

SOUTHERN CALIFORNIA GAS COMPANY
(DATA REQUEST CALADVOCATES-SC-SCG-2019-11)

DATA RECEIVED: December 11, 2019
DATE RESPONDED: January 13, 2020

QUESTION 1:

On June 15, 2017, the Los Angeles County Metropolitan Transportation Authority approved the purchase of 295 Forty Foot CNG Transit Buses.¹ At any time, has SoCalGas lobbied the Los Angeles County Metropolitan Transportation Authority regarding the metro bus fleet?

RESPONSE 1:

SoCalGas objects on the grounds that the term “lobbied” is not defined and is therefore vague and ambiguous. To the extent that the phrase “lobbied” refers to activities generally excluded from “lobbying” definitions, such as appearing at public meetings, giving administrative testimony at a public hearing, or providing technical advice or information to an official, these activities were excluded from this response. For instance, the FERC definition of lobbying excludes activities “directly related to public appearances before regulatory or other governmental bodies in connection with a utility’s existing or proposed operations.” See 18 CFR 367.4264(b). The Los Angeles Metropolitan Authority excludes “administrative testimony” and appearances at “any MTA proceeding that is conducted as an open public hearing” and “providing technical advice or information pursuant to the request of an MTA official” as lobbying activity. See Los Angeles County Metropolitan Transportation Authority, Information Manual for Lobbyist Registration and Reporting (January 2005).

Subject to and without waiving its objection, SoCalGas responds as follows:

Yes.

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QUESTION 2:

In 2016-2017, did SoCalGas employees appear at meetings of the Los Angeles County Metropolitan Transportation Authority to speak regarding Metro bus fleet procurement?

RESPONSE 2:

SoCalGas objects on the grounds that the terms “appear” and “speak,” as well as the term “lobbying” in Question 3 referring back to Question 2, are not defined, appear to conflate these terms as interchangeable, and are therefore vague and ambiguous. To the extent that any of these phrases refers to activities generally excluded from “lobbying” definitions, such as appearing at public meetings, giving administrative testimony at a public hearing, or providing technical advice or information to an official, these activities were excluded from this response. For instance, the FERC definition of lobbying excludes activities “directly related to public appearances before regulatory or other governmental bodies in connection with a utility’s existing or proposed operations.” See 18 CFR 367.4264(b). The Los Angeles Metropolitan Authority excludes “administrative testimony” and appearances at “any MTA proceeding that is conducted as an open public hearing” and “providing technical advice or information pursuant to the request of an MTA official” as lobbying activity. See Los Angeles County Metropolitan Transportation Authority, Information Manual for Lobbyist Registration and Reporting (January 2005).

Subject to and without waiving its objection, SoCalGas responds as follows:

Yes.

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QUESTION 3:

If the answer to question 2 is yes:

- a. When did such lobbying occur?
- b. What were SoCalGas' recommendations to the Los Angeles County Metropolitan Transportation Authority?
- c. Who authorized such lobbying?
- d. Please state the name and title of each SoCalGas employee who was involved in such lobbying.
- e. Did SoCalGas contract with any agent, consultant or firm to support its lobbying effort? If so, identify each such contractor/agent.
- f. State the total costs that SoCalGas has incurred associated with lobbying the Los Angeles County Metropolitan Transportation Authority regarding the Metro bus fleet.

RESPONSE 3:

SoCalGas objects on the grounds that the terms "appear" and "speak" in Question 2, as well as the term "lobbying" in Question 3 referring back to Question 2, are not defined, appear to conflate these terms as interchangeable, and are therefore vague and ambiguous. To the extent that the phrase "lobbying" refers to activities generally excluded from "lobbying" definitions, such as appearing at public meetings, giving administrative testimony at a public hearing, or providing technical advice or information to an official, these activities were excluded from this response. For instance, the FERC definition of lobbying excludes activities "directly related to public appearances before regulatory or other governmental bodies in connection with a utility's existing or proposed operations." See 18 CFR 367.4264(b). The Los Angeles Metropolitan Authority excludes "administrative testimony" and appearances at "any MTA proceeding that is conducted as an open public hearing" and "providing technical advice or information pursuant to the request of an MTA official" as lobbying activity. See Los Angeles County Metropolitan Transportation Authority, Information Manual for Lobbyist Registration and Reporting (January 2005).

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Subject to and without waiving its objection, SoCalGas responds as follows:

The response includes highlighted Confidential and Protected Material pursuant to PUC Section 583, GO 66-D, D.17-09-023, and the accompanying declaration.

