

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

**REPLY OF THE PUBLIC ADVOCATES OFFICE
TO RESPONSE OF SOCALGAS IN THE DISCOVERY DISPUTE
BETWEEN PUBLIC ADVOCATES OFFICE AND SOUTHERN CALIFORNIA
GAS COMPANY, OCTOBER 2019 (NOT IN A PROCEEDING)**

I. INTRODUCTION

Pursuant to Rule 11.1(f) the Rules of Practice and Procedure of the California Public Utilities Commission (Commission) and the October 30, 2019 email Ruling of Administrative Law Judge Angela DeAngelis granting permission to submit a reply, the Public Advocates Office at the California Public Utilities Commission hereby submits this *Reply of the Public Advocates Office to Response of SoCalGas in the Discovery Dispute Between Public Advocates Office and Southern California Gas Company, October 2019 (Not in a Proceeding)* (Reply).

The facts underlying this matter were discussed in previous submissions and are generally not in dispute. Briefly, the Public Advocates Office is currently investigating Southern California Gas Company's (SoCalGas) funding of political lobbying activities, including, among other things, whether and to what extent ratepayer money was used to fund and support Californians for Balanced Energy Solutions (C4BES). In furtherance of this investigation, the Public Advocates Office served a series of data requests on SoCalGas outside of any formal proceeding. These data requests include Data Request (DR) No. CalAdvocates-SC-SCG-2019-05, served on August 13, 2019. SoCalGas refuses to provide documents in response to Questions 8 of this DR, contending that the Public Advocates Office has no right to inquire into activities that SoCalGas claims are shareholder funded.

On October 7, 2019, the Public Advocates Office submitted to Commission President Batjer its *Motion to Compel Responses from Southern California Gas Company to Question 8 of Data Request CalAdvocates-SC-SCG-2019-05 (Not in a Proceeding)* (Motion to Compel). The Public Advocates Office sought this information in order to

perform its statutory duties and in conformance with Public Utilities (Pub. Util.) Code §§ 309.5(e) and 314. The Public Advocates Office also noted in its Motion to Compel that Administrative Law Judge Regina DeAngelis recently decided the same legal issue, in a related dispute between the same parties, in favor of the Public Advocates Office.¹

On October 17, 2019, SoCalGas submitted its *Response of SoCalGas Pursuant to October 7, 2019 Motion to Compel Further Responses from Southern California Gas Company to Data Request – CalAdvocates – SC – SCG-2019-05 (Not in a Proceeding)* (Response). In its response SoCalGas argues:

- 1) The Commission has not “delegated authority” to the Public Advocates Office under Pub. Util. Code § 314;
- 2) Pub. Util. Code § 309.5(e) limits the Public Advocates Office’s discovery authority to information “necessary to perform its duties” and the Public Advocates Office has “failed to clearly articulate” how the requested information is necessary;
- 3) Permitting the Public Advocates Office to inspect shareholder information and documents in this instance would violate SoCalGas’ right to free speech under the First Amendment; and
- 4) The Public Advocates Office failed to meet and confer in good faith, depriving SoCalGas of due process.

The Public Advocates Office submits this Reply to address SoCalGas’ erroneous claims that the Public Advocates Office is not entitled to the information it needs to conduct this investigation under Pub. Util. Code §§ 309.5(e) and 314, and to correct inaccuracies in SoCalGas’ recitation of the facts surrounding the attempts to resolve this dispute.

¹ In opposing an earlier motion to compel submitted on August 14, 2019, SoCalGas largely relied the argument that neither Pub. Util. Code § 309.5(e) nor § 314 provides the Public Advocates Office with the authority to seek information related to shareholder-funded activities. SoCalGas is relying on the same reasoning here—that because the requested contracts are purportedly shareholder funded, they are beyond the Public Advocates Office’s statutory purview. In a September 10, 2019 Ruling, Judge DeAngelis stated that after reviewing the motion, response, and reply, the motion to compel was granted.

