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California Public Utilities Commission

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PUBLIC ADVOCATES OFFICE DATA REQUEST
No. CalAdvocates-TB-SCG-2021-01

Not In A Proceeding

Date Issued: February 1, 2021

Date Due: February 11, 2021

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INSTRUCTIONS¹

General:

You are instructed to answer the following Data Requests with written, verified responses pursuant to, without limitation, Public Utilities Code §§ 309.5(e), 311(a), 314, 314.5(a), 581, 582, 584, 701 and 702 and Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure within ten (10) business days. Note that Public Utilities Code § 581 requires you to provide the information in the form and detail that we request and failure to do so may result in fines or other penalties.

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

¹ Because SoCalGas has routinely failed to comply with the Instructions provided in the data requests in this investigation, portions of these Instructions are highlighted to bring your attention to the Instructions. Cal Advocates' expects that you will comply with all of the Instructions, including those that are highlighted.

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 notify Cal Advocates of your intent to make such claims within five (5) business days, and provide a privilege log no later than the due date of this data request, including: (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. No confidential information should be blacked out. Assertions of confidentiality will be carefully scrutinized and are likely to be challenged absent a strong showing of the legal basis and need for confidentiality.

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 under penalty of perjury 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” and 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, including its parent, Sempra Energy Company.
- 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 1st of January and the 31st of January. Likewise, phrases such as “since January 1” and “from January 1 to the present” should be understood to include January 1st, and phrases such as “until January 31,” “through January 31,” and “up to January 31” should also be understood to include the 31st.
- 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,” and activities intended to influence legislative or administrative actions at the state or local government level, shall, without limitation, be construed broadly and, without limitation, to be inclusive of how those terms are described in the Sempra Energy Political Activities Policy (Policy), the training materials related to the Policy, and the California Political Reform Act .²

DATA REQUEST

The following questions follow up on your responses to the data request issued to SoCalGas by Cal Advocates on December 31, 2020 that were prompted by the article issued on December 31, 2020, Attachment A hereto.

1. Please provide copies of the text messages sent by Californians for Balanced Energy Solutions (C4BES) to Santa Barbara residents in advance of the City Council’s January consideration of a proposal to reduce or eliminate the installation of natural gas in new construction.³
2. Please identify the person at SoCalGas most knowledgeable about C4BES and its activities.
3. Please describe anything that SoCalGas knows about the text messages, including, without limitation:
 - a. When the messages were sent;
 - b. How the residents’ phone numbers were procured;
 - c. How many text messages were sent;
 - d. Other cities where similar text messages have been sent; and

² 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.” The California Political Reform Act has a similarly broad definition. See, e.g., Gov’t Code § 82032.

³ Cal Advocates notes that this is the second request for this information, which was originally requested in the December 31, 2020 data request.

- e. Whether or how Sempra Energy or SoCalGas had any role in the creation or delivery of the text messages, or any knowledge that they were being sent.⁴
4. Please explain your current relationship to C4BES.
5. Please list all of your employees who have been C4BES Board members, and the dates they were Board members.
6. Do you currently have an employee on the Board of C4BES? If so, who?
7. If you no longer have an employee on the Board of C4BES, please identify the date that you withdrew your last employee from the Board and any communication to C4BES effectuating this withdrawal.
8. Please explain why you no longer have an employee on the Board of C4BES.
9. Please identify all SoCalGas employees who have communicated with C4BES Board Members and/or Jon Switalski, the Executive Director of C4BES, between November 1, 2020 and today regarding the text messages and the names of the C4BES Board Members they have communicated with.
10. Please provide all communications between SoCalGas employees and C4BES Board Members and/or Jon Switalski that have occurred November 1, 2020 and today.
11. Do you have any type of relationship with VoterVoice? See <https://info.votervoicenet/>. If so, please describe the relationship and provide all communications between you and VoterVoice between January 1, 2020 and today, including, without limitation, any contract and/or invoices.
12. Please identify the person at SoCalGas most knowledgeable about the threats Mr. Eric Hofmann, the current Chair of the C4BES Board, made to the City of San Luis Obispo between April and June of 2020. See Attachment B hereto.
13. Please identify any actions you, as a contributor to C4BES, took after the threats to San Luis Obispo to ensure Mr. Eric Hoffman did not follow through on his threats and to ensure such threats were not made by any C4BES representative in the future and provide any supporting documentation.

