



Public Advocates Office
California Public Utilities Commission

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PUBLIC ADVOCATES OFFICE DATA REQUEST
No. CalAdvocates-AW-SCG-2020-08

Not In A Proceeding

Date Issued: December 31, 2020

Date Due: January 15, 2021

To: **Brooke Holland**
Regulatory Affairs for SoCalGas

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INSTRUCTIONS¹

General:

You are instructed to answer the following Data Requests with written, verified responses pursuant to, without limitation, Public Utilities Code §§ 309.5(e), 311(a), 314, 314.5(a), 581, 582, 584, 701 and 702 and Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure within ten (10) business days. Note that Public Utilities Code § 581 requires you to provide the information in the form and detail that we request and failure to do so may result in fines or other penalties.

Each Data Request is continuing in nature. Provide your response as it becomes available, but no later than the due date noted above. If you are unable to provide a response by the due date, notify the Public Advocates Office within five (5) business days, with a written explanation as to why the response date cannot be met and a best estimate of when the information can be provided. If you acquire additional information after providing an answer to any request, you must supplement your response following the receipt of such additional information.

This data request does not diminish or excuse any pending written or oral data requests to you.

The Public Advocates Offices expects you to respond to this data request in a timely manner and with the highest level of candor

Responses:

Responses shall restate the text of each question prior to providing the response, identify the person providing the answer to each question and his/her contact information, identify all documents provided in response to the question, and clearly mark such documents with the data request and question number they are responsive to.

Responses should be provided both in the original electronic format, if available, and in hard copy. (If available in Word format, send the Word document and do not send the information as a PDF file.) All electronic documents submitted in response to this data request should be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. Each page should be numbered. If any of your answers refer to or reflect calculations, provide a copy of the supporting electronic files that were used to derive such calculations, such as Excel-compatible spreadsheets or

¹ Because SoCalGas has routinely failed to comply with the Instructions provided in the data requests in this investigation, portions of these Instructions are highlighted to bring your attention to the Instructions. Cal Advocates' expects that you will comply with all of the Instructions, including those that are highlighted.

computer programs, with data and formulas intact and functioning. Documents produced in response to the data requests should be Bates-numbered, and indexed if voluminous.

Requests for Clarification:

If a request, definition, or an instruction, is unclear, notify the people listed above in writing within five (5) business days, including a specific description of what you find unclear and why, and a proposal for resolving the issue. In any event, unless directly otherwise by the people listed above, answer the request to the fullest extent possible, explain why you are unable to answer in full, and describe the limitations of your response.

Objections:

If you object to any of portion of this Data Request, please submit specific objections, including the specific legal basis for the objection, to the people listed above within five (5) business days.

Assertions of Privilege:

If you assert any privilege for documents responsive to this data request, please notify Cal Advocates of your intent to make such claims within five (5) business days, and provide a privilege log no later than the due date of this data request, including: (a) a summary description of the document; (b) the date of the document; (c) the name of each author or preparer; (d) the name of each person who received the document; and (e) the legal basis for withholding the document.

Assertions of Confidentiality:

If you assert confidentiality for any of the information provided, please identify the information that is confidential with highlights and provide a specific explanation of the basis for each such assertion. No confidential information should be blacked out. Assertions of confidentiality will be carefully scrutinized and are likely to be challenged absent a strong showing of the legal basis and need for confidentiality.

Signed Declaration:

The data response shall include a signed declaration from a responsible officer or an attorney under penalty of perjury that you have used all reasonable diligence in preparation of the data response, and that to the best of their knowledge, it is true and complete.

In addition, any claim of confidentiality or privilege shall be supported by a declaration from your attorney under penalty of perjury stating that your attorney is familiar with the relevant case law and statutes pertaining to claims of confidentiality and privilege such that there is a good faith basis for the claim.

DEFINITIONS

- A. As used herein, the terms “you,” “your(s),” “Company,” “SCG,” and “SoCalGas” and mean Southern California Gas Company and any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf, including its parent, Sempra Energy Company.
- B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- C. Date ranges shall be construed to include the beginning and end dates named. For example, the phrases “from January 1 to January 31,” “January 1-31,” “January 1 to 31,” and “January 1 through January 31” should be understood to include both the 1st of January and the 31st of January. Likewise, phrases such as “since January 1” and “from January 1 to the present” should be understood to include January 1st, and phrases such as “until January 31,” “through January 31,” and “up to January 31” should also be understood to include the 31st.
- D. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these Data Requests any information or documents which might otherwise be considered to be beyond their scope.
- E. The term “communications” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, notes, correspondence, and all memoranda concerning the requested communications. Where communications are not in writing, provide copies of all memoranda and documents made relating to the requested communication and describe in full the substance of the communication to the extent that the substance is not reflected in the memoranda and documents provided.
- F. The term “document” shall include, without limitation, all writings and records of every type in your possession, control, or custody, whether printed or reproduced by

any process, including documents sent and received by electronic mail, or written or produced by hand.

