

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

**MOTION TO FILE UNDER SEAL**

**MOTION OF SOUTHERN CALIFORNIA GAS COMPANY'S (U 904 G)  
FOR LEAVE TO FILE UNDER SEAL CONFIDENTIAL VERSIONS OF  
DECLARATION NUMBERS 3, 4, 5 AND 6 IN SUPPORT OF ITS MOTION FOR  
RECONSIDERATION/APPEAL TO THE FULL COMMISSION REGARDING  
ADMINISTRATIVE LAW JUDGE'S RULING IN THE DISCOVERY DISPUTE  
BETWEEN PUBLIC ADVOCATES OFFICE AND SOUTHERN CALIFORNIA GAS  
COMPANY, OCTOBER 7, 2019; [PROPOSED] ORDER  
(NOT IN A PROCEEDING)**

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December 2, 2019

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

**MOTION TO FILE UNDER SEAL**

**MOTION OF SOUTHERN CALIFORNIA GAS COMPANY'S (U 904 G)  
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COMPANY, OCTOBER 7, 2019; [PROPOSED] ORDER  
(NOT IN A PROCEEDING)**

Consistent with Rule 11.4 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure,<sup>1</sup> Southern California Gas Company ("SoCalGas") respectfully moves the Commission for an order for leave to file under seal portions of the Declaration Numbers 3, 4, 5 and 6,<sup>2</sup> filed in support of SoCalGas' Motion for Reconsideration/Appeal.

On December 2, 2019, and concurrently with this Motion to File Under Seal, SoCalGas has filed its Motion for Reconsideration/Appeal which includes six declarations. As detailed in the attached Declaration of Sharon Tomkins in support of this Motion to File Under Seal ("Tomkins Decl."), Declaration Numbers 3, 4, 5 and 6 contain information that is confidential pursuant to California Government Code Sections 6254(c), 6254(k) and 6255.

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<sup>1</sup> Because SoCalGas' Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in Proceeding) ("Motion for Reconsideration/Appeal") arose outside of a proceeding, the Chief ALJ has confirmed that the Commission's Rules of Practice and Procedure and filing requirements for formal proceedings do not directly apply. Notwithstanding the lack of clear procedures governing this dispute, this filing is intended to preserve SoCalGas' right to confidentiality.


<sup>2</sup> Declaration Number 3 is the Declaration of Sharon Tomkins in support of the Motion for Reconsideration/Appeal. The identity of the declarants for Declarations Number 4, 5 and 6, as well as portions of the declarants' statements are confidential as detailed below.

Specifically, Declaration Numbers 3, 4, 5 and 6 contain information that discloses the identities of the third parties that SoCalGas has engaged with respect to SoCalGas' associational activities and speech. *See* Tomkins Decl. ¶¶ 4-5. Disclosing the name of the third party risks the disclosure of identifying information regarding the third party. Disclosure of such information risks the third party's privacy, especially here where there is a history of names and contact information being shared with the public and/or media. *See* Calif. Gov't Code § 6254(c) ("disclosure of which would constitute an unwarranted invasion of personal privacy"); *Britt v. Superior Court*, 20 Cal. 3d 844, 855-856 (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). For that reason, SoCalGas requests that the portions of the declarations identifying the third parties remain confidential and under seal.

In addition, Declaration Numbers 3, 4, 5 and 6 contain information that is confidential pursuant to California Government Code Sections 6254(k) and 6255. The declarations contain information related to SoCalGas' associational activities and speech—material such as contracts with third parties and expenditures made in furtherance of political association and expression that was 100% shareholder-funded. As such, that information is confidential. *See* Calif. Gov't Code § 6254(k) ("[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law"); U.S. Const. amend. I; Cal. Const. art. I, §§ 2-3; *NAACP v. Alabama* (1958) 357 U.S. 449, 460; *Britt*, 20 Cal. 3d at 820; *see also In re GlaxoSmithKline plc* (Minn. 2007) 732 N.W.2d 257, 268 (associational freedom protects an organization's external interactions and internal communications); *Perry v. Schwarzenegger* (9th Cir. 2010) 591 F.3d 1147, 1162-1163; *AFL-CIO v. FEC* (D.C. Cir. 2003) 333 F.3d 168, 170, 177-178 (substantial First Amendment interests implicated by forