

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-AW-SCG-2020-08)

Responses to Questions [2-6] Submitted: January 15, 2021

Responses to Questions [1, 7-9, 11-13] Submitted: January 29, 2021

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). SoCalGas further objects to the Instructions to the extent they purport to impose requirements exceeding that required by CPUC General Order 66-D or the Discovery Custom and Practice Guidelines provided by the CPUC.
2. SoCalGas objects to the Data Request’s imposition of a deadline of January 15, 2021 as unduly burdensome and unreasonable, particularly given the holidays and the fact that Cal Advocates served another data request on December 31, 2020.
3. The highlighted sentence in the second paragraph under “General” states that if SoCalGas “acquire[s] additional information after providing an answer to any request, [it] must supplement [its] response following the receipt of such additional information.” SoCalGas objects to this instruction on the grounds that it is a continuing interrogatory expressly prohibited by Code of Civil Procedure § 2030.060(g), 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 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.
5. 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 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.
6. The highlighted paragraph under “Assertions of Confidentiality” purports to require SoCalGas, “[i]f it assert[s] confidentiality for any of the information provided,” to “please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion.” SoCalGas objects to this request the extent it purports to impose requirements exceeding the process for submitting confidential information to the Commission outlined in GO 66-D § 3, has no basis in the Code of Civil Procedure or the Commission’s Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC.

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7. 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 Code of Civil Procedure or the Commission’s Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC. 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.
8. 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, has no basis in the Code of Civil Procedure or the Commission’s Rules of Practice and Procedure, and exceeds that required by the Discovery Custom and Practice Guidelines provided by the CPUC. SoCalGas further objects to this paragraph as unduly interfering with the attorney-client relationship and forcing waiver of the attorney-client privilege and attorney work product doctrines. This violates Evidence Code sections 954, 955, 915, and 912, and exceeds the power of the Commission by seeking to modify the legislatively mandated privilege. It further violates Cal. Code Civ. Pro. sections 128.7, 2018.030(a), and 2031.250(a), and as such exceeds the power of the Commission by setting rules in conflict with statute.
9. SoCalGas will produce responses only to the extent that such response is based upon personal knowledge or documents in the possession, custody, or control of SoCalGas, as set forth in the California Public Utilities Commission (“Commission or CPUC”) Rules of Practice and Procedure. SDG&E and SoCalGas possession, custody, or control does not include any constructive possession that may be conferred by SoCalGas’ right or power to compel the production of documents or information from third parties or to request their production from other divisions of the Commission.
10. SoCalGas objects to the definition of “you,” “your(s),” “Company,” “SCG,” and “SoCalGas” to the extent it seeks information from Sempra Energy. The responses below are made on behalf of SoCalGas only.

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QUESTION 1:

Please identify in tabular format all 501(c)4 entities that SoCalGas has contributed to from 2015 to today. Please include columns identifying the name of the entity, the amounts contributed in each year to the entity, and the Federal Energy Regulatory Commission (FERC) account number where the contributions to the entity were booked

RESPONSE 1:

SoCalGas objects to this Request to the extent that it purports to require SoCalGas to create documents or compile information in a format that it does not create or maintain in the ordinary course of business. Such an obligation exceeds the requirements under the CPUC's Discovery Custom and Practice Guidelines and California Code of Civil Procedure Section 2031.230 (proper response stating inability to comply with discovery request includes a statement that "the particular item or category [of records] has never existed"). See also A.05-04-020, In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc., Administrative Law Judge's Ruling Addressing Motion of Qwest to Compel Responses, Aug. 5, 2005, at p. 7 (regarding motion to compel, emphasizing that "Verizon is not required to create new documents responsive to the data request") (also available at 2005 WL 1866062); A.05-02-027, In the Matter of the Joint Application of SBC Communications Inc. and AT&T Corp., Administrative Law Judge's Ruling Regarding ORA's Second Motion to Compel, June 8, 2005, at p.23 (on motion to compel, stressing that SBC Communications "shall not be required to produce new studies specifically in response to this DR") (also available at 2005 WL 1660395). Subject to and without waiving this Objection, the General Objections and Objections to "Instructions" stated above, which are expressly incorporated herein, SoCalGas responds as follows:

SoCalGas's contributions to 501(c)(4) organizations are included in its GO 77M reports, including the names of the entity, the amounts contributed in the year to the entity, and the Federal Energy Regulatory Commission (FERC) account number where the contributions to the entity were booked. Whether the organizations listed are 501(c)(4) organizations can be derived from publicly available information.

