

# ATTACHMENT A

NICHOLAS SHER, STAFF COUNSEL  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102  
415.703.4232



**FILED**  
11/26/19  
04:59 PM

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility. (U904G.)

**SUBPOENA TO APPEAR AND PROVIDE TESTIMONY UNDER OATH**  
**Public Utilities Code Sections 311(a) and 314(a)**

**SUBPOENA TO PROVIDE DOCUMENTS**  
**Public Utilities Code Sections 311, 314, 314.5, 581, 582, 584, 701, 702, and 1791**

TO: Person or Persons Most Knowledgeable at Southern California Gas Company

Pursuant to sections 314, 701, 702, and 1791 *et seq.* of the California Public Utilities Code,

1. You are:

a.  Ordered to appear in person on November 1, 2019, at 10:00 a.m. at 505 Van Ness Avenue, San Francisco, CA 94102.

b.  Ordered to produce the documents described in ..., at least three full business days prior to the personal appearances described herein, i.e., at or before \_\_\_\_\_. The personal attendance of the custodian and other qualified witnesses and the production of the original records is required by this subpoena.

c.  Not required to appear in person if you produce copies of the documents described in **Declaration in Support of Subpoena** to the person named in item 4, below, prior to the date and time indicated above.

2. If you have been subpoenaed as a witness, you are entitled to witness fees and mileage actually traveled, as provided by law. You may request one day's witness and mileage fees for travel to and from the place you are required to appear. You may demand these fees at the time of service from the process server or from the party or attorney requesting the subpoena. If they are not paid or tendered at that time, or unless the subpoena was obtained by the Commission staff, you are not required to appear (Public Utilities Code Section 1791).

4. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, OR YOU WANT TO BE CERTAIN WHETHER YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON: Name: Nicholas Sher, CPUC Staff Counsel Telephone: 415-703-4232

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COMMISSION.**

By order of the Public Utilities Commission of the State of California.

Dated this 21st day of October 2019.

By: Alice Stebbins  
Title: Executive Director

## DECLARATION IN SUPPORT OF SUBPOENA

I, Nicholas Sher, declare as follows:

1. I am an attorney duly licensed to practice before all courts of the State of California and am employed as a staff attorney for the California Public Utilities Commission (Commission). My business address is 505 Van Ness Avenue, San Francisco, California.
2. The California Constitution and the Public Utilities Code confer jurisdiction on the Commission to regulate public utilities in California in a number of areas, specifically, Public Utilities Code § 315 requires the Commission to “investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and may make such order or recommendation with respect thereto as in its judgment seems just and reasonable.”
3. On October 23, 2015, a gas leak was discovered at Southern California Gas Company’s (SoCalGas) Aliso Canyon Natural Gas Storage Facility (Aliso Canyon).
4. On June 27, 2019, the Commission opened an Order Instituting Investigation (OII) on the Commission’s Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from Its Aliso Canyon Storage Facility.
5. In a number of instances, SoCalGas has alleged that the Safety and Enforcement Division’s (SED) “lead investigator”, due to a conflict of interest, improperly interfered with Blade Energy Partner’s Root Cause Analysis (RCA) of the gas leak.<sup>1</sup> For example, but not

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<sup>1</sup> Blade Energy Partners conducted an independent RCA of the Aliso Canyon gas leak.

limited to, SoCalGas' response regarding reimbursement of CPUC investigation costs,<sup>2</sup> SoCalGas' opening response to the OII,<sup>3</sup> and SoCalGas' prehearing conference statement.<sup>4</sup>

6. SED believes that the Person or Persons Most Knowledgeable may have information that will help determine SoCalGas' basis for alleging that SED's "lead investigator" may have improperly interfered with Blade's RCA of the Aliso Canyon gas leak.

Executed under penalty of perjury under the laws of the State of California, on this 21st day of October 2019, at San Francisco, California.