END OF REQUEST

⁴ Cal Advocates notes that this is the second request for this information, which was originally requested in the December 31, 2020 data request.

ATTACHMENT A

It's Time for Santa Barbara to Ditch Fossil Gas: Front Group for SoCalGas Spreads Disinformation, Leah C. Stokes, Santa Barbara Independent, Dec. 31, 2020

Santa Barbara Independent

It's Time for Santa Barbara to Ditch Fossil Gas

Front Group for SoCalGas Spreads Disinformation



Credit: WikiCommons

By Leah C. Stokes

Thu Dec 31, 2020 | 11:54am

A few days ago, a friend reached out to show me a strange, unsolicited text message: It warned that the Santa Barbara City Council would soon be voting to ban gas hookups in new buildings. This policy has already been adopted in [40 cities](#) across California. Yet, the text claimed the consequences for our community would be dire: dramatic energy costs, electrical grid dangers, oh my!

The message directed its recipients to go to the Californians for Balanced Energy Solutions (C4BES) website, where they could write to the Santa Barbara City Council to oppose the measure. I immediately had a hunch who was behind these text messages: SoCalGas.

With the help of PR consultants, SoCalGas created and [funded](#) C4BES. It is, in effect, a front group that aims to hide its motives and funders, in this case SoCal Gas's interest in keeping California dependent on fossil fuels. They have used [our utility payments](#), which we have to make month after month as ratepayers, to do it. It's important to remember that SoCalGas is a monopoly. In our region, if you buy gas to heat your home or cook your food, you have to pay them money. There is no other choice. And they are using some of the money you pay to delay and weaken climate action. As many have pointed out, this is [wrong](#).

C4BES has opposed electrification at the California Public Utilities Commission and is trying to block local governments like ours from moving away from fossil gas. In San Luis Obispo, they used particularly [repugnant tactics](#) to try to block the change, like threatening to bus in protesters potentially infected with COVID. Currently, SoCalGas is [suing](#) the state for its climate efforts. These are the kinds of things the utility and its front group spend money on.

When my friend sent me the text, I wondered, how did they get her number? Given the ties between this pro-gas front group and the gas utility, a savvy person might ask: Did it perhaps come from SoCalGas's customer database?

The talking points that C4BES is advancing are false. Planning new developments to run on electricity will not change our energy prices or "endanger our grid." Indeed, Southern California Edison, our local electric utility, supported a similar proposal that recently passed in Ojai.

Here's what *is* dangerous: continuing to use fossil gas. In California, energy use in buildings is about a quarter of our carbon emissions. To cut these emissions, we need to get off gas. The vast majority of SoCalGas's supply is imported from [other](#) states like New Mexico and Texas, where it is usually harvested through fracking. It is also a potent greenhouse gas — methane — which [escapes](#) as it is moved around, through issues like leaky pipes. All this methane leakage greatly exacerbates climate change.

Back in 2015, SoCalGas's largest storage facility located in Porter Ranch, just 80 miles east of Santa Barbara, began to leak. The leak went on for almost four months. More than 10,000 people had to evacuate their homes. The incident had a [bigger](#) greenhouse gas footprint than the BP Deepwater Horizon spill. Locally, we have our own SoCalGas storage facility at [La Goleta](#).

In your own home, it's becoming increasingly [clear](#) that using gas is a hazard to you and your family's health. Research shows that children living in homes with gas stoves are at 42 percent [higher risk](#) of experiencing asthma. Since burning gas in your home increases your exposure to pollutants like nitrogen dioxide (NO₂), it also increases your [risk](#) of dying from COVID.