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QUESTION 7:

Please provide a screen shot of a SoCalGas employee’s time entries that is consistent with SoCalGas’ representations in response to Question 6 of CALADVOCATES-TB-SCG-2020-02 that “SoCalGas employees charge their bi- weekly expenses based upon the appropriate accounting information for the specific activity or activities being supported.”

RESPONSE 7:

SoCalGas objects to this Request on the grounds that it is vague and ambiguous in defining the term “consistent” and what time period is in question. SoCalGas’s procedures for time entry are revised and updated from time to time, as needed. For purpose of this response, SoCalGas is interpreting this Request as asking for a screen shot of time entries consistent with the procedures in place at the time of the prior response to Question 6 of CALADVOCATES-TB-SCG-2020-02 (April 24, 2020). Notwithstanding this Objection, the General Objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas respond[s] as follows:

The screenshot shows a time entry system interface. At the top, there is a navigation bar with a date range of 10/17/2020 - 10/30/2020, an 'Amend' button, and other options like 'More', 'Other Versions', and 'List View'. A message box states: "This timesheet was already processed. Press amend button to make changes." Below this is a 'Time Entry' tab. The main area features a calendar for October 2020, with a 'Show All Weeks' checkbox checked. A table below the calendar displays time entry data for the week of October 17-23, 2020. The table has columns for Date, Pay Code, Hours, Order, Cost Center, Reason, and Vehicle Code. The data shows hours worked for each day, with a total of 40.00 hours for the week.

Date	Pay Code	Hours	Order	Cost Center	Reason	Vehicle Code
Sat 10/17	Hours Worked					
Sun 10/18	Hours Worked					
Mon 10/19	Hours Worked	8.00				
Tue 10/20	Hours Worked	8.00				
Wed 10/21	Hours Worked	8.00				
Thu 10/22	Hours Worked	7.50				
Thu 10/22	Hours Worked	0.50	300809577	OJAI REACH CODE		
Fri 10/23	Hours Worked	7.50				
Fri 10/23	Hours Worked	0.50	300809577	OJAI REACH CODE		
		40.00				

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Date	Pay Code	Hours	Order	Cost Center	Reason	Vehicle Code
Sat 10/24	Hours Worked					
Sun 10/25	Hours Worked					
Mon 10/26	Hours Worked	8.00				
Tue 10/27	Hours Worked	5.00				
	Hours Worked	3.00	300809577 OJAI REACH CODE			
Wed 10/28	Hours Worked	7.50				
	Hours Worked	0.50	300809577 OJAI REACH CODE			
Thu 10/29	Hours Worked	8.00				
Fri 10/30	Hours Worked	8.00				
		40.00				

Exceptions | Time Off Balances | Schedule | FMLA | Results

Date	Exception Message
Fri 10/30	HR Demographic Data: Company: 15 - Southern California Gas Co. Dept: 50622 - Regl Public Affrs - Chatsworth Reg/Temp: R Full/Part Time: F Empl Class: N - Regular Union Cd: &

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QUESTION 8:

Please explain how this description of employee timekeeping is consistent with SoCalGas' representations in response to Question 24 of CALADVOCATES-AW-SCG-2020-01 that "Regional Public Affairs employees do not track their time by project or proceedings."

RESPONSE 8:

SoCalGas objects to this Request on the grounds that it is vague and ambiguous in defining the term "consistent" and what time period is in question. SoCalGas' procedures for time entry are revised and updated from time to time, as needed. For purpose of this response, SoCalGas is interpreting this Request as asking for a screen shot of time entries consistent with the procedures in place at the time of the prior response to Question 24 of CALADVOCATES-AW-SCG-2020-01 (March 3, 2020). Notwithstanding this Objection, the General Objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas respond[s] as follows:

SoCalGas incorporates its response to Question 6 of CALADVOCATES-TB-SCG-2020-02 and Question 24 of CALADVOCATES-AW-SCG-2020-01 herein. Question 6 of CALADVOCATES-TB-SCG-2020-02 requested information about SoCalGas's employees in general. Question 24 of CALADVOCATES-AW-SCG-2020-01 was limited to Regional Public Affairs. In or about Spring of 2020, certain Regional Public Affairs employees began tracking their time that could potentially be classified as FERC 426.4 expenses on a project or proceeding basis, where appropriate.

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QUESTION 9:

Please provide a screen shot of a Regional Public Affairs employee's time entries for the month of June 2019 that reflects the "specific activity or activities being supported."

