

**SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-TB-SCG-2021-01)**

**Date Received: February 1, 2021
Date Submitted: February 11, 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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The following questions follow up on your responses to the data request issued to SoCalGas by Cal Advocates on December 31, 2020 that were prompted by the article issued on December 31, 2020, Attachment A hereto.

QUESTION 1:

Please provide copies of the text messages sent by Californians for Balanced Energy Solutions (C4BES) to Santa Barbara residents in advance of the City Council's January consideration of a proposal to reduce or eliminate the installation of natural gas in new construction.

RESPONSE 1:

SoCalGas objects to this question on the grounds that it has been asked and answered. Without waiving this objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 1 and Question 5 of Data Request AW-SCG-2020-08

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QUESTION 2:

Please identify the person at SoCalGas most knowledgeable about C4BES and its activities.

RESPONSE 2:

The information below includes Confidential and Protected Material pursuant to PUC Section 583, G.O. 66-D, D.17-09-023, and the accompanying declaration.

SoCalGas objects to this question as vague and ambiguous as it does not define person "most knowledgeable." SoCalGas further objects that the request is vague and ambiguous as it does not define a time frame in its response. SoCalGas also objects to this Question to the extent that it seeks information protected by the First Amendment of the United States Constitution. Further, SoCalGas notes that employees who may have been better suited to answer this question are no longer with the company.

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

██████████ a current SoCalGas employee, for the time period beginning November 1, 2020.

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QUESTION 3:

Please describe anything that SoCalGas knows about the text messages, including, without limitation:

- a. When the messages were sent.
- b. How the residents' phone numbers were procured.
- c. How many text messages were sent.
- d. Other cities where similar text messages have been sent; and
- e. Whether or how Sempra Energy or SoCalGas had any role in the creation or delivery of the text messages, or any knowledge that they were being sent.

RESPONSE 3:

a. SoCalGas objects to this request on the grounds that it assumes facts not in evidence. SoCalGas also objects to this question on the grounds that it has been asked and answered. SoCalGas further objects to this question as it fails to specify a time frame. Without waiving these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 3 and Question 5 of Data Request AW-SCG-2020-08

b. SoCalGas objects to this request on the grounds that it assumes facts not in evidence. SoCalGas also objects to this question on the grounds that it has been asked and answered. SoCalGas further objects to this question as it fails to specify a time frame. Without waiving these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 2 and Question 5 of Data Request AW-SCG-2020-08

c. SoCalGas objects to this request on the grounds that it assumes facts not in evidence. SoCalGas also objects to this question on the grounds that it has been asked and answered. SoCalGas further objects to this question as it fails to specify a time frame. Without waiving these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 3 and Question 5 of Data Request AW-SCG-2020-08

d. SoCalGas objects to this request on the grounds that it assumes facts not in evidence. SoCalGas also objects to this question on the grounds that it has been asked and answered. SoCalGas further objects to this question as it fails to specify a time frame. Without waiving

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these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 4 and Question 5 of Data Request AW-SCG-2020-08

e. SoCalGas objects to this request on the grounds that it assumes facts not in evidence. SoCalGas also objects to this question on the grounds that it has been asked and answered. SoCalGas further objects to this question as it fails to specify a time frame. Without waiving these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

See Responses to Question 1 to 5 of Data Request AW-SCG-2020-08. C4BES mentioned to SoCalGas that it wanted to notify Santa Barbara residents about the City's proposal and that such notification might include text messages. However, SoCalGas did not have a role in creating or delivering the text messages.

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QUESTION 4:

Please explain your current relationship to C4BES.

RESPONSE 4:

SoCalGas objects to this request on the grounds that it vague and ambiguous with regard to the term “relationship”. Without waiving these objections, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

SoCalGas is a member of C4BES.

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QUESTION 5:

Please list all of your employees who have been C4BES Board members, and the dates they were Board members.

RESPONSE 5:

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

George Minter was a member of the C4BES Board from approximately February 2019-March 2020

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QUESTION 6:

Do you currently have an employee on the Board of C4BES? If so, who?