II. DISCUSSION

A. The Public Advocates Office has Authority to Obtain the Information Requested Under Pub. Util. Code §§ 309.5(e) and 314

1. SoCalGas' Interpretation of Pub. Util. Code § 309.5(e) is Flawed

Question 8 of DR CalAdvocates-SC-SCG-2019-05 seeks all contracts and contract amendments covered by the Work Order Authorization which created the Balanced Energy IO.² SoCalGas objected to this request on two grounds. First, according to SoCalGas, the request sought information that is “outside the statutory authority delegated to the Public Advocates Office by Pub. Util. Code § 309.5.” Second, and somewhat circularly, SoCalGas asserts that “knowing this information will not assist the Public Advocates Office in performing its statutory duties” because, SoCalGas has stated, the Balanced Energy IO is not ratepayer funded.³

In its Response, SoCalGas argues that the Public Advocates Office's ability to conduct discovery under Pub. Util. Code § 309.5(e) is limited to matters that SoCalGas deems necessary for the Public Advocates Office to perform its duties.⁴ SoCalGas' assertion that the Public Advocates Office may not inquire into shareholder funds is based on an interpretation of Pub. Util. Code § 309.5(e) that ignores the plain language of the statute.

² See Exhibit 4 to the Motion to Compel, DR CalAdvocates-SC-SCG-2019-05, dated August 13, 2019, at 4.

³ See Exhibit 5 to the Motion to Compel, Southern California Gas Company's Responses to Data Request CalAdvocates-SC-SCG-2019-05, dated August 27, 2019, at 8. In its Response, SoCalGas repeatedly states that the contracts in question are 100 percent shareholder funded. While the Public Advocates Office has authority to compel the production of information relating to shareholder funded activity under §§ 309.5(e) and 314, it has not been able to confirm that the withheld contracts are indeed 100 percent shareholder funded. In fact, on October 16, 2019, SoCalGas provided “responsive documents pertaining to contracts that are utilized by both the Balanced Energy IO and ratepayer funded accounts” although it continued to withhold “contracts that are exclusively shareholder funded.” See Attachment D to the Response (email dated Oct. 16, 2019). This suggests that SoCalGas' statement in its original response to Question 8 that “the Balanced Energy IO is shareholder funded, not ratepayer funded” was less than candid.

⁴ Response at 5-6.

In relevant part, Pub. Util. Code § 309.5(e) provides that:

The [Public Advocates Office] may compel the production or disclosure of any information it deems necessary to perform its duties from any entity regulated by the commission

Thus, the plain language of Pub. Util. Code § 309.5(e) makes clear that the Public Advocates Office has sole discretion to determine what information is necessary for it to perform its duties.

Just as SoCalGas’s argument wrongly emphasizes the language “necessary to perform its duties,” and ignores the immediately preceding language—that the Public Advocates Office is entitled to *any information that it deems necessary to perform its duties*—its response wrongly focuses on how SoCalGas believes that the requested information is not necessary for the Public Advocates Office to perform its duties. There is no suggestion whatsoever in the statute that anyone other than the Public Advocates Office (and certainly not the regulated entity) may decide what is responsive or necessary for the Public Advocates Office to perform its duties. Rather, the plain language of Pub. Util. Code § 309.5(e) specifically allows for discovery of any information the Public Advocates Office deems necessary.

Further, Pub. Util. Code § 309.5(e) contains no limitation on the type of information that may be sought by the Public Advocates Office once it has determined that the information is necessary to perform its duties. Pub. Util. Code § 309.5(e) specifically states that the Public Advocates Office is authorized to compel production of any information it deems necessary to perform its duties from any entity regulated by the Commission. In pursuing its goals to advocate on behalf of the interests of public utility customers, the Public Advocates Office may seek “any” information it deems necessary, whether that be information related to ratepayer funded activities or shareholder funded activities.⁵

⁵ SoCalGas cited D.07-03-014 for the assertion that Commission decisions have “recognized limitations on Cal Advocates’ discovery rights.” Response at 5, n.11. However, D.07-03-014 stated only that the Public Advocates Office’s request in that proceeding to “receive automatically every piece of data supplied to the Commission” was unreasonable. D.07-03-014 at 220-221. While the decision stated that the Public Advocates Office’s need for access to data should be balanced with the rights of companies to avoid unreasonable requests for data, the decision did not limit the Public Advocates Office’s broad