RESPONSE 9:

SoCalGas objects to this Request on the grounds that it is vague and ambiguous in defining the term "reflect." Furthermore, SoCalGas objects to this Request on the grounds that it lacks foundation. The Request assumes, without foundation, that SoCalGas' procedures for time entry in June 2019 were the same as those in place as the time of its response to Question 6 of CALADVOCATES-TB-SCG-2020-02 (April 24, 2020)—the Request in which SoCalGas used the language "specific activity or activities being supported." In fact, SoCalGas' procedures have changed over time.

Notwithstanding these objections and the General Objections and the Objections to the Instructions which are expressly incorporated herein, SoCalGas respond[s] as follows: Prior to Spring 2020, Regional Public Affairs employees did not track their time that could potentially be classified as FERC 426.4 expenses on a project or proceeding basis.

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QUESTION 11:

11. SoCalGas spokesperson Chris Gilbride was quoted in a Politico article issued September 24, 2020, that SoCalGas has “established protocols to make sure lobbying costs are not paid by ratepayers.”³
 - a. Please provide the most current version of the SoCalGas protocols Mr. Gilbride was referring to.
 - b. Please provide evidence that demonstrates that SoCalGas is complying with those protocols.
 - c. Please provide all prior versions of those protocols from 2015 to the present.

RESPONSE 11:

SoCalGas objects to this Request on the grounds that it is vague and ambiguous in its use of the phrase “established protocols to make sure lobbying costs are not paid by ratepayers.”

Notwithstanding this objection and the General Objection and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows to each of the subparts of this Request

RESPONSE to 11.a:

The Sempra Energy Political Activities applies to all Employees of Sempra Energy & the Sempra Energy Companies. Compliance oversight is a dynamic process and in October of 2020, SoCalGas and Sempra Energy revised the policy to add Appendix 3 which highlights guidelines for identifying activities subject to the political activities accounting procedures, which was a formal written policy developed to clarify and formalize accounting procedures pertaining to political activities. SoCalGas continues to evaluate current processes to identify where there are opportunities to create additional controls or processes to subsequently monitor compliance.

The Political Activities Policy and related SoCalGas Political Activities accounting procedure are attached.

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RESPONSE to 11.b:

SoCalGas objects to this Request on the grounds that it is vague and ambiguous as to the use of the term “evidence that demonstrates that SoCalGas is complying with those protocols”. Notwithstanding this objection and the General Objection and the Objections to the Instructions which are expressly incorporated herein, SoCalGas responds as follows: Compliance oversight is a dynamic process and consistent with that process, SoCalGas continues to evaluate current processes to identify where there are opportunities to create additional controls or processes to subsequently monitor above-the line or below-the-line classification of costs incurred, at the transaction level.

Certain SoCalGas employees were assigned the Political Activities and Lobbying training as part of a broader corporate compliance training bundle. In addition, SoCalGas employees were assigned a specific version of the training that reflected the policy revisions discussed in the response to Question 11.a, above. Employees were required to complete compliance training by December 16, 2020.

RESPONSE to 11.c:

Attached is the SoCalGas Political Activities accounting procedure and the following versions of the Political Activities Policy:

- Political Activities Policy, revised as of 4/01/2014;
- Political Activities Policy, revised as of 07/23/2018, as provided in the response to Question 1 of Data Request CalAdvocaes-SC-SCG-2019-05; and
- Political Activities Policy, revised as of 10/05/2020 (effective), as provided in response to 11.a, above.

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QUESTION 12:

Question 1 of Data Request CALADVOCATES SC-SCG-2019-08 asks for costs associated with SoCalGas's outreach to municipalities regarding passing balanced-energy resolutions. SoCalGas responded that "SoCalGas did not track the costs associated with communications between Regional Public Affairs employees and municipalities."

- a. Why is SoCalGas unable to estimate the resources spent on these efforts – outreach to municipalities regarding passing balanced-energy resolutions - when it has been able to provide cost estimates associated with other outreach campaigns?
- b. Please identify the roles of [REDACTED] and Andy Carrasco in these efforts.
- c. Please estimate the percentage of daily staff time [REDACTED] and Andy Carrasco spent on the efforts.
- d. Please provide all contracts or invoices associated with these efforts.