- G. “Relate to,” “concern,” and similar terms and phrases shall mean consist of, refer to, reflect, comprise, discuss, underlie, comment upon, form the basis for, analyze, mention, or be connected with, in any way, the subject of these Data Requests.
- H. When requested to “state the basis” for any analysis (including studies and workpapers), proposal, assertion, assumption, description, quantification, or conclusion, please describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, and analysis known to you which you believe to support the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which you contend to be evidence of the truth or accuracy thereof.
- I. Terms related in any way to “lobbying,” lobbyist,” “lobbying firm” and “lobbyist employer,” and activities intended to influence legislative or administrative actions at the state or local government level, shall, without limitation, be construed broadly and, without limitation, to be inclusive of how those terms are described in the Sempra Energy Political Activities Policy (Policy), the training materials related to the Policy, and the California Political Reform Act .²

² The Sempra Energy Political Activities Policy defines lobbying broadly on page 3 as: “any action intended to influence legislative or administrative action, including activities to influence government officials, political parties, or ballot measures. Lobbyists can be individual employees or the company that employees them, referred to as a Lobbyist-Employer.” The California Political Reform Act has a similarly broad definition. See, e.g., Gov’t Code § 82032.

DATA REQUEST

1. Please identify in tabular format all 501(c)4 entities that SoCalGas has contributed to from 2015 to today. Please include columns identifying the name of the entity, the amounts contributed in each year to the entity, and the Federal Energy Regulatory Commission (FERC) account number where the contributions to the entity were booked.
2. Provide all bylaws for Californians for Balanced Energy Solutions (C4BES).
3. Provide documents identifying the officers of C4BES at the time of its formation, and documentary evidence establishing the date on which each such officer agreed to be an officer of C4BES.
4. Identify the total amount of all donations to C4BES in 2019.
 - a. How much was donated by SoCalGas and how much was donated by other investor-owned utilities (IOUs) or entities representing IOUs during this period?
5. Identify the total amount of all donations to C4BES in 2020.
 - a. How much was donated by SoCalGas, and how much was donated by other IOUs or entities representing IOUs during this period?
6. Has John Switalski been paid to act as the C4BES Executive Director?
 - a. If so, how much has he been paid for each year from 2018 to the present?
7. Please provide a screen shot of a SoCalGas employee's time entries that is consistent with SoCalGas' representations in response to Question 6 of CALADVOCATES-TB-SCG-2020-02 that "SoCalGas employees charge their bi-weekly expenses based upon the appropriate accounting information for the specific activity or activities being supported."
8. Please explain how this description of employee timekeeping is consistent with SoCalGas' representations in response to Question 24 of CALADVOCATES-AW-SCG-2020-01 that "Regional Public Affairs employees do not track their time by project or proceedings."
9. Please provide a screen shot of a Regional Public Affairs employee's time entries for the month of June 2019 that reflects the "specific activity or activities being supported."

10. In its June 28, 2020 response to Question 7 of DATA REQUEST CALADVOCATES-TB-SCG-2020-02, SoCalGas explained how costs are excluded from general rate cases. Among other things, it stated:

SoCalGas classifies some employee labor as “shareholder” or “ratepayer” prior to developing its GRC forecasts; however, most employee labor is classified as “shareholder” or “ratepayer” during the GRC process. The accounting system utilizes internal orders to aggregate and classify costs to the appropriate FERC accounts as established by the Code of Federal Regulations. Costs for activities that are deemed “shareholder” are excluded from cost recovery proceedings such as the GRC. There are various methods for excluding “shareholder” costs from a GRC. The first method is to exclude internal orders that settle to FERC accounts that capture shareholder activities, such as account 426.4. Additionally, specific internal orders for activities that will be excluded from the GRC are established and flagged for removal. Still further, other costs such as the Sacramento office that supports SoCalGas and SDG&E operations, charges its labor activities to a cost center unique to that organization and that entire cost center is excluded from the GRC. During the financial analysis phase of the GRC, the business unit and the GRC team remove these costs from the GRC request based upon the cost center number used to record these costs.