SoCalGas also argues that the Public Advocates Office “has failed to clearly articulate how obtaining SoCalGas’ 100 percent shareholder funded contracts are necessary” to perform its statutory duties and that the Public Advocates Office “improperly attempts to expand its scope of authority contravening the express language of Pub. Util. Code §309.5(e).”⁶ Although there is no requirement that the Public Advocates Office divulge its internal deliberations and strategy to the utilities, in an effort to resolve this dispute before resorting to Commission intervention the Public Advocates Office has provided SoCalGas with a number of reasons for why the Public Advocates Office seeks this information.⁷ These reasons are not “shifting” as SoCalGas attempts to characterize them, but varied and not exclusive. These reasons also provide sufficient context to demonstrate that the Public Advocates Office deems the sought-after information necessary to perform its statutory duties.

2. Pub. Util. Code § 314 Provides the Public Advocates Office with Broad Discovery Rights as Staff of the Commission

As explained in the Motion to Compel, the Public Advocates Office’s discovery rights are broad, as provided by statute and confirmed by Commission decisions. As noted in Decision (D.) 01-08-062:

[The Public Advocates Office’s] scope of authority to request and obtain information from entities regulated by the Commission is as broad as that of any other units of our staff, including the offices of the Commissioners. It [is] constrained solely by a statutory provision that provides a

discovery rights in the manner SoCalGas suggests in this proceeding.

⁶ Response at 5, 6.

⁷ For example, at the September 16, 2019 meet and confer, the Public Advocates Office stated that one of the reasons it sought these contracts was to verify whether they were shareholder or ratepayer funded. The Public Advocates Office also mentioned that it and ratepayers have an interest in the cost and non-cost aspects of these contracts, such as the scope of the work related to “balanced energy” as described by the WOA. At the October 2, 2019 meet and confer, the Public Advocates Office explained that, among other things, the investigation was also seeking information on how the activities related to the contracts in Question 8 may have affected ratepayers’ interests in issues such as achieving a least-cost path to meeting the state’s decarbonization goals.

mechanism unique to [the Public Advocates Office] for addressing discovery disputes.⁸

SoCalGas argues that the Commission must formally delegate authority under § 314 to the Public Advocates Office in order for it to exercise discovery rights under this section.² However, contrary to SoCalGas' argument, the Public Advocates Office is already deemed to have such authority as staff of the Commission.¹⁰ For example, in an order instituting investigation, the Commission “confirms that under Pub. Util. Code §§ 313, 314, 314.5, 315, 581, 582, 584, 701, 702, 771, 1794, and 1795, the Commission staff may obtain information from utilities and **is already deemed** to have the general investigatory authority of the Commission.”¹¹ (emphasis added). Additionally, as stated in D.01-08-062, the Public Advocates Office's discovery authority “is as broad as that of any other units of [the Commission's] staff, including the offices of the Commissioners.”

⁸ D.01-08.062 at 6. See also D.04-02-010, *Decision Addressing New Regulatory Framework Audit, Monitoring Reports, and Review Schedule* (Feb. 11, 2004) at 6, 9 (noting that “ORA is an arm of this Commission, and its staff has the authority to examine and audit utility records” and that in the context of an audit, consistent with Pub. Util. Code §§ 309.5 and 314, among other sections, and D.01-08-062, a utility is “obligated to respond to ORA's data requests and those of its consultants” and “cannot refuse to respond to ORA's or its consultants' requests for information simply because [the utility] considers these outside the scope of the audit.”), and at 19 (conclusion of law number 34, “pursuant to § 314, [the utility] may not refuse to allow the Commission's staff . . . to inspect [its] records”); D.04-09-061 *Interim Opinion Regarding Phase 2B Audit Issues, Order Instituting Investigation on the Commission's Own Motion to Assess and Revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated*, (Sept. 23, 2004), at 113 (noting “a utility has little to gain from objecting to information requests” and that “[t]he authority of the Commission, its divisions, its staff and its contract auditors is **plenary** under § 314.”) (emphasis added); D.04-12-024, *Order Denying Application for Limited Rehearing of Decision 04-07-036, Denying Motion for Stay of Ordering Paragraph 14 of Decision 04-07-036, and Modifying Decisions 03-10-088 and 04-07-036* (Dec. 3, 2004) at 7 (“[Section 314] does not limit the right to inspection to the existence of a Commission proceeding, or even require particular justification. There **is no limitation placed on the type of papers or documents that may be inspected**; for example, documents that would otherwise not be admissible in court as evidence.”) (emphasis added).

² Response at 4-5.

¹⁰ See D.01-08.062 at 10, finding of fact number five: “ORA staff members are Commission staff members as that term is used in § 314.”

¹¹ I.15-08-019, *Order Instituting Investigation on the Commission's Own Motion to Determine Whether Pac. Gas & Elec. Co. & PG&E Corps. Organizational Culture & Governance Prioritize Safety*, (Sept. 2, 2015) at 21. See also D.07.05.032, *Interim Opinion Implementing Senate Bill No. 1488, Relating to Confidentiality of Electric Procurement Data Submitted to the Commission* (May 3, 2007) at 72: “We make clear that DRA staff shall have the same access to data as other Commission staff, which has always been our intent.” (dicta); D.90-07-020, *Re AT&T Communications of California, Inc.* 37 CPUC 2d 4 (July 6, 1990) (“DRA needs no specific authorization from the Commission before asking for information from a utility or affiliate described in the statutes.”).

Because the Public Advocates Office’s discovery rights are broad and not constrained in the manner suggested by SoCalGas’ flawed statutory reading, the Public Advocates Office’s Motion to Compel should be granted.

B. The Public Advocates Office’s Request Does Not Infringe on SoCalGas’ First Amendment Rights

SoCalGas argues that seeking shareholder funded contracts “bear[s] no relationship to the purpose of Cal Advocates [sic] investigation,” and that the assertion that the contracts are needed “to determine whether SoCalGas’ shareholders are taking positions that are not consistent with State policy is not relevant to the question of whether SoCalGas is funding political lobbying activities with ratepayer or shareholder funds.”¹² Thus, SoCalGas contends that the Public Advocates Office’s discovery request is “excessive in breadth” and would chill shareholders’ First Amendment rights.¹³

SoCalGas’ arguments are without merit. SoCalGas argues that the Public Advocates Office must engage in the “least intrusive measures necessary to perform its assigned functions” and that because obtaining these contracts will not reveal whether they are ratepayer or shareholder funded, the request for the contracts, the request does not meet this standard. However, as repeatedly stated, such an inquiry is only one aspect of the Public Advocates Office’s present investigation.¹⁴ Another relevant issue is that SoCalGas does not have an unfettered right to lobby the government when such lobbying is harmful to ratepayers.¹⁵ If SoCalGas shareholders are undermining the interests of

¹² Response at 7-8.

¹³ *Id.* at 8, citing *White v. Lee*, 227 F.3d 1214, 1228 (9th Cir. 2000).

¹⁴ The case relied upon by SoCalGas is also distinguishable. There, the Ninth Circuit Court of Appeals found that an investigation by the Department of Housing and Urban Development (“HUD”) was overly broad in relation to the narrow purpose on which it later relied as justification. In part, the court found that the matter under investigation was a matter of public record and therefore HUD had no cause to undertake the various “extraordinarily intrusive” measures it did during its investigation. *White*, 227 F.3d at 1237-38. Such measures included advising the plaintiffs to cease publication of certain statements and demanding a list of names, addresses, and telephone numbers of peripheral parties and witnesses, among other measures. The Public Advocates Office has hardly taken “extraordinarily intrusive” measures akin to those described by the court. Further, if SoCalGas is concerned about the confidentiality of names and addresses of individuals identified in the contracts, there is a well-established method for claiming that such are confidential.

¹⁵ See, e.g., D.12-12-036, *Decision Adopting a Code of Conduct and Enforcement Mechanisms Related to Utility Interactions with Community Choice Aggregators, Pursuant to Senate Bill 790* (adopting

ratepayers, the Public Advocates Office has the duty to investigate that conduct and the authority to compel the production of documents deemed necessary in the course of such an investigation.

