

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

**MOTION TO FILE UNDER SEAL**

**MOTION OF SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) FOR LEAVE TO  
FILE UNDER SEAL CONFIDENTIAL VERSIONS OF DECLARATION NUMBERS 4  
AND 5 IN SUPPORT OF ITS EMERGENCY MOTION FOR A PROTECTIVE ORDER  
STAYING ALL PENDING AND FUTURE DATA REQUESTS FROM CALIFORNIA  
PUBLIC OFFICE ADVOCATES SERVED OUTSIDE OF ANY PROCEEDING  
(RELATING TO THE BUILDING DECARBONIZATION MATTER), AND ANY  
MOTIONS AND MEET AND CONFERS RELATED THERETO, DURING  
CALIFORNIA GOVERNMENT COVID-19 EMERGENCY “SAFER AT HOME”  
ORDERS;  
[PROPOSED] ORDER**

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March 25, 2020

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

**MOTION TO FILE UNDER SEAL**

**MOTION OF SOUTHERN CALIFORNIA GAS COMPANY (U 904 G)  
FOR LEAVE TO FILE UNDER SEAL CONFIDENTIAL VERSIONS OF  
DECLARATION NUMBERS 4 AND 5 IN SUPPORT OF ITS EMERGENCY MOTION  
FOR A PROTECTIVE ORDER STAYING ALL PENDING AND FUTURE DATA  
REQUESTS FROM CALIFORNIA PUBLIC OFFICE ADVOCATES SERVED OUTSIDE  
OF ANY PROCEEDING (RELATING TO THE BUILDING DECARBONIZATION  
MATTER), AND ANY MOTIONS AND MEET AND CONFERS RELATED THERETO,  
DURING CALIFORNIA GOVERNMENT COVID-19 EMERGENCY “SAFER AT  
HOME” ORDERS;  
[PROPOSED] ORDER**

Consistent with Rule 11.4 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, Southern California Gas Company (“SoCalGas”) respectfully moves for an order for leave to file under seal portions of the Declaration Numbers 4 and 5 filed in support of SoCalGas’s Emergency Motion for a Protective Order Staying All Pending and Future Data Requests From the California Public Advocates Office (“Cal Advocates”) Served Outside of any Proceeding (Relating to the Building Decarbonization Matter), and Any Motions and Meet and Confers Related Thereto, During California Government COVID-19 Emergency “Safer at Home” Orders (“Emergency Motion for Protective Order”).

On March 25, 2020, and concurrently with this Motion to File Under Seal, SoCalGas filed its Emergency Motion for Protective Order, which includes five supporting declarations. As detailed in the attached Declaration of Andy Carrasco in support of this Motion to File Under Seal (“Carrasco Decl.”), the two SoCalGas employees who authored Declaration Numbers 4 and 5 are staff-level personnel not generally known to the public. As part of their role in connection with this matter, they do not receive or submit safety-related correspondence with the Commission; and they are not involved in activities relating to utility safety as an element of their routine employment responsibilities.

Pursuant to the California Constitution, the identities of these two individuals constitute personally identifying information that merits strong legal protection. Moreover, protection is particularly warranted here because the submitted Declarations reveal intimate, private details about the authors' respective medical, family and employment conditions. Such information falls squarely within the core privacy protections of the law. *See, e.g., Pioneer Elecs. (USA), Inc. v. Super. Ct.*, 40 Cal. 4th 360, 372 (2007) (observing that information concerning "one's personal medical history or current medical condition," or "details regarding one's personal finances or other financial information" are "particularly sensitive"). Accordingly, the personally identifying information contained in Declaration Numbers 4 and 5 should be redacted and protected under seal.

It is well-established that "protecting disclosure of an individual's name and other identifying information is a matter embraced within the state Constitution's privacy provision (Cal. Const., art. I, § 1)." *Pioneer Elecs.* 40 Cal. 4th at 366. Consistent with this principle, Cal. Gov't Code § 6254(c) recognizes that the disclosure of "personnel, medical, or similar files" constitutes "an unwarranted invasion of personal privacy." *See also Britt v. Superior Court*, 20 Cal. 3d 844, 855–56 (1978) (even highly relevant information may be shielded from discovery if its disclosure would impair a person's inalienable right of privacy provided by the California Constitution). This rule applies equally to the personally identifying information of staff-level utility employees, who perform routine functions and whose identities are not generally known to the public. *See, e.g., Cal. State Univ. v. Super. Ct.*, 90 Cal. App. 4th 810, 825 (2001) (personal information unrelated to "the conduct of the public's business" exempt from public disclosure) (internal citations omitted).

The above-described core privacy protections extend to information related to an individual's medical, family and employment condition. *See Pioneer Elecs.*, 40 Cal. 4th at 373 (privacy protection covers one's "personal medical history or current medical condition," "details regarding one's personal finances or other financial information," and other information revealing "personal or business secrets, intimate activities, or similar private information"). These core privacy protections are further evidenced by Cal. Civ. Proc. Code § 1985.3 where no "personal information" about an individual – defined under Cal. Civ. Code § 1798.3 to include any information that "identifies or describes an individual," his or her "education, financial matters, and medical or employment history," and any "statements made by, or attributed to, the

individual” – may be disclosed unless prior consent is obtained from the individual pursuant to the consumer notice procedures. *See* Cal. Civ. Proc. Code § 1985.4 (consent obtained pursuant to consumer notice is a prerequisite for a state agency to disclose “personal information,” as defined by Cal. Civ. Code § 1798.3).

