

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION 1

SOUTHERN CALIFORNIA GAS
COMPANY,

Petitioner,

v.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA,

Respondent.

Case No. B310811
Commission Decision
No. D.21-03-001 &
Resolution ALJ-391

**SOUTHERN CALIFORNIA GAS COMPANY'S NOTICE OF
WITHDRAWAL OF REQUEST FOR EMERGENCY STAY
OR OTHER INJUNCTIVE RELIEF, DECLARATION OF
JULIAN W. POON, AND PROPOSED ORDER**

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**TO THE COURT, ALL PARTIES, AND ALL COUNSEL
OF RECORD:**

PLEASE TAKE NOTICE THAT on December 21, 2020, Petitioner Southern California Gas Company (“SoCalGas”) submitted a Motion to Stay Resolution ALJ-391 (“Resolution”) to the California Public Utilities Commission (“Commission”). (App. 1566–1597.) On March 2, 2021, the Commission denied that Motion (App. 1843), thereby triggering a 15-day deadline for SoCalGas to comply with the Resolution (App. 1843).

Accordingly, on March 8, 2021, SoCalGas filed a Petition for Writ of Review, Mandate, and/or Other Appropriate Relief and a Motion for Emergency Stay or Other Injunctive Relief with this Court. On March 11, 2021, the Commission filed its opposition to that motion, to which SoCalGas replied on March 12, 2021.

On March 16, 2021, this Court granted a temporary stay, and set a hearing for March 25, 2021 to decide on a longer-term stay. (Temporary Stay Order.) Following discussions between counsel, early on the morning of March 18, 2021, at 8:00 a.m., SoCalGas filed a second request for extension of time for compliance with the Resolution with the Executive Director of the Commission (pursuant to Rule 16.6 of the Commission’s Rules of Practice and Procedure). The Commission approved the extension the following day (March 19).

The Commission's extension (see Poon Decl., Exh. A) grants an extension of time to comply with the Resolution until twenty-one (21) days following this Court's final disposition of SoCalGas's Petition for Writ of Review, Mandate, and/or Other Appropriate Relief.

Accordingly, SoCalGas hereby withdraws its request for an emergency stay or other injunctive relief at this time, without prejudice to renewing its request for such relief in the future if the need were to arise. SoCalGas further respectfully submits that the hearing the Court has set for March 25, 2020 at 11:00 a.m. may no longer be necessary, and that the Court may wish to consider, *inter alia*, taking that hearing off calendar.

Dated: March 19, 2021

Respectfully submitted,

Gibson, Dunn & Crutcher LLP

By: _____


Julian W. Poon

Attorneys for Petitioner
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DECLARATION OF JULIAN W. POON

I, Julian W. Poon, declare as follows:


1. I am an attorney licensed to practice law in the State of California, and am a partner of Gibson, Dunn & Crutcher LLP, counsel of record for Petitioner Southern California Gas Company (“SoCalGas”) in this proceeding. I submit this declaration in support of SoCalGas’s Notice of Withdrawal of Request for Emergency Stay or Other Injunctive Relief. I have personal knowledge of the matters set forth herein, unless the context indicates otherwise, and, if called as a witness, I could and would testify competently thereto.

2. After this Court granted a temporary stay on March 16, 2021, and set a hearing on a longer-term stay for March 25, 2021, discussions between counsel ensued, and on the morning of March 18, 2021, at 8:00 a.m., SoCalGas filed a second formal request for an extension of time for compliance with Resolution ALJ-391 (“Resolution”) with the Executive Director of the Commission, pursuant to Rule 16.6 of the Commission’s Rules of Practice and Procedure.

4. On March 19, 2021, the Commission’s Executive Director granted the requested extension of time to comply with the Resolution until twenty-one (21) days following this Court’s final disposition of SoCalGas’s Petition for Writ of Review, Mandate, and/or Other Appropriate Relief. A true and correct

copy of the Executive Director's letter is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration has been executed by me in Pasadena, California on this 19th day of March, 2021.



Julian W. Poon

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EXHIBIT A

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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 19, 2021

VIA EMAIL: JMock@socalgas.com

Joseph Mock
Business Manager, Regulatory Affairs
Southern California Gas Company
555 W. Fifth Street, GT14D6
Los Angeles, CA 90013-1011

RE: March 18, 2021 Request of Southern California Gas Company for Extension of Time to Comply with Resolution ALJ-391

Dear Mr. Mock:

This letter responds to your March 18, 2021 request for an extension of time for Southern California Gas Company (SoCalGas) to comply with Commission Resolution ALJ-391 (Resolution) pending the resolution of the litigation currently on file in *Southern California Gas Company v. California Public Utilities Commission*, Case No. B310811, California Court of Appeal, Second Appellate District, Division One. Public Advocates Office objects to SoCalGas' extension request.

This letter extends SoCalGas' time to comply with the Resolution until twenty-one (21) days following the Court of Appeal's final disposition of SoCalGas's Petition for Writ of Review and Request for Stay currently pending before the California Court of Appeal (Case No. B310811). As noted at page 2 of SoCalGas' March 18, 2021 request for extension of time, "[g]ranted the requested extension would avoid the need for further stay proceedings in the Court of Appeal."

Pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure, SoCalGas shall promptly notify the service list of Application 20-12-011 via electronic mail that this request was granted.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Peterson".

Rachel Peterson
Executive Director

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No. B310811

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA**

SECOND APPELLATE DISTRICT, DIVISION ONE

SOUTHERN CALIFORNIA GAS COMPANY,

Petitioner,

v.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,

Respondent.

**[PROPOSED] ORDER TAKING OFF CALENDAR
MARCH 25, 2021 STAY HEARING**

Judicial Review Sought in A2012011, Resolution ALJ-391,
Discovery Disputes between Public Advocates Office and
Southern California Gas Company, May 2020, CAL
ADVOCATES-TB-SCG-2020-03, and October 2019,
CALADVOCATES-SC-SCG-2019-05 (not in a proceeding)

GIBSON, DUNN & CRUTCHER LLP

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IT IS HEREBY ORDERED THAT, FOR GOOD CAUSE SHOWN:

Pursuant to the request of Petitioner Southern California Gas Company, the moving party, and because Respondent California Public Utilities Commission has now granted an extension of time to comply with Resolution ALJ-391, as modified by Decision (D.) 21-03-001, until twenty-one (21) days after the Court's final disposition of SoCalGas's Petition, the stay hearing currently set for March 25, 2021 at 11:00 a.m. is hereby taken off calendar.

ORDERED at __:__ [AM/PM] on this ____ day of March, 2021.

Justice of the Court of Appeal

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PROOF OF SERVICE

I, Kelsey Fong, declare as follows:

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, CA 90071, in said County and State. On March 19, 2021, I served the following document(s):

**SOUTHERN CALIFORNIA GAS COMPANY’S
NOTICE OF WITHDRAWAL OF REQUEST FOR
EMERGENCY STAY OR OTHER INJUNCTIVE
RELIEF, DECLARATION OF JULIAN W. POON,
AND PROPOSED ORDER**

on the parties stated below, by the following means of service:

California Public Utilities Commission	California Advocates
Rachel Peterson Rachel.Peterson@cpuc.ca.gov	Elizabeth Echols elizabeth.echols@cpuc.ca.gov
Arocles Aguilar Arocles.Aguilar@cpuc.ca.gov	Darwin Farrar darwin.farrar@cpuc.ca.gov
Mary McKenzie mary.mckenzie@cpuc.ca.gov	Traci Bone traci.bone@cpuc.ca.gov
Carrie G. Pratt carrie.pratt@cpuc.ca.gov cgp@cpuc.ca.gov	505 Van Ness Avenue, San Francisco, CA 94102 Telephone: (415) 703-2588
Edward Moldavsky edm@cpuc.ca.gov	

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505 Van Ness Avenue San Francisco, CA 94102 Telephone: (415) 703-2742	
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- BY ELECTRONIC SERVICE THROUGH TRUEFILING:** I caused the documents to be electronically served through TrueFiling.
- (STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 19, 2021.



Kelsey Fong

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