The employees who communicated with MTA are salaried employees and do not track their time and costs each day with the intent of reporting out a log of incremental time or costs associated with their daily employee activities. With that understanding, SoCalGas provides the following response:

- a. June 13, 2017 – [REDACTED] and George Minter
June 20, 2017 – George Minter
June 21, 2017 – [REDACTED]
July 2, 2017 – [REDACTED]
July 7, 2017 – [REDACTED]
July 17, 2017 – [REDACTED]
July 18, 2017 – [REDACTED]
- b. SoCalGas informed the Metropolitan Transportation Authority about the benefits of the new low NOx engine and Renewable Natural Gas, and suggested they replace their fleet with new Compressed Natural Gas buses to support NOx reduction and the Authority's sustainability and climate goals.
- c. George Minter, Vice President of External Affairs.
[REDACTED] Senior Governmental Affairs Manager. Mr. [REDACTED] is registered as a lobbyist with the Metropolitan Transportation Authority.
- d. George Minter, Vice President of External Affairs
[REDACTED] Senior Governmental Affairs Manager
[REDACTED] Public Policy Manager
- e. Yes, SoCalGas contracted with [REDACTED]. An additional firm, [REDACTED] also supported these efforts. However, we have confirmed that [REDACTED] and SoCalGas did not enter into a contract regarding this issue. We are including [REDACTED] in our response due to invoices found relating to the Metropolitan Transportation Authority. We understand that these invoices were not paid by SoCalGas, and it is unclear whether or not SoCalGas is even ultimately responsible for payment. The invoices are attached. While we have a general contract and retainer agreement with [REDACTED] to assist with various consulting work, based on our records, we are unaware of any of the work being associated with lobbying the MTA.

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- f. SoCalGas has requested a meeting with CalAdvocates to provide and review this additional information. In addition, on January 9, 2020, SoCalGas conferred with the Public Advocates Office and its counsel about clarifications to the scope of DR-10 regarding “total costs” incurred associated with lobbying. In accordance with the Public Advocates Office email dated January 9, 2020, regarding providing estimated costs, this data request response is based on the following guidance by the Public Advocates:

“For all of the updated answers to DR 10, SoCalGas will provide not only an estimate of the costs, but the basis for the estimates so that the Public Advocates Office has an understanding of how SoCalGas reached the estimates.” “If employees do not track their costs, as asserted in response to the DR, SoCalGas should at least be able to provide a reasonable estimate of the costs.”

SoCalGas objects to this question as overbroad and unduly burdensome. Subject to and without waiving its objection, SoCalGas responds as follows:

George Minter and [REDACTED] are salaried employees and do not track their time and costs each day with the intent of reporting out a log of incremental costs associated with their daily employee activities. Therefore, SoCalGas has calculated an estimate of total costs of [REDACTED], which includes estimates for the following: \$[REDACTED] of labor costs for three employees spending 1 hour of time at applicable meetings plus commute and prep time (where available), [REDACTED] for [REDACTED] mileage and meal expenses and [REDACTED] mileage expense and \$[REDACTED] as an estimated contractor expense for [REDACTED]. These costs are explained further in responses 4 and 5 below.

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QUESTION 4:

Please disaggregate the costs identified in question 3 into the following categories:

- a. Labor
- b. Travel, lodging, meals, and incidental travel expenses
- c. Consultant costs
- d. Other

RESPONSE 4:

On January 9, 2020, SoCalGas conferred with the Public Advocates Office and its counsel about clarifications to the scope of DR-10 regarding "total costs" incurred associated with lobbying. In accordance with the Public Advocates Office email dated January 9, 2020, regarding providing estimated costs, this data request response is based on the following guidance by the Public Advocates:

"For all of the updated answers to DR 10, SoCalGas will provide not only an estimate of the costs, but the basis for the estimates so that the Public Advocates Office has an understanding of how SoCalGas reached the estimates." "If employees do not track their costs, as asserted in response to the DR, SoCalGas should at least be able to provide a reasonable estimate of the costs."

SoCalGas objects to this question as overbroad and unduly burdensome. Subject to and without waiving its objection, SoCalGas responds as follows:

The response includes highlighted Confidential and Protected Material pursuant to PUC Section 583, GO 66-D, D.17-09-023, and the accompanying declaration.

- a. Labor

SoCalGas estimates the labor costs of George Minter and [REDACTED] by taking the one hour spent at each applicable meeting and multiplying by their hourly salary. [REDACTED] tracked his estimated costs, which include meetings attended, prep and commute time. The estimated total labor costs are as follows:

[REDACTED] - \$ [REDACTED]

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George Minter - \$ [REDACTED]
[REDACTED] - \$ [REDACTED]

b. Travel, lodging, meals, and incidental travel expenses

There are no lodging costs associated with the meetings. [REDACTED] [REDACTED] incurred approximately [REDACTED] in mileage based on \$ [REDACTED] cents per mile and [REDACTED] incurred approximately \$ [REDACTED] in mileage and meal costs.

c. Consultant costs

[REDACTED] receive a \$ [REDACTED] monthly retainer fee and provide an average of 15 hours of work per month for governmental affairs. For the prep of these meeting, [REDACTED] spent approximately 4 hours of time. Based on this, SoCalGas estimates [REDACTED] incurred \$ [REDACTED] in costs. This amount is calculated by dividing the \$ [REDACTED] per month retainer fee by an average of 15 hours work per month for a \$ [REDACTED] per hour fee then multiplying by 4 to obtain the 4 hours spent arranging the meeting.

d. Other

SoCalGas did not identify any "other" costs associated with the MTA meetings.