*/s/ Nicholas Sher*

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Nicholas Sher  
Staff Counsel  
California Public Utilities Commission

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<sup>2</sup> Response of SoCalGas regarding reimbursement of CPUC investigation costs, p. 6.

<sup>3</sup> Opening Response of SoCalGas to OII I.19-06-016, pp. 2-3, 13-15.

<sup>4</sup> Prehearing Conference Statement of SoCalGas, pp. 5, 10-11.

**PROOF OF SERVICE**

I am employed with the California Public Utilities Commission and I am over 18 years of age. My business address is 505 Van Ness Ave., San Francisco, CA 94102

On October 22, 2019, I caused to serve via email the following documents:

**SUBPOENA TO APPEAR AND PROVIDE TESTIMONY UNDER OATH**

on Ms. Sabina Clorfeine, Person or Persons Most Knowledgeable at the Southern California Gas Company.

Executed under penalty of perjury of perjury under the laws of the State of California, on this 22nd day of October 2019 at San Francisco, California.

*/s/ Nicholas Sher*

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Nicholas Sher

## ATTACHMENT B

**From:** Moshfegh, Pejman <[pejman.moshfegh@morganlewis.com](mailto:pejman.moshfegh@morganlewis.com)>  
**Sent:** Monday, October 28, 2019 10:25 PM  
**To:** Sher, Nicholas <[nicholas.sher@cpuc.ca.gov](mailto:nicholas.sher@cpuc.ca.gov)>; Gruen, Darryl <[darryl.gruen@cpuc.ca.gov](mailto:darryl.gruen@cpuc.ca.gov)>  
**Cc:** Patel, Avisha A <[APatel@socalgas.com](mailto:APatel@socalgas.com)>; Stoddard, F. Jackson <[fjackson.stoddard@morganlewis.com](mailto:fjackson.stoddard@morganlewis.com)>  
**Subject:** Meet & Confer Request Pursuant to Rule 11.3

Nicholas and Darryl,

As we discussed at our meet and confer last Thursday, SoCalGas is in receipt of your subpoena, which requests that a “Person or Persons most knowledgeable at SoCalGas about SoCalGas’ allegations that SED’s ‘lead investigator’ interfered with the RCA into the Aliso Gas leak” appear at the Commission’s offices on November 1, 2019. The subpoena followed Darryl’s October 18 email, which requested the appearance of a Person Most Knowledgeable (PMK) on the same topic, and specifically called out portions of the prehearing conference transcript, and SED Data Request 41. For the reasons described at our meeting yesterday, and as further described below, SoCalGas continues to object to SED’s subpoena insofar as it is based on a mischaracterization of SoCalGas’ position, is inappropriate, and premature. SoCalGas is not, at this time, affirmatively alleging that Ken Bruno acted to improperly influence either the Blade or SED investigations. Notwithstanding SoCalGas’ clear position on this issue, SED refused SoCalGas’ request that SED retract the subpoena for the PMK deposition. In accordance with Rule 11.3 of the Commission’s Rules of Practice and Procedure, SoCalGas requests a meet and confer to further discuss an alternative resolution to this dispute before SoCalGas moves to quash.

SoCalGas has not made any factual statements or allegations that could serve as a reasonable or appropriate basis for a deposition or examination under oath. SoCalGas has asserted only that Mr. Bruno’s dual roles as both a private plaintiff claiming personal injury as a result of the leak at Aliso Canyon and an investigator for the CPUC regarding the same incident present an apparent conflict of interest. This is a conflict of interest by definition. *See, e.g.,* CONFLICT OF INTEREST, Black’s Law Dictionary (11th ed. 2019) (“[a] real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.”). SoCalGas has plainly described Mr. Bruno’s conflict of interest in its filings with the Commission:

SoCalGas has not stated that SED’s lead investigator committed an improper act with respect to Blade’s or SED’s investigation into the Aliso Canyon incident. Rather, SoCalGas has identified a serious



concern regarding an apparent conflict of interest: the lead investigator who directed and oversaw the Aliso Canyon investigation for over three years filed, the next business day after the final of Blade's supplemental reports were issued, a personal injury lawsuit against SoCalGas for injuries he allegedly sustained as a result of his involvement in the Aliso Canyon investigation. SoCalGas has not prejudged the issue—only stated a fact that warrants further inquiry.