RESPONSE 12:

a. SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the terms "the costs." SoCalGas also objects to this Request to the extent it asks SoCalGas to speculate. SoCalGas objects to this Request on the grounds that it purports to require SoCalGas to create documents or compile information in a format that it does not create or maintain in the ordinary course of business. Such an obligation exceeds the requirements under the CPUC's Discovery Custom and Practice Guidelines and California Code of Civil Procedure Section 2031.230 (proper response stating inability to comply with discovery request includes a statement that "the particular item or category [of records] has never existed"). See also A.05-04-020, In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc., Administrative Law Judge's Ruling Addressing Motion of Qwest to Compel Responses, Aug. 5, 2005, at p. 7 (regarding motion to compel, emphasizing that "Verizon is not required to create new documents responsive to the data request") (also available at 2005 WL 1866062); A.05-02-027, In the Matter of the Joint Application of SBC Communications Inc. and AT&T Corp., Administrative Law Judge's Ruling Regarding ORA's Second Motion to Compel, June 8, 2005, at p.23 (on motion to compel, stressing that SBC Communications "shall not be required to produce new studies specifically in response to this DR") (also available at 2005 WL 1660395).

Subject to and without waiving these Objections, the General Objections and Objections to "Instructions" stated above, which are expressly incorporated herein, SoCalGas responds as follows: As SoCalGas responded to Question 1 of Data Request CALADVOCATES SC-SCG-2019-08 that "SoCalGas did not track the costs associated with communications between Regional Public Affairs employees and municipalities." As SoCalGas did not track these costs at that time, creating estimates would require creating documents or compiling

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information in a format that SoCalGas did not create or maintain in the ordinary course of business. To the extent the employee could not provide an estimate to a reasonable degree of certainty, SoCalGas declines to provide a response.

b. [REDACTED] role in outreach to municipalities regarding the balanced energy resolutions involved developing a sample resolution and modifying the resolution, and providing support to SoCalGas Public Affairs Managers on outreach strategy and responding to questions.

Andy Carrasco was director of public affairs. He did not have a role in direct outreach to municipalities regarding the balanced energy resolutions. His role included requesting initial draft of the resolution and directing SoCalGas Regional Public Affairs Managers to share the sample balanced energy resolution with municipalities.

c. SoCalGas objects to this Request on the grounds that it is overly broad, vague, and ambiguous in failing to define the terms “the costs.” SoCalGas also objects to this Request to the extent it asks SoCalGas to speculate. SoCalGas objects to this Request on the grounds that it purports to require SoCalGas to create documents or compile information in a format that it does not create or maintain in the ordinary course of business. Such an obligation exceeds the requirements under the CPUC’s Discovery Custom and Practice Guidelines and California Code of Civil Procedure Section 2031.230 (proper response stating inability to comply with discovery request includes a statement that “the particular item or category [of records] has never existed”). See also A.05-04-020, In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc., Administrative Law Judge’s Ruling Addressing Motion of Qwest to Compel Responses, Aug. 5, 2005, at p. 7 (regarding motion to compel, emphasizing that “Verizon is not required to create new documents responsive to the data request”) (also available at 2005 WL 1866062); A.05-02-027, In the Matter of the Joint Application of SBC Communications Inc. and AT&T Corp., Administrative Law Judge’s Ruling Regarding ORA’s Second Motion to Compel, June 8, 2005, at p.23 (on motion to compel, stressing that SBC Communications “shall not be required to produce new studies specifically in response to this DR”) (also available at 2005 WL 1660395). To the extent the employee could not provide an estimate to a reasonable degree of certainty, SoCalGas declines to provide a response.

SoCalGas objects to this Request on the grounds that it is vague and ambiguous in defining what time period is in question. SoCalGas’ procedures for time entry are revised and updated from time to time, as needed. For purpose of this response, SoCalGas is interpreting this Request as asking for an estimate of time consistent with the procedures in place at the time of the prior response to Question 1 of CALADVOCATES-SCG-SC-2019-08 (December 6, 2019)

Subject to and without waiving these Objections, the General Objections and Objections to “Instructions” stated above, which are expressly incorporated herein, SoCalGas responds as follows: As SoCalGas responded to Question 1 of Data Request CALADVOCATES SC-

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SCG-2019-08, "SoCalGas did not track the costs associated with communications between Regional Public Affairs employees and municipalities." As SoCalGas did not track these costs at that time, creating estimates would require creating documents or compiling information in a format that SoCalGas did not create or maintain in the ordinary course of business.

d. SoCalGas is currently unaware of any contracts or invoices associated with these efforts.

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QUESTION 13:

Please identify each account to which any portion of the costs identified in response to question 12 were charged.

- a. State the account name and cost center number.
- b. State whether the account is ratepayer funded.
- c. State how much was charged to the account.

RESPONSE 13:

Subject to and without waiving, the General Objections and Objections to “Instructions” stated above, which are expressly incorporated herein, SoCalGas responds as follows:

This Request is not applicable as no costs were identified in the Response to Question 12.