One potential exception to the confidentiality protections concerns the identity of utility employees involved in safety-related functions. However, this exception is specific and narrowly drawn to cover only those utility employees who “receive safety-related correspondence from the CPUC,” “submit such correspondence to the CPUC,” or are “involved in activities relating to utility safety as an element of their routine employment responsibilities.” Commission Resolution L-436 (issued February 14, 2013), at p. 12.

Here, the authors of Declaration Numbers 4 and 5 in support of SoCalGas’s Emergency Motion for Protective Order are staff-level employees whose identities are not generally known to the public. Carrasco Decl., ¶¶ 3–4. Their personally identifying information is confidential and protected by the inalienable right of privacy under the California Constitution. Moreover, the identities of these two individuals are particularly deserving of protection, because the Declarations they authored reveal sensitive and private information relating to their medical, family and employment conditions. Further, the limited exception set forth by Commission Resolution L-436 is inapplicable, because neither of these two SoCalGas employees, as part of their duties in connection with responding to Cal Advocates data requests, are involved in safety-related communications with the Commission, nor do they engage in utility safety activities as part of their routine employment responsibilities. *Id.* No other exception to the constitutional and legal protections of confidentiality applies as well. Accordingly, leave should be granted to seal and redact the identities of the authors of Declaration Numbers 4 and 5 in support of SoCalGas’ Emergency Motion for Protective Order.

For these reasons, SoCalGas respectfully requests that the Commission grant this motion designating the redacted portions of Declaration Numbers 4 and 5 filed in support thereof as confidential, and protect the material under seal.

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Respectfully submitted on behalf of  
SOUTHERN CALIFORNIA GAS COMPANY,

By: \_\_\_\_\_  
*/s/ Johnny Q. Tran*  
Johnny Q. Tran

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March 25, 2020

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

**[PROPOSED] ORDER**

Having reviewed Southern California Gas Company's ("SoCalGas") Motion for Leave to File Confidential Versions of Declaration Numbers 4 and 5 in Support of SoCalGas' Emergency Motion for a Protective Order Staying All Pending and Future Data Requests From the California Public Advocates Office ("Cal Advocates") Served Outside of any Proceeding (Relating to the Building Decarbonization Matter), and Any Motions and Meet and Confers Related Thereto, During California Government COVID-19 Emergency "Safer at Home" Orders (hereinafter "Emergency Motion for Protective Order"), and for good cause appearing,

IT IS HEREBY ORDERED, that the confidential versions of Declaration Numbers 4 and 5 in support of SoCalGas' Emergency Motion for Protective Order will be filed under seal.

Dated: \_\_\_\_\_, at San Francisco, California.

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President of the Commission, Marybel Batjer

# **Declaration of Andy Carrasco**

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

**DECLARATION OF ANDY CARRASCO IN SUPPORT OF MOTION OF SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) FOR LEAVE TO FILE UNDER SEAL CONFIDENTIAL VERSIONS OF DECLARATION NUMBERS 4 AND 5 IN SUPPORT OF ITS EMERGENCY MOTION FOR A PROTECTIVE ORDER STAYING ALL PENDING AND FUTURE DATA REQUESTS FROM CALIFORNIA PUBLIC OFFICE ADVOCATES OFFICE SERVED OUTSIDE OF ANY PROCEEDING (RELATING TO THE BUILDING DECARBONIZATION MATTER), AND ANY MOTIONS AND MEET AND CONFERS RELATED THERETO, DURING CALIFORNIA GOVERNMENT COVID-19 EMERGENCY “SAFER AT HOME” ORDERS;**

I, Andy Carrasco, hereby declare as follows:

1. I am a resident of California over 18 years of age, and I am personally familiar with the facts and representations in this declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or information and belief.

2. I am employed by Southern California Gas Company (SoCalGas) as Director of Regional Public Affairs in the Strategy and Engagement, and Environmental group.

3. The author of Declaration Number 4 is a staff-level employee of SoCalGas who holds the position of Public Policy Advisor in the Strategy and Engagement, and Environmental group for SoCalGas. This individual’s regular job duties consist of advising on issues related to public policy. For purposes of the Data Requests at issue, this individual manages and provides oversight to the business unit’s responses to data requests. This individual’s identity is not generally known to the public. Further, for purposes of the Data Requests at issue, this individual does not receive safety-related correspondence from the California Public Utilities Commission (CPUC), does not submit safety-related correspondence to the CPUC, and is not involved in activities relating to utility safety as an element of her routine employment responsibilities.

4. The author of Declaration Number 5 is a staff-level employee of SoCalGas who holds the position of Regulatory Case Manager. This individual’s regular job duties consist of organizing company-wide case teams and managing their participation in regulatory proceedings, informing necessary personnel of case progress and major issues or problems, and coordinating responses to data requests. For purposes of the Data Requests at issue, this




individual investigates and develops responses to the requests, including requests related to Californians for Balanced Energy Solutions (C4BES). This individual's identity is not generally known to the public. Further, for purposes of the Data Requests at issue, this individual does not receive safety-related correspondence from the CPUC, does not submit safety-related correspondence to the CPUC, and is not involved in activities relating to utility safety as an element of her routine employment responsibilities.

5. In accordance with the legal authorities cited in the Motion to Seal, the identities of the authors of Declaration Numbers 4 and 5 should be deemed confidential and protected from public disclosure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 24 day of March, 2020, at Glendale, California.

By:   
ANDY CARRASCO  
Director of Regional Public Affairs  
in the Strategy and Engagement,  
and Environmental Group