(Reply Comments of SoCalGas in Response to ALJ's Ruling Regarding Reimbursement of the State's Investigation-Related Costs, Sept. 11, 2019, pp. 6-7). While this is one example, SoCalGas' statements on this issue in other submittals and at the PHC are generally consistent with the above excerpt. SoCalGas is still in the process of investigating and evaluating whether Mr. Bruno did in fact engage in any inappropriate conduct related to Blade's or SED's investigations in to the Aliso Canyon Incident.

Indeed, as SoCalGas described at yesterday's meeting, SoCalGas has reviewed Blade's recent document production, which appears to include some but not all communications between Mr. Bruno and Blade. SoCalGas has not, however, received any documents from the CPUC in response to its June 19 Public Records Act request. The materials requested in this PRA request were specifically designed to help SoCalGas evaluate whether Mr. Bruno acted improperly. Further, several of these PRA requests call for information distinct from the documents produced by Blade. SoCalGas has been in frequent contact with the Commission regarding the status of this PRA request, but has not yet received a single document as of today.

Further, SoCalGas has not yet had an opportunity to depose either Mr. Bruno or Blade personnel with whom Mr. Bruno communicated. These depositions will likely provide additional information regarding Mr. Bruno's conflict of interest and whether and to what degree it affected how he performed his duties. As we informed SED yesterday, the deposition of Mr. Bruno has been noticed, and the deposition of Mr. Krishnamurthy has been scheduled for November.

In the meantime, SoCalGas will agree to produce to SED communications from the set of Blade emails, which SoCalGas believes are relevant and which may warrant further investigation. To that end, SoCalGas will produce an initial set of emails under separate cover. Your confirmation during our call that Mr. Bruno was not authorized to direct Blade's investigation was helpful in this regard.

Thanks,  
Pejman

**Pejman Moshfegh**

**Morgan, Lewis & Bockius LLP**

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# ATTACHMENT C



David J. Barrett  
Vice President & General Counsel  
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ML: GT21C1  
Los Angeles, CA 90013

DBarrett@semprautilities.com

BY EMAIL AND U.S. MAIL

June 13, 2019

Arocles Aguilar  
General Counsel  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3214

Re: Bruno Conflict of Interest

Dear Ms. Aguilar:

I am writing to you about an issue of pressing importance to both Southern California Gas Company (SoCalGas) and the California Public Utilities Commission (Commission). On June 4, 2019, we learned through a press release that Mr. Kenneth Bruno -- Program Manager in the Gas Safety and Reliability branch of the Commission's Safety Enforcement Division (SED) and the Commission's lead investigator for the October 23, 2015 Aliso Canyon gas leak -- had filed a personal injury lawsuit against SoCalGas, alleging that his current health issues are a result of the time he spent at Aliso Canyon during the leak. The press release was issued by three law firms that represent plaintiffs in the civil litigation related to the gas leak, and it indicated that they also represent Mr. Bruno. Mr. Bruno's role as both the Commission's lead investigator and a private personal injury plaintiff presents a profound conflict of interest that may have undermined the Commission's entire Aliso Canyon investigation, including the recently published report from Blade Energy Partners (Blade).

To ensure that both the Commission and SoCalGas are able to discover all pertinent facts regarding this unfortunate situation, we respectfully request the Commission take all necessary measures to preserve all potentially relevant documents and information from Mr. Bruno and his staff. This includes any communications between Commission staff and any of the three law firms that issued the press release announcing Mr. Bruno's lawsuit and any communications with Blade, as well as the ability to determine what information Mr. Bruno may have downloaded, forwarded or copied to others.