C. Civil Court Treatment of Similarly Flawed Discovery Arguments

As explained in the Public Advocates Office’s Motion to Compel, the same legal issue between the same parties was already decided by Judge DeAngelis. SoCalGas now argues that because Question 8 was not explicitly before Judge DeAngelis as part of the first motion to compel filed on August 14, 2019,¹⁶ the legal argument it made then was not addressed in the ruling granting the first motion to compel and that it is “entirely speculative” to conclude that Judge DeAngelis did not find merit in SoCalGas’ previous arguments.¹⁷

The doctrine of collateral estoppel precludes the litigation of an issue argued and decided in a prior proceeding. The doctrine applies if: 1) the issue sought to be precluded is identical to that decided in a former proceeding; 2) the issue was actually litigated in the former proceeding; 3) the issue was necessarily decided in the former proceeding; 4) the decision in the former proceeding was final and decided on the merits; and 5) the party against whom preclusion is sought is the same as, or in privity with, the party to the former proceeding.¹⁸ Collateral estoppel applies here to preclude the litigation of the same issue. In refusing to answer Question 8, SoCalGas relied on the same reasoning that it did in opposing the first motion to compel—that because the contracts are

definitions and placing limits on utility marketing and lobbying activities that could discourage interest in community choice aggregators).

¹⁶ Although the Public Advocates Office noted in its reply in the previous dispute that Question 8 was not a subject of that dispute, the Public Advocates Office purposefully drew the ALJ’s attention to SoCalGas’ continued failure to cooperate based on the same flawed legal arguments. *See* Exhibit 3 to Motion to Compel at 9-10.

¹⁷ Response at 9-10.

¹⁸ *Lucido v. Superior Court*, 51 Cal. 3d 335, 341 (1990). The doctrine of collateral estoppel is also referred to as issue preclusion and at times has been encompassed within the term “res judicata.” However, as the Supreme Court of California has noted, “The doctrine of collateral estoppel is one aspect of the concept of res judicata. In modern usage, however, the two terms have distinct meanings.” *Id.*, at n.3.

purportedly shareholder funded, they are beyond the Public Advocates Office’s statutory purview. Judge DeAngelis rejected this reasoning in granting the August 14, 2019 motion to compel. That ruling was final and on the merits and involved the identical parties. Therefore this issue should not have had to be litigated a second time, regardless of whether the particular data request question is different.

Civil courts have treated similarly frivolous arguments presented during discovery disputes, and purposefully obstructionist tactics in general, with an order for sanctions. For example, courts can impose a variety of sanctions for various misuses of the discovery process, such as “failing to respond or to submit to an authorized method of discovery; making, without substantial justification, an unmeritorious objection to discovery; making an evasive response to discovery; and disobeying a court order to provide discovery.”¹⁹ Sanctions that may be imposed in civil courts include monetary sanctions, issue sanctions, evidentiary sanctions, terminating sanctions, or contempt sanctions.²⁰

Should SoCalGas continue to make stale and frivolous arguments that obstruct the Public Advocates Office’s investigation, the Commission should adopt traditional civil court remedies to address and dissuade such continued abuses of process.

D. SoCalGas’ Request to Be Given Two Weeks to File an Appeal of a Ruling in the Public Advocates Office’s Favor Should Be Denied

Given SoCalGas’s protracted refusal to comply with its obligations under Pub. Util. Code §§ 309.5(e) and 314, the Public Advocates Office moved that SoCalGas be compelled to produce responsive documents within 24 hours of the granting of the Motion to Compel.²¹ SoCalGas argues that this request is “arbitrary” and that “[d]ue to

¹⁹ *Dep’t of Forestry & Fire Prot. v. Howell*, 18 Cal. App. 5th 154, 191 (2017), *reh’g denied* (Jan. 3, 2018), *review denied* (Mar. 14, 2018); *see also Tenderloin Hous. Clinic, Inc. v. Sparks*, 8 Cal. App. 4th 299, 304 (1992) (trial court may impose sanctions for “tactics that are frivolous or solely intended to cause unnecessary delay”).

²⁰ *Howell*, 18 Cal. App. 5th at 191.

²¹ Motion to Compel at 13.

the invasiveness” of the data request, should the Motion to Compel be granted, the ruling should “provide SoCalGas at least two weeks to file an appeal with a concurrent motion to stay enforcement of the ruling.”²² SoCalGas’ request should be denied.