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QUESTION 5:

Please identify each account to which any portion of the costs identified in question 3 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.

RESPONSE 5:

The response includes highlighted Confidential and Protected Material pursuant to PUC Section 583, GO 66-D, D.17-09-023, and the accompanying declaration.

On January 9, 2020, SoCalGas conferred with the Public Advocates Office and its counsel about clarifications to the scope of DR-10 regarding "total costs" incurred associated with lobbying. In accordance with the Public Advocates Office email dated January 9, 2020, regarding providing estimated costs, this data request response is based on the following guidance by the Public Advocates:

"For all of the updated answers to DR 10, SoCalGas will provide not only an estimate of the costs, but the basis for the estimates so that the Public Advocates Office has an understanding of how SoCalGas reached the estimates." "If employees do not track their costs, as asserted in response to the DR, SoCalGas should at least be able to provide a reasonable estimate of the costs."

- a. George Minter (External Affairs)
Cost Center: 2200-2441
IO Number: 9200002200

Estimated Labor: \$ [REDACTED]

- [REDACTED] (Regional Public Affairs)
Cost Center: 2200-0811
IO Number: 9205702200

Estimated Labor: \$ [REDACTED]

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Estimated Travel: \$ [REDACTED]

[REDACTED] (Public Policy Manager)
Cost Center: 2200-2504
IO Number: 9200002200

Estimated Labor: \$ [REDACTED]

Estimated Travel: \$ [REDACTED]

[REDACTED]
Shared cost center: (External Affairs)
IO Number: 9215702200
Cost Center: 2200-2285
IO Number: 9210002200

Estimated consultant costs: \$ [REDACTED]

b. The accounts are ratepayer funded.

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QUESTION 6:

State how SoCalGas determined the appropriate account(s) in which to record the costs identified in question 3.

RESPONSE 6:

SoCalGas objects to this question as overbroad and unduly burdensome, as well as premature in litigating SoCaGas' next GRC cycle. Subject to and without waiving its objection, SoCalGas responds as follows:

The employees who attended the meetings are all salaried employees and their labor costs and expenses are recorded to ratepayer funded cost centers. As noted in the TY2019 GRC workpapers, not all costs recorded to the cost centers are requested for recovery from ratepayers. During the development of the GRC forecasts, it is sometimes necessary to remove incurred costs to further ensure that ratepayers are not funding activities that should be borne by shareholders.

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QUESTION 7:

Since 2016, did SoCalGas incur any costs associated with influencing public opinion on the type of buses the Los Angeles County Metropolitan Transportation Authority should procure to replace its aging fleet?

RESPONSE 7:

SoCalGas objects on the grounds that the phrase “influencing public opinion” is overbroad, vague and ambiguous. SoCalGas is unable to provide a response with any specificity without speculation. SoCalGas would like to meet and confer to clarify what Cal Advocates means when it uses the phrase “influencing public opinion.”

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QUESTION 8:

If the answer to question 7 is yes, please state the total cost incurred by year.

RESPONSE 8:

See response to Question 7. SoCalGas objects on the grounds that the phrase “influencing public opinion” is overbroad, vague and ambiguous. Without a definition of “influencing public opinion,” SoCalGas is unable to provide the total costs. SoCalGas would like to meet and confer to clarify what Cal Advocates means when it uses the phrase “influencing public opinion” and we will amend this response accordingly.

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QUESTION 9:

Please disaggregate the costs identified in question 8 into the following categories:

- a. Labor
- b. Travel, lodging, meals, and incidental travel expenses
- c. Consultant costs
- d. Other

RESPONSE 9:

See responses to Questions 7 and 8. SoCalGas objects on the grounds that the phrase “influencing public opinion” is overbroad, vague and ambiguous. Without a definition of “influencing public opinion,” SoCalGas is unable to provide the disaggregated costs. SoCalGas would like to meet and confer to clarify what Cal Advocates means when it uses the phrase “influencing public opinion” and we will amend this response accordingly.

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QUESTION 10:

Please identify each account to which any portion of the costs identified in question 8 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.

RESPONSE 10:

See responses to Questions 7 and 8. SoCalGas objects on the grounds that the phrase “influencing public opinion” is overbroad, vague and ambiguous. Without a definition of “influencing public opinion,” SoCalGas is unable to provide where the costs were charged. SoCalGas would like to meet and confer to clarify what Cal Advocates means when it uses the phrase “influencing public opinion” and we will amend this response accordingly.