In the interim, before any additional work is performed on the Aliso Canyon investigation, SoCalGas would like to confer with the Commission to confirm that Mr. Bruno can no longer access non-public materials in the Commission's custody and possession and be assured that the Commission will investigate fully the nature, scope and impact of Mr. Bruno's conflict of interest as it relates to the Aliso Canyon investigation and any other SoCalGas matters.



Arocles Aguilar  
General Counsel  
California Public Utilities Commission  
June 13, 2019  
Page 2

We are confident that the Commission recognizes the reasonableness and seriousness of our concerns and shares similar concerns regarding the impacts on both SoCalGas and the integrity of its own processes. I would like to meet with you at your earliest convenience to discuss these matters.

Regards,



David J. Barrett  
Vice President and General Counsel

cc: Alice Stebbins, CPUC Executive Director  
Elizaveta Malashenko, Deputy Executive Director  
Lee Palmer, Director Safety Enforcement Division  
Ralph Venturino, Attorney, Department of Conservation  
Ken Harris, State Oil and Gas Supervisor, Department of Conservation Division of Oil,  
Gas and Geothermal Resources

# ATTACHMENT D

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

Order Instituting Investigation on the  
Commission's Own Motion to Determine  
whether Southern California Gas Company's  
and Sempra Energy's Organizational Culture  
and Government Prioritize Safety (U904G)

19-06-014

(file June 27, 2019)

**KENNETH BRUNO'S RESPONSE TO COMMENTS BY  
SOUTHERN CALIFORNIA GAS COMPANY AND SEMPRA ENERGY REGARDING  
ORDERS INSTITUTING INVESTIGATION L19-06-014 & L19-06-016**

## **Declaration of Kenneth Bruno**

I am the Program Manager in the Consumer Protection and Enforcement Division of the California Public Utilities Commission (CPUC), a position I held since July 8, 2019. I have worked for the CPUC for over twelve years. From April 2014 to 2019, I served as the CPUC's Program Manager, Gas Safety and Reliability Branch in the Safety and Enforcement Division. I am a veteran of the United States Navy, and I have a B.S. Degree in Business Administration from San Francisco State University. I file this declaration, as a citizen, in response to the defamatory allegations made by Southern California Gas Company (SoCalGas) and Sempra Energy (Sempra) in the CPUC Orders Instituting Investigation Numbers I.19-06-014 & I.19-06-016.

### **A. Safety Enforcement Proceedings at CPUC**

Since 2006, the CPUC has continually promoted me to positions of increasing responsibility to protect the public from fraud and investigate accidents caused by utility companies or other regulated entities. In or around 2010, following the tragic PG&E pipeline accident in San Bruno, I joined the investigation team, which ultimately led to a role in the Safety and Enforcement Division. From 2014-2019, I served as Program Manager in the Safety and Enforcement Division (SED), and I was the official State Program Manager recognized by the Pipeline and Hazardous Materials Safety Administration (PHMSA) to fulfill the Intrastate Agent agreement between the CPUC and PHMSA under 49 USC sections 60105 and 60106 for California's Natural Gas Program, funded in part by the United States Department of Transportation.

As SED Program Manager, I led a team of engineers devoted to safety assurance in the design, construction, operations, and maintenance of natural gas systems. I also responded to high-profile incidents such as the 2015 PG&E Fresno pipeline explosion. These investigations require hands-on work to confirm the utility properly protects the public, regulators, and employees from harm and preserves evidence from the incident scene.

### **B. Blowout of Aliso Canyon well SS-25**

During the 2015 blowout of well SS-25 at Sempra's Aliso Canyon facility, I was the first to respond from the CPUC's Gas Safety program. SoCalGas assured me I only needed boots and

a hard hat to visit. I often went to the Aliso Canyon facility as natural gas and other chemicals came out of well SS25 for nearly four months – inspecting the well site and observing the steps taken to contain SS-25. I also attended a community meeting during this time where SoCal Gas/Sempra assured the public that the gas was safe and the other gas constituents were consistent with background levels for the area.

