

SOUTHERN CALIFORNIA GAS COMPANY

(DATA REQUEST CALADVOCATES-TB-SCG-2021-02)

Date Received: March 8, 2021

Date Submitted: March 18, 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. 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.
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 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 “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.
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

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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.

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, 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.

8. 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.

9. 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:

CONFIDENTIAL DECLARATIONS

Pursuant to the ruling in Resolution ALJ-391, please provide the confidential versions of the declarations provided in support of SoCalGas' December 2, 2019 "Motion for Reconsideration/Appeal to the Full Commission Regarding the Administrative Law Judge's Ruling in the Discovery Dispute Between Public Advocates Office and Southern California Gas Company, October 7, 2019."

RESPONSE 1:

Without waiving the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

In light of the stay granted by the Court of Appeal for the Second Appellate District, Division One, in Case No. B310811 on March 16, 2021, SoCalGas defers its response to this question at this time.

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QUESTION 2:

POSSIBLE EXCLUSION OF INFORMATION FROM SAP SYSTEM

Please identify all account names and numbers that are being excluded from Cal Advocates review of SoCalGas SAP system pursuant to the May 5, 2020 Commission-issued subpoena.

RESPONSE 2:

Without waiving the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

In light of the stay granted by the Court of Appeal for the Second Appellate District, Division One, in Case No. B310811 on March 16, 2021, and the uncertain scope of CalPA's access to SoCalGas's SAP system at this time, SoCalGas is currently unable to provide a response and defers its response to this question until the parties obtain further clarify from the Court of Appeal.

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QUESTION 3:

Please confirm that the SAP system access by Cal Advocates will be the same as is available to SoCalGas staff who are the primary users of the SAP system. To the extent there are any differences, please list each of them and the reason for the difference.

RESPONSE 3:

Without waiving the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

In light of the stay granted by the Court of Appeal for the Second Appellate District, Division One, in Case No. B310811 on March 16, 2021, and the uncertain scope of CalPA's access to SoCalGas's SAP system at this time, SoCalGas is currently unable to provide a response and defers its response to this question until the parties obtain further clarify from the Court of Appeal.

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QUESTION 4:

INFORMATION REQUIRED TO PERFORM AUDIT:

Please provide the following information associated with all costs incurred by SoCalGas between January 1, 2017 and February 28, 2021 for lobbying or any other political, educational, promotional, or advocacy activities intended to influence, whether directly or indirectly, governmental action in any manner (“Activities”).

You shall construe Activities broadly to be, without limitation, inclusive of how those terms are used in the Sempra Energy Political Activities Policy (Policy), your training materials related to the Policy, the SoCalGas Political Activities Accounting Procedure, the FERC Uniform System of Accounts, and the California Political Reform Act.

Costs shall include all costs incurred, including, without limitation, the cost of any legal advice related to the Activities and the cost of SoCalGas or Sempra Energy employee time working in support of the Activities.

- a. All Work Orders authorizing costs for such Activities;
- b. All vendor identification numbers and names associated with such Activities;
- c. The names of any subcontractors to the vendors associated with the Activities;
- d. The names of any SoCalGas or Sempra employees whose time is recorded to the Activities; and
- e. All account numbers where the costs for the Activities are initially recorded and the related amounts by account.
- f. All account numbers where the costs for the Activities are recorded after any allocations and the related amounts by account.
- g. Please reconcile any differences between the total costs reported in your response to (4)e. and the total costs reported in your response to (4)f.

RESPONSE 4:

Response to be provided at a later date.

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QUESTION 5:

Please provide all policies, standards, and written explanations informing staff how to book the costs for Activities prior to SoCalGas' creation of the "Political Activities Accounting Procedure" effective October 5, 2020.

RESPONSE 5:

SoCalGas objects to this question as vague and ambiguous as to the term "Activities." For the purpose of its response to this request, SoCalGas defines activities as those activities recordable in Account 426.4 of the FERC Uniform System of Accounts.

Without waiving this objection, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

Please refer to the responses to data request CalAdvocates-SC-SCG-2019-04 (Question 2) and data request CalAdvocates-SC-SCG-2019-05 (Questions 1 and 2) in which the SEU Approval and Commitment Policy, Political Activities Policy and Procurement Policy are provided, respectively. In response to data request CalAdvocates-TB-SCG-2020-04 (15th in series) (Questions 7 and 8) SoCalGas provided the Work Order Authorization Instructions and the SoCalGas Approval and Commitment Procedures which outline the standardized process and accounting procedures for approval and documentation of disbursements and financial commitments. In addition, see the FERC System of Accounts, FERC Gas Chart of Accounts and SEU FERC Subaccounts for SoCalGas submitted along with this response. Also, provided in this response is the SoCalGas Approval and Commitment Policy document which replaces the SEU Approval and Commitment Policy for SoCalGas.