RESPONSE 6:

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

No.

QUESTION 7:

If you no longer have an employee on the Board of C4BES, please identify the date that you withdrew your last employee from the Board and any communication to C4BES effectuating this withdrawal.

RESPONSE 7:

The attachments include Confidential and Protected Material pursuant to PUC Section 583, G.O. 66-D, D.17-09-023, and the accompanying declaration.

See attachment.

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QUESTION 8:

Please explain why you no longer have an employee on the Board of C4BES.

RESPONSE 8:

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

C4BES's Board has not elected any SoCalGas employees to its current Board.

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QUESTION 9:

Please identify all SoCalGas employees who have communicated with C4BES Board Members and/or Jon Switalski, the Executive Director of C4BES, between November 1, 2020 and today regarding the text messages and the names of the C4BES Board Members they have communicated with.

RESPONSE 9:

The information below includes Confidential and Protected Material pursuant to PUC Section 583, G.O. 66-D, D.17-09-023, and the accompanying declaration.

SoCalGas objects to this question as overbroad and unduly burdensome in that it seeks information from “all” SoCalGas employees and as to the time frame it identifies. In responding to this question, SoCalGas spoke with employees it believed most likely to have this information. Without waiving this objection, the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

██████████ communicated with Jon Switalski. The substance of that communication is described in the response to Question 3(e).

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QUESTION 10:

Please provide all communications between SoCalGas employees and C4BES Board Members and/or Jon Switalski that have occurred November 1, 2020 and today.

RESPONSE 10:

SoCalGas objects to this question as overly broad, unduly burdensome and oppressive to the extent it fails to subject matter of its communications, and therefore seems to require that SoCalGas interview every one of its employees regarding any communication they had with any individual who may serve on the C4BES Board. Accordingly, SoCalGas limits its response to communications with C4BES Board Members and/or Jon Switaliski regarding the text messages C4BES sent in Santa Barbara.

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

See the response to Question 3(e).

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QUESTION 11:

Do you have any type of relationship with VoterVoice? See <https://info.votervoice.net/>. If so, please describe the relationship and provide all communications between you and VoterVoice between January 1, 2020 and today, including, without limitation, any contract and/or invoices.

RESPONSE 11:

SoCalGas objects to the term “relationship” as vague and ambiguous. Without waiving the General Objections and the Objections to the Instructions, SoCalGas responds as follows:

No.

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QUESTION 12:

Please identify the person at SoCalGas most knowledgeable about the threats Mr. Eric Hofmann, the current Chair of the C4BES Board, made to the City of San Luis Obispo between April and June of 2020. See Attachment B hereto.

RESPONSE 12:

SoCalGas objects to this question as vague and ambiguous as it does not define person "most knowledgeable." SoCalGas objects to this question as vague and ambiguous as to the term "threats". SoCalGas also objects to this question as argumentative. SoCalGas further objects to this question as it assumes facts not in evidence, to the extent that it assumes SoCalGas has information beyond what is publicly available. SoCalGas further objects to this question as vague and ambiguous as to the time frame of any knowledge related to the events described in Attachment B. SoCalGas is interpreting the question to ask it to identify the employee with the most knowledge of Eric Hoffman's communications as described in Attachment B prior to Mr. Hoffman making those communications. In responding to this question, SoCalGas spoke with employees it believed most likely to have this information.

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

No SoCalGas employee had knowledge of the communications described in Attachment B prior to Eric Hoffman making those communications.

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QUESTION 13:

Please identify any actions you, as a contributor to C4BES, took after the threats to San Luis Obispo to ensure Mr. Eric Hoffman did not follow through on his threats and to ensure such threats were not made by any C4BES representative in the future and provide any supporting documentation.

RESPONSE 13:

SoCalGas objects to this question as vague and ambiguous as to the terms “contributor” and “threats”. SoCalGas also objects to this question as argumentative and assumes facts not in evidence. Mr. Hoffman did not act on behalf of SoCalGas. SoCalGas does not have control over Mr. Hoffman’s actions.