### **C. Exposure to Gas at Aliso Canyon**

During the blowout, SoCalGas repeatedly assured regulators and the public that gas leaking from the facility was safe because “natural gas is not toxic.” In retrospect, this statement is very misleading because there is a significant difference between end user natural gas and the gas stored in Aliso Canyon. SoCalGas had assured the CPUC gas could be safely stored at Aliso Canyon because the oil reservoir was depleted. To my knowledge, SoCalGas never notified the CPUC or any of the key public health agencies of all of the chemicals in the gas at Aliso Canyon. On March 11, 2019, the Los Angeles County Department of Public Health (DPH) wrote to SoCalGas to complain about the continued failure by SoCalGas to notify DPH of all constituents in the gas at Aliso Canyon. Attached hereto and incorporated herein by this reference as Exhibit 1 is a true and correct copy of the letter received from the Department of Public Health, which I learned about while working at the CPUC. The CPUC wrote in support of the DPH’s request.

If I had known the extent of toxic chemicals, I would have recommended the CPUC issue an order to evacuate the area around Aliso Canyon. I would have further recommended that all employees wear personal protective equipment to avoid exposure of gas and cross-contamination that brings the chemicals home.

### **D. Leukemia Diagnosis**

After the DPH notification to SoCalGas, I faced a very serious health crisis. My doctor diagnosed me with hairy cell leukemia on April 10, 2019. This form of leukemia is rare, with approximately 600-800 new cases diagnosed each year. I requested and received approval to take immediate time off from the CPUC to undergo chemotherapy.

While undergoing medical treatment, beginning April 15, 2019, I recalled several meetings where the public reported severe medical abnormalities from exposure during the

blowout: there were numerous complaints of anemia, hair loss, upper respiratory problems, and later cancers. I began investigating the possible causes for this illness and reflected on my exposures during the blowout at Aliso Canyon. We have no family history of blood disorders of any kind. I learned that benzene exposure could be the cause of my leukemia. As a single father of two children, I was devastated over the fears of what would happen to my family.

I also learned that dozens of firefighters working for the city of Los Angeles brought suit against SoCalGas. These firefighters made the same claim as DPH – SoCalGas misrepresented the nature of the gas stored at Aliso Canyon and being emitted during the blowout. The reports suggested the benzene levels at Aliso Canyon were very high.

I contacted Mr. R. Rex Parris (counsel for the firefighters) and retained his firm, along with three other firms, to represent me on May 24, 2019. On May 28, 2019, Mr. Parris notified CPUC's General Counsel (Arocles Aguilar) that I retained his firm and would be bringing suit to recover for my personal injuries arising from exposure to the gas. On June 3, 2019, my lawyers filed a lawsuit to recover for my losses from the injuries associated with the blowout.

#### **E. Blade Investigation of Blowout at Aliso Canyon**

On or around December 14, 2015, the CPUC joined with the Division of Oil, Gas & Geothermal Resources (DOGGR) in directing SoCalGas to identify and to hire a third party to perform an independent root cause analysis of the gas blowout. Blade Energy Partners (Blade) was one of the three identified and ultimately hired by SoCalGas at the direction of the CPUC and DOGGR. The process to finalize the hiring of Blade took a little over one month, which led to my active involvement with the Blade investigation at Aliso Canyon. The CPUC's role was to monitor the responsiveness of SoCal Gas to make sure Blade received accurate responses and had access to everything Blade needed to conduct the Root Cause Analysis. From January 2016 until my medical leave on April 15, 2019, I served as one of the CPUC's points of contact to oversee the administrative progress of the Root Cause Analysis.

At the time of my medical leave, Blade had not finished its report of the root cause of the blowout of well SS25. Blade proceeded to complete the root cause report without my



involvement. I did not participate in the drafting or commenting on the Blade report issued by the CPUC on May 17, 2019.