As an initial matter, SoCalGas’ request is conclusory and offered in its Response for the first time. Moreover, SoCalGas has already engaged in repeated efforts to stonewall the Public Advocates Office’s investigation. Among other things, DR CalAdvocates-SC-SCG-2019-05 was served on August 13, 2019, with a response due on August 27, 2019. It has been nearly two months since SoCalGas should have candidly and fully responded to the data request, in keeping with its obligations under the Pub. Util. Code as a regulated entity. SoCalGas should not be allowed to further delay the Public Advocates Office’s investigation and should be ordered to produce the requested documents forthwith.

E. The Public Advocates Office Met and Conferred in Good Faith and SoCalGas’ Recitation of the Relevant Facts is Inaccurate

The Public Advocates Office and SoCalGas met and conferred multiple times in an attempt to resolve this dispute informally.²³ In its Response, SoCalGas inaccurately relates the facts regarding the meet and confer conferences in this matter and wrongly asserts that the Public Advocates Office did not meet and confer in good faith, thus harming its due process rights.²⁴ The Public Advocates Office has continuously acted in good faith in attempting to resolve this matter informally and SoCalGas has not been deprived of due process.

SoCalGas asserts that at the September 16, 2019 meet and confer, it understood that the reason the Public Advocates Office sought the contracts requested in Question 8 was to verify whether the contracts are ratepayer or shareholder funded.²⁵ SoCalGas

²² Response at 10.

²³ See Motion to Compel at 6-8, 12-13.

²⁴ Response at 8-9.

²⁵ *Id.* at 3.

contends that “despite” answering questions related to its accounting practices at a subsequent meet and confer on September 27, 2019, the Public Advocates Office “continued to demand the production of the contracts.”²⁶ While the meeting on September 27, 2019, was helpful, and indeed facilitated a resolution regarding a separate question in the data request, that the dispute over Question 8 was not resolved does not indicate that the Public Advocates Office misled SoCalGas, deprived them of due process, or engaged in bad faith.

Additionally, as stated in the Motion to Compel, in response to repeated questions about the purpose behind Question 8 during the October 2, 2019 meet and confer, the Public Advocates Office explained that the investigation was in part seeking information on how the activities related to the contracts in Question 8 may have affected ratepayers’ interests in issues such as achieving a least-cost path to meeting the state’s decarbonization goals.²⁷ Despite providing this explanation during the October 2, 2019 meeting, in its Response SoCalGas repeatedly claims that this reasoning was offered for the first time in the Motion to Compel and its due process rights have thus been harmed.²⁸

As an initial matter, SoCalGas cites no case or statutory authority for its claim that the Public Advocates Office (or any other party) must explain its litigation strategy in order to obtain responsive answers to data requests. Nonetheless, the Public Advocates Office provided this further explanation for the investigation during the October 2, 2019 meet and confer.

SoCalGas has not been deprived of due process—both because due process does not require a party seeking discovery to set forth the details of its litigation and/or investigation strategy, and because the Public Advocates Office provided its reasoning and SoCalGas had an opportunity to discuss it during the meet and confer, prior to the

²⁶ *Ibid.*

²⁷ See Attachment B, Declaration of Daniel Buch, dated October 25, 2019.

²⁸ Response at 6, 9.

filing of the Motion to Compel. SoCalGas' baseless argument that it has been denied due process is an attempt to undermine the Motion to Compel and should be disregarded.

SoCalGas also asserts that at the October 2, 2019 meet and confer the Public Advocates Office stated it "wanted to review the contracts' scope of work to determine whether SoCalGas' shareholders are taking positions that are inconsistent with State policy." In point of fact, this statement alone (which was shared at the September 16, 2019 meet and confer) should have put SoCalGas on notice that verifying whether the contracts were ratepayer or shareholder funded was not the Public Advocates Office's sole concern in asking Question 8.

Additionally, SoCalGas notes in its Response that on October 4, 2019, its regulatory case manager left a voicemail message for the Public Advocates Office asking to discuss possible ways to "bridge the gap pertaining to the request for contracts."²⁹ SoCalGas goes on to assert that the Public Advocates Office wrongly filed the Motion to Compel without any further meet and confer.³⁰ SoCalGas ignores the fact that the parties ended the meeting on October 2, 2019, by agreeing that they were at an impasse.³¹ At no time after agreeing that the parties were at an impasse did SoCalGas' counsel contact the Public Advocates Office's counsel requesting a further meet and confer.