And health impacts aren't the only thing to worry about. Gas leaks happen, and sometimes they [blow up](#) homes entirely. During a recent fire in Goleta, one friend told me that the fire department couldn't go down her street to defend her home because they were worried about an explosion from a gas leak.

For our health, for our safety and for our planet, we need to stop using gas.

If anything, Santa Barbara is late to the party. Similar policies have already passed in Ojai and San Luis Obispo. Ventura is also currently considering adopting this approach.

This is a good plan for our city and for the planet. Research [shows](#) that we cannot build any new fossil fuel infrastructure and keep warming to below 1.5°C. Given that Santa Barbara is extremely vulnerable to climate impacts — as the recent fires, heatwaves, and mudslides have shown — we should be doing everything we can as a community to get off fossil fuels as fast as possible.

It's also a smart approach in terms of cost savings. If local developers build new buildings without gas in the first place, we won't have to retrofit them to reach our climate goals. No wonder the approach has such strong support: from the [American Institute for Architects](#), the Community Environmental Council, and our local Sierra Club.

If you agree, you can [write](#) to the mayor and City Council to let them know you support the gas ban. And you can attend the council meeting, [virtually](#), on January 12.

Or take it one step further, and electrify your home this year. Induction stoves are [superior](#) for cooking and are getting cheaper every year. Heat pumps not only warm your house at a low cost, they can also cool it — a useful feature given our region has [already warmed](#) by 2°C because of climate change.

With just a few changes, you'll kick the gas habit. Your health and our planet will thank you. And as an added bonus, you'll also get to stop paying for SoCalGas's attacks on climate policy.

Leah C. Stokes, an assistant professor of environmental politics at the University of California, Santa Barbara, is the author of "[Short Circuiting Policy](#)," a contributor to the essay collection "[All We Can Save](#)," and co-host of the podcast "[A Matter of Degrees](#)." Follow her on Twitter [@leahstokes](#).

ATTACHMENT B

SoCalGas union leader threatened protest 'potentially adding to this pandemic', Sammy Roth, Los Angeles Times, May 6, 2020

Los Angeles Times

CLIMATE & ENVIRONMENT

SoCalGas union leader threatened protest 'potentially adding to this pandemic'

As San Luis Obispo planned to vote on a climate change policy, a SoCalGas union leader emailed city officials saying he would bus in hundreds of protesters. (Alex Gallardo / Los Angeles Times)

By **SAMMY ROTH**

STAFF WRITER

MAY 6, 2020

5 AM

San Luis Obispo was on the verge of passing an ambitious climate change policy when the proposal's most vocal critic, Eric Hofmann, found a trump card: fear of the coronavirus.

Elected officials in this city along California's Central Coast planned to vote on an energy code that would encourage construction of all-electric buildings, which don't use gas appliances and aren't hooked up to the gas grid. It's an increasingly popular tool for cities looking to phase out fossil fuels — and a threat to the gas industry, which has mounted a vigorous counteroffensive.

On March 16, Hofmann sent an email to San Luis Obispo officials that left them shocked.

"If the city council intends to move forward with another reading on a gas ban I can assure you there will be no social distancing in place," he wrote. "I strongly urge the city council to kick this can down the road to adhere to public health safety measures. Please don't force my hand in bussing in hundreds and hundreds of pissed off people potentially adding to this pandemic."

Hofmann is president of Utility Workers Union of America Local 132, which represents thousands of employees of Southern California Gas Co. — one of the nation's largest gas utilities, and a prominent crusader against local efforts to phase out gas. He also chairs the board of directors of Californians for Balanced Energy Solutions, a pro-gas advocacy group that has received funding from SoCalGas and worked closely with the utility to generate opposition to all-electric building policies.