SoCalGas and its parent Sempra Energy take the position that the Blade investigation is tainted by an alleged conflict of interest that arose while I was out on medical leave. The timing of the actual investigation, and my role in that investigation, took place before I became ill or retained any counsel. SoCalGas and Sempra are retaliating against me for filing a lawsuit to protect myself and my family. SoCalGas and Sempra employees worked well with me and considered my work reasonable throughout the course of the CPUC's investigation. Since my lawsuit, SoCalGas and Sempra allege a conflict of interest exists. In addition, after a CPUC meeting in San Francisco, I was having lunch with my CPUC colleague, and the Sempra Utilities' Director of Regulatory Affairs, who happened to be at the same restaurant, tried to intimidate me.

**F. Failure to Monitor Composition of Gas at Aliso Canyon**

SoCalGas feels no moral obligation to protect first responders, residents, or regulators by disclosing the actual chemicals used and re-used in the gas at Aliso Canyon. SoCalGas has a moral imperative to disclose the chemicals in gas at all of its gas storage facilities to protect people living or working near the storage facilities. By withholding this information, SoCalGas demonstrates it has no moral obligation to reduce harm from the gas: something that can only happen by disclosure of the chemicals to allow proper medical care or protection from exposure.

SoCalGas and Sempra failed the CPUC and all of the people of the North San Fernando Valley by:

- (1) failing to test for and disclose all of the chemicals in gas at Aliso Canyon;*
- (2) failing to investigate the mixing of chemical additives injected underground and/or used in operations at Aliso Canyon;*
- (3) failing to address the degree of cross-contamination of workers exposed to chemicals in the gas leaking at the facility; and*
- (4) failing to investigate the health issues of the children going to school and individuals living and working in Porter Ranch as gas built up in buildings closed up during the blowout.*

The intent by SoCalGas appears to be to avoid testing that would help anyone exposed to this gas. Any admission of hazardous chemicals would undermine the industry's "clean natural gas" advertising campaign.

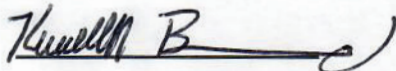
**G. Conclusion**

I worked diligently and honestly to investigate the gas blowout at Aliso Canyon and thereby protect the CPUC and people in the North San Fernando Valley. The CPUC should not allow the retaliation by SoCalGas and Sempra to distract the CPUC from the obvious safety issue – what is in the gas at Aliso Canyon making everyone sick including residents of Porter Ranch, DPH employees, CPUC employees, and LA Firefighters? SoCalGas should assume its moral responsibility by testing for, and disclosing, the presence of dangerous chemicals and carcinogens in the gas in its gas storage facilities to demonstrate the self-purported robust safety culture.

Instead of admitting that they had an obligation to notify the CPUC and other agencies, first responders, and the Porter Ranch Community of the toxic constituents of the gas blowout, SoCalGas and Sempra now play the victim of this SS-25 disaster instead of protecting the true victims: individuals with illnesses related to the toxic exposure by SoCal Gas and Sempra's SS-25 gas blowout at Aliso Canyon. SoCal Gas and Sempra should issue an apology for their attempts to negatively influence my standing as a Civil Servant with the State of California.

Dated: October 24, 2019

Respectfully Submitted,



Kenneth Bruno

By and through Counsel

PARRIS LAW FIRM

43364 10<sup>th</sup> Street West,

Lancaster, CA 93534

Tel: 661-949-2595

E-mail: rrex@parris.com

# EXHIBIT 1



**BARBARA FERRER, Ph.D., M.P.H., M.Ed.**  
Director

**MUNTU DAVIS, M.D., M.P.H.**  
Health Officer

**CYNTHIA A. HARDING, M.P.H.**  
Chief Deputy Director

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Deputy Director for Health Protection

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Fifth District

Via Email: [Jlane@SempraUtilities.com](mailto:Jlane@SempraUtilities.com)

March 11, 2019

Brett Lane  
Chief Executive Officer  
Southern California Gas Company  
555 West 5<sup>th</sup> Street  
Los Angeles, California 90013

**ALISO CANYON NATURAL GAS DISASTER FOLLOW-UP REQUEST FOR CRITICAL DATA ELEMENTS**

The Los Angeles County Department of Public Health (Public Health) has been made aware, through a permit renewal process required by the South Coast Air Quality Management District, of treatment systems utilized by Southern California Gas Company (SoCalGas) to remove crude oil routinely from natural gas before it is served into the distribution system. We are disheartened by the fact that SoCalGas did not disclose this critical information regarding crude oil contained in its gas reservoir at the Aliso Canyon Storage Facility. Thus, the massive quantity of natural gas released from October 23, 2015 through February 12, 2016 contained crude oil, while SoCalGas repeatedly stated during the disaster that the contents of the release were limited only to typical components of stored natural gas.

During the Aliso Canyon Natural Gas Disaster, Public Health conservatively operated under a hypothesis that natural gas in this geological storage reservoir was likely to contain traces of crude oil due to a previous history of oil extraction from the reservoir. In November 2015, Public Health recommended a complete characterization of air quality using an expanded list of chemicals typically found in both crude oil and natural gas, but this testing was severely limited and delayed. At that time, SoCalGas knew that crude oil was contained in the natural gas but withheld this information from Public Health. SoCalGas had an obligation to inform Public Health about known crude oil in its stored natural gas, as this information would have critically impacted Public Health's assessments of human exposures during the Disaster.

Brett Lane  
March 11, 2019  
Page 2

Whereas SoCalGas knowingly released both crude oil and natural gas during the Disaster without disclosing critical information to Public Health; whereas the health of nearby residents may have been impacted by exposure to both crude oil and natural gas during the Disaster; and whereas Public Health requires critical information for the forthcoming Health Research Study, Public Health directs SoCalGas to provide the following:

- a) All records of sampling data related to the composition of natural gas at Aliso Canyon, before, during, and after the Disaster.
- b) All records of environmental sampling data collected below and above mesh grates, which were utilized to mitigate oily mists released from Well SS-25.
- c) All records regarding exterior home cleaning information, including, but not limited to, home addresses, ranking results at each property, and residue density and sampling results.
- d) Facility access for Public Health to collect samples from the storage facility for the forthcoming Health Research Study and to make such data available to the public.

Sincerely,



Angelo J. Bellomo, MS, REHS, QEP  
Deputy Director for Health Protection

AJB/

cc: Edward Randolph, Energy Division Director, California Public Utilities Commission  
Wayne Nastri, Executive Director, South Coast Air Quality Management District



# ATTACHMENT E

State of California

Public Utilities Commission  
San Francisco

## MEMORANDUM

**Date** : June 20, 2019

**To** : Ken Bruno, Program Manager

**From** : Elizaveta Malashenko, Deputy Executive Director

**Subject:** Follow-up

I appreciated the opportunity to talk with you today regarding the status of your work assignment and am happy that you will be able to return to work soon. As discussed over the phone, although you will remain a Program Manager, the CPUC is reassigning you to work outside of the gas and electric area for now, given your pending litigation against Southern California Gas Company. We want to avoid the potential conflict of interest or the appearance of a conflict of interest in your role in the Aliso Canyon investigation and other enforcement actions against Sempra, Southern California Gas and San Diego Gas & Electric companies. It is critical to the agency that we avoid any potential appearance of bias in the Aliso Canyon investigation and other compliance assurance activities. Finally, a reminder that you may not share any confidential attorney-client and deliberative process privileged documents or documents provided confidentially to the CPUC under PU Code section 583 or other statutes with your private counsel, as it is important to maintain the confidentiality of the Aliso Canyon investigation, and other SED matters. We will provide you with assistance in getting up to speed in your new role as Program Manager, which we will discuss with you when you are back in the office. I look forward to working with you in your new capacity.

Best,



Liza