III. CONCLUSION

For the reasons explained above and in the October 7, 2019 Motion to Compel, and consistent with the broad discovery authority granted under Pub. Util. Code §§ 309.5(e) and 314, the Public Advocates Office's Motion to Compel should be granted and SoCalGas should be compelled to provide fully responsive documents in response to Question 8 of DR CalAdvocates-SC-SCG-2019-05.

²⁹ Response at 3. The voicemail message, recorded on Friday October 4, 2019, was left for Stephen Castello, the Public Advocates Office's analyst assigned to this investigation, not counsel. *See* Attachment A, Declaration of Stephen Castello, dated October 25, 2019.

³⁰ Response at 3.

³¹ *See* Motion to Compel at 8.

Respectfully submitted,

/s/ REBECCA VORPE

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Public Advocates Office

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October 31, 2019

ATTACHMENT A

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

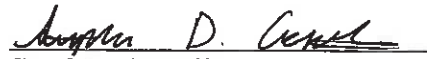
DECLARATION OF STEPHEN CASTELLO

I, Stephen Castello, hereby declare:

1. I am a Public Utilities Regulatory Analyst I in the Electricity Pricing and Customer Programs Branch of the Public Advocates Office at the California Public Utilities Commission. If called as a witness, I could and would competently testify as to the matters stated herein from my own personal knowledge, except as to any matters that I state upon information and belief, and, as to those matters, I am informed and believe them to be true.
2. I have been assigned to the investigation in which the Public Advocates Office issued DR CalAdvocates-SC-SCG-2019-05.
3. When I arrived at work on Monday October 7, 2019, I retrieved a voicemail message from Shirley Arazi, who I have been informed works in regulatory affairs for Southern California Gas Company. Ms. Arazi had left the message for me on Friday, October 4, 2019, indicating, among other things, that she wanted to discuss Question 8 of DR CalAdvocates-SC-SCG-2019-05. I did not retrieve the message on October 4, 2019, because I was out of the office.
4. In her voicemail, Ms. Arazi suggested that while there were contracts in response to Question 8 that were fully shareholder funded, there were certain contracts that were not fully shareholder funded, and that there may be a way to “bridge the gap” by providing those contracts. She did not mention another meet and confer.
5. I had communicated with Ms. Arazi by email on Friday, October 4, 2019. In an email sent at 4:14 p.m., she mentioned that she had left a voicemail for me earlier that day to inform me that SoCalGas would not be able to provide a timeline for the production dates for a different data request (DR CalAdvocates-SC-SCG-

2019-06), but she did not mention Question 8 of DR CalAdvocates-SC-SCG-2019-05.

Dated this 25th of October, 2019, at San Francisco, California.



Stephen Castello
Public Utilities Regulatory Analyst I
Public Advocates Office
California Public Utilities Commission

ATTACHMENT B

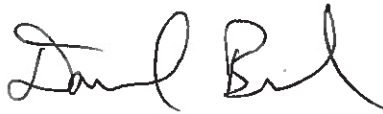
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

DECLARATION OF DANIEL BUCH

I, Daniel Buch, hereby declare:

1. I am the Program and Project Supervisor of the Customer Programs team in the Electricity Pricing and Customer Program Branch of the Public Advocates Office at the California Public Utilities Commission. If called as a witness, I could and would competently testify as to the matters stated herein from my own personal knowledge.
2. I have supervisory responsibility for the investigation in which the Public Advocates Office issued DR CalAdvocates-SC-SCG-2019-05.
3. I was present at and participated in the October 2, 2019, meet and confer telephone conference between Southern California Gas Company (SoCalGas) and the Public Advocates Office.
4. During the October 2, 2019 meet and confer, SoCalGas pressed for further justification regarding the Public Advocates Office's investigation. In response, I stated that that the investigation was in part seeking information on how the activities related to the contracts in Question 8 of DR CalAdvocates-SC-SCG-2019-05 may have affected ratepayers' interests in issues such as achieving a least-cost path to meeting the state's decarbonization goals.

Dated this 25th of October, 2019, at San Francisco, California.



Daniel Buch
Program and Project Supervisor
Electricity Pricing and Customer Programs Branch
Public Advocates Office
California Public Utilities Commission