“We will pull permits and close streets and have a massive protest on April 7th. Now is not the time to do this,” Hofmann wrote. “Please tell mayor harmon and the rest of the council for the sake of people’s health, that their efforts are better focused on how to better deal with this pandemic than to stir up all the emotions of people losing their jobs along with this disease.”

The next week, San Luis Obispo officials scrapped plans for an April 7 vote on the energy code. The vote has not been rescheduled.

The city’s community development director, Michael Codron, attributed the indefinite delay in part to Hofmann’s threat.

“There’s no way to know whether it was bluster,” he said in an interview.

The fight in San Luis Obispo is a particularly intense example of a battle playing out across the state.

[More than two dozen](#) California cities have approved policies over the last year banning or discouraging the use of natural gas for space heating, water heating and cooking in new buildings.

Climate activists and many energy experts see transitioning to all-electric buildings as the best way to slash emissions from homes and businesses. Gas is a fossil fuel that contributes to climate change, whereas California’s electricity is increasingly supplied by climate-friendly sources such as solar and wind farms.

SoCalGas has responded by convincing [nearly 120 cities and counties](#) to approve similarly worded resolutions, originally drafted by the gas company, calling for “balanced energy solutions.” The company’s climate solution of choice is renewable natural gas — a fuel that could replace some of the fossil gas that contributes to climate change, but which experts say [has serious limitations](#).

Southern California Gas is engaged in a wide-ranging campaign to preserve the role of its pipelines in powering society.

Natural gas workers, fearful for their livelihoods, are on the front lines of the battle.

The Utility Workers Union of America [has joined SoCalGas](#) in funding Californians for Balanced Energy Solutions, or C4BES, which critics deride as a front for the gas company. In addition to Hofmann, two other UWUA officials serve on the group’s board.

Separately, a union representing Los Angeles utility workers protested Mayor Eric Garcetti's decision last year to shut down three gas-fired power plants along the coast. The International Brotherhood of Electrical Workers Local 18 [attacked Garcetti](#) over his climate agenda, and briefly used its political influence to hold up the city's approval of a [record-cheap contract](#) for solar power.

Under San Luis Obispo's proposed energy code, all-electric buildings would be the preferred option for new construction. Developers would still be allowed to build homes and commercial structures that use gas, so long as they retrofit an existing building, or pay a fee to the city to reduce gas consumption elsewhere. Existing homes and businesses would not be affected.

Hofmann described the policy proposal in existential terms. Asked about his March 16 email, he sent The Times a written statement claiming that San Luis Obispo "has made a provocative attack on the livelihood of our members with its anti-gas policy."

"That has stirred vehement reactions from our members, including mass attendance at past City Council meetings," Hofmann wrote. "When the City Council announced that it would re-start its anti-gas effort at the April 7th meeting, we thought it best to both organize our members' attendance in an orderly way, and at the same time try to persuade the City Council to postpone its anti-gas effort to a more prudent time."

"Fortunately the Council agreed and did so," he added.

Hofmann also noted that his email "predated the Governor's COVID-crisis shutdown."

Gov. Gavin Newsom didn't issue a statewide stay-at-home order until three days after Hofmann's email. But Newsom's office had already announced that public events "can proceed only if the organizers can implement social distancing of 6 feet per person." San Luis Obispo had [reiterated](#) Newsom's directive, noting that "there will be limited capacity" for attendance at council meetings.

Hofmann's email was obtained by the Climate Investigations Center, a fossil fuel industry watchdog group, under the California Public Records Act, and shared with The Times. He addressed the message to Codron, copying several other city officials.

Michael,

If the city council intends to move forward with another reading on a gas ban I can assure you there will be no social distancing in place. I strongly urge the city council to kick this can down the road to adhere to public health safety measures. Please don't force my hand in bussing in hundreds and hundreds of pissed off people potentially adding to this pandemic.

We will pull permits and close streets and have a massive protest on April 7th. Now is not the time to do this. Please tell mayor harmon and the rest of the council for the sake of people's health, that their efforts are better focused on how to better deal with this pandemic than to stir up all the emotions of people losing their jobs along with this disease. Let's be smart about this

Let me know how you'd like to proceed.

-Eric

A screenshot of Eric Hofmann's March 16 email to city officials in San Luis Obispo.

San Luis Obispo Mayor Heidi Harmon, a longtime climate activist, said it is "incredibly disappointing and disturbing and concerning to hear that this group is willing to risk our community's health and safety." She described Hofmann's threat as consistent with the fossil fuel industry's willingness to "continue down this incredibly dangerous path" of heating the planet.

Harmon said she's sympathetic to gas utility workers fearful of losing their jobs. But she feels strongly that fossil fuels need to stay in the ground, and that government ought to help fossil fuel workers transition to new jobs in the clean-energy economy.

She also pointed to emerging scientific research suggesting that poor air quality [makes people more vulnerable to COVID-19](#).

"All these things are interconnected and interrelated," Harmon said.

Health and environmental groups say the study is stark evidence of the danger of weakening pollution safeguards during the coronavirus pandemic.

San Luis Obispo's city council [had voted](#) in September to approve the new energy code, after a packed meeting where dozens of people commented for and against the policy, including SoCalGas employees. But before the council could vote a second time — which was required for the policy to take effect — UWUA Local 132 [accused](#) council member Andy Pease of a conflict of interest, saying she should have recused herself because she's a partner in a consulting firm that specializes in energy-efficient buildings.

Pease [said at the time](#) that she didn't believe she had a conflict. And the energy code would have passed even without her vote. But city officials delayed a final vote and asked the state's Fair Political Practices Commission to review the union's complaint.

With no answer yet from the FPPC, San Luis Obispo staff decided to bring the energy code back to city council in April for a redo of the first vote, with Pease recusing herself. That's when Hofmann threatened the protest.

Hofmann, a lead construction tech at SoCalGas, is on a three-year leave of absence from the company due to his union leadership position. SoCalGas said he did not discuss or coordinate his protest threat with company executives or managers.

The company otherwise declined to comment on Hofmann's email.

"SoCalGas workers are out there on the front lines performing the work needed to safely maintain our infrastructure, while also protecting the safety and well-being of the communities we serve," gas company spokesman Chris Gilbride said in an email.

Jon Switalski, executive director of Californians for Balanced Energy Solutions, didn't respond to a request for comment about whether Hofmann discussed or coordinated his threatened protest with C4BES before emailing San Luis Obispo officials.

The SoCalGas-backed advocacy group published a [Facebook post](#) March 13 warning that San Luis Obispo "could put in place rules that will make natural gas energy in new and existing buildings too expensive and out of reach for many Californians."

SoCalGas, meanwhile, continues to face accusations that it has inappropriately used ratepayer funds to fight clean energy policies — potentially including in San Luis Obispo. California Public Utilities Commission staff [ruled](#) last week that their ongoing investigation into the utility's expenditures could include questions raised by the commission's Public Advocates Office and by the Sierra Club, about whether SoCalGas has used customer money to lobby against city ordinances promoting all-electric buildings.

The company has been charging California ratepayers for some contributions to pro-natural gas advocacy groups.

The gas company sent a [comment letter](#) to San Luis Obispo last year opposing the city's proposed energy code.

It's unclear when San Luis Obispo will reschedule the vote. Codron said city officials determined that "having a council meeting with extraordinary participation just wasn't something that was appropriate to move forward with." The city recently started hosting digital council meetings open to public commenters, but they've been "fraught with technical challenges," Codron said.

"We're going to look for the soonest opportunity where the logistics of a meeting of this scope can be managed," he said.

SLO Climate Coalition chair Eric Veium, who advocated for the new energy code, noted that San Luis Obispo leaders have set a goal of carbon neutrality by 2035 — one of the country's most ambitious climate targets. He's confident they won't back down.

"We will not allow the fossil fuel industry and their front groups to bully us," he said.