE 2:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the characteristics of the “[a]ccess to SoCalGas' SAP system, whether remote or physical” which Cal Advocates seeks. SoCalGas further objects to this Request on the grounds that the phrase “equivalent to the highest quality and functionality available to SoCalGas accountants and auditors” is vague and ambiguous. SoCalGas further objects to this Request to the extent that it seeks to provide CalAdvocates' auditor to access to SoCalGas' 100% shareholder-funded accounts as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

SoCalGas further objects to this Request as unduly burdensome to the extent that it seeks physical access to SoCalGas computer systems located in Los Angeles or would require SoCalGas employees working from home to travel to SoCalGas' offices to facilitate physical or remote access while government-issued Safer at Home Orders requiring residents of the state of California and City of Los Angeles to stay at home as much as possible and to avoid all non-essential travel are still in effect. See Executive Order N-33-20, *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf> (ordering “all individuals living in the state of California to stay home or at their place of residence” (subject to limited exceptions)); Public Order Under City of Los Angeles Emergency Authority dated March 19, 2020, *available at* https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (subject only to certain exceptions, “all persons living within the City of Los Angeles are hereby ordered to remain in their homes”); see *also* Safer at Home Order for Control of COVID-19, *available at* http://file.lacounty.gov/SDSInter/lac/1070029_COVID19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf (prohibiting all indoor and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to attend). Requiring SoCalGas employees working from home to travel to SoCalGas's offices solely to provide or facilitate the access demanded by Cal Advocates imposes an unnecessary risk of being exposed to and contracting the novel coronavirus, which is well known to pose severe health risks including death.

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Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

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QUESTION 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.

RESPONSE 3:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects on the grounds that the phrase "mingled with ratepayer funded accounts" in subsection (c) of this Request is vague, ambiguous, and overly broad. SoCalGas further objects to the phrase "recorded in a distinct SAP account that is not ratepayer funded" in subsection (e) of the Request as vague, ambiguous, and to the extent it misstates SoCalGas' response to Data Request CALPA-SCG-0517179, Question 3, in which SoCalGas stated 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" (emphasis added). SoCalGas further objects to the phrase "for accounting purposes" in subsection (f) of the request as vague and ambiguous. SoCalGas further objects to this Request to the extent that it seeks access to documents or information about SoCalGas' 100% shareholder-funded

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activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

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QUESTION 4:

Training and assistance for the auditor to access all SoCalGas accounts, including FERC accounts.

RESPONSE 4:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent that it seeks “[t]raining and assistance” to facilitate CalAdvocates’ auditor’s access to SoCalGas’ 100% shareholder-funded accounts as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

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QUESTION 5:

Training and assistance for the auditor to access information regarding all contracts, invoices, and payments made to third parties.

RESPONSE 5:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request on the grounds that its request to access information regarding “*all* contracts, invoices, and payments made to third parties” is vague, ambiguous, and unduly burdensome. SoCalGas further objects to this Request to the extent that it seeks “[t]raining and assistance” to facilitate CalAdvocates’ auditor’s access to SoCalGas’ 100% shareholder-funded “contracts, invoices, and payments made to third parties” for SoCalGas’ 100% shareholder-funded activities as an illegal infringement of SoCalGas’ rights under the United States and California Constitutions. See Southern California Gas company’s (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

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QUESTION 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.

RESPONSE 6:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent it misstates or mischaracterizes SoCalGas' response to CALADVOCATES-TB-CG-2020-02, Question 6. SoCalGas further objects to this Request to the extent that it seeks "[t]raining and assistance" to facilitate CalAdvocates' auditor's access to SoCalGas' 100% shareholder-funded "contracts, invoices, and payments made to third parties" for SoCalGas' 100% shareholder-funded activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.

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QUESTION 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.

RESPONSE 7:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what "[t]raining and assistance" Cal Advocates requests that SoCalGas provide to its auditor. SoCalGas further objects to this Request to the extent it misstates or mischaracterizes SoCalGas' response to CALADVOCATES-TB-CG-2020-02, Question 6. SoCalGas further objects to this Request to the extent that it seeks "[t]raining and assistance" to facilitate CalAdvocates' auditor's access to SoCalGas' 100% shareholder-funded "contracts, invoices, and payments made to third parties" for SoCalGas' 100% shareholder-funded activities as an illegal infringement of SoCalGas' rights under the United States and California Constitutions. See Southern California Gas company's (U 904 G) 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) (filed Dec. 2, 2019; pending before the Commission).

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QUESTION 8:

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

RESPONSE 8:

SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to specify what “[t]raining and assistance” Cal Advocates requests that SoCalGas provide to its auditor.

Notwithstanding these objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: See response to Request No. 1.