- a. Please identify all employees whose “labor” was classified as “shareholder” for purposes of SoCalGas’ last GRC and all employees whose “labor” is currently classified as “shareholder” for purposes of SoCalGas’ next GRC.
 - i. To the extent that labor is allocated to both shareholders and ratepayers, please identify the percentage of allocation for each employee.
- b. General Order (GO) 77-M requires Sempra and its affiliates to identify “the proportion of compensation” for employees earning over \$125,000 “that is paid, directly or indirectly, by the utility’s ratepayers (e.g. 100% or some lesser percentage).” To the extent subsection (a) can be answered by reference to GO 77-M filings, please provide those filings and identify where this information is provided.
- c. Please identify with specificity where in SoCalGas’ 2019 GO 77-M filing the proportion of compensation allocated to ratepayers is identified.
- d. Are all employee benefits, such as pension and insurance, included in SoCalGas’ calculation of an employee’s “cost” for purposes of allocating employee costs to shareholders?
 - i. If so, please provide documentary evidence.

- ii. If not, please explain why these costs are not paid for with shareholder funds where employee work has not been to the benefit of ratepayers.
 - e. Please identify all internal orders – as that term is used in SoCalGas’ response quoted above - that were excluded from SoCalGas’ last GRC and those that SoCalGas has already identified for exclusion from its next GRC. If none exist, please state that.
 - f. Please identify all internal orders for activities that were “established and flagged for removal” from SoCalGas’ last GRC, and those anticipated to be flagged for removal from SoCalGas’ next GRC.
 - g. Please identify all cost centers, by number, that were excluded from SoCalGas’ last GRC and that will be excluded from its next GRC and the total costs booked to those cost centers on an annual basis from 2015 to the present.
11. SoCalGas spokesperson Chris Gilbride was quoted in a Politico article issued September 24, 2020, that SoCalGas has “established protocols to make sure lobbying costs are not paid by ratepayers.”³
- a. Please provide the most current version of the SoCalGas protocols Mr. Gilbride was referring to.
 - b. Please provide evidence that demonstrates that SoCalGas is complying with those protocols.
 - c. Please provide all prior versions of those protocols from 2015 to the present.
12. Question 1 of Data Request CALADVOCATES SC-SCG-2019-08 asks for costs associated with SoCalGas’s outreach to municipalities regarding passing balanced-energy resolutions. SoCalGas responded that “SoCalGas did not track the costs associated with communications between Regional Public Affairs employees and municipalities.”
- a. Why is SoCalGas unable to estimate the resources spent on these efforts – outreach to municipalities regarding passing balanced-energy resolutions - when it has been able to provide cost estimates associated with other outreach campaigns?
 - b. Please identify the roles of Steve Pangarliotas and Andy Carrasco in these efforts.
 - c. Please estimate the percentage of daily staff time Steve Pangarliotas and Andy Carrasco spent on the efforts.
 - d. Please provide all contracts or invoices associated with these efforts.

³ See: <https://www.politico.com/states/california/story/2020/09/24/how-socialgas-leveraged-mayors-and-minority-groups-to-score-a-fossil-fuel-win-1304131>.

13. Please identify each account to which any portion of the costs identified in response to question 12 were charged.
 - a. State the account name and cost center number.
 - b. State whether the account is ratepayer funded.
 - c. State how much was charged to the account.

14. Please see the Forms 635 and 640 submitted to the Fair Political Practices Commission (FPPC) by Sempra Energy on behalf of SoCalGas between 2018 and the third quarter of 2020 which are available on the FPPC's website. Please:
 - a. Provide the accounting that identifies each expense that was included in the lump sum overhead expense disclosed on Line 1 of Form 640 for each quarter.
 - b. Explain why payments made in support of C4BES have never been identified on any of the forms submitted to the FPPC.
 - c. Explain whether Sempra or its affiliates have identified in FPPC filings any payments to Lobbying Coalitions as that term is defined in the Political Reform Act at Gov't Code § 82038.3 from 2015 to the present.
 - i. If so, please identify where, including confirming evidence.
 - ii. If not, please explain why not.
 - d. Identify the specific activities William Blattner engaged in that justified over \$16,000 in payments to him in 2020 to influence legislative or administrative action.
 - i. Was this compensation in addition to his salary?
 - ii. Why was it separately identified on Form 640 instead of being included in overhead expenses on Line 1?
 - e. Identify the specific activities Kent Kauss engaged in that justified the payments made to him in 2017 and 2018 to influence legislative or administrative action.
 - i. Was this compensation in addition to his salary?
 - ii. Why was it separately identified on Form 640 instead of being included in overhead expenses on Line 1, and where were these payments identified on Sempra Energy's 2019 GO 77-M form?
 - f. Why are the reported payments to Marathon Communications in 2019 less than the actual amounts paid to the company?
 - i. Why were payments to the company not reported on FPPC Form 645?
 - g. What activities did Marathon Communications perform in 2019 to earn the additional unreported monies paid to it?
 - h. Why are the reported payments to Imprenta Communications Group in 2018 less than the actual amounts paid to the company?
 - i. Why were payments to the company not reported on Form 645?

- i. What activities did Imprenta Communications Group perform in 2018 to earn the additional unreported monies paid to it?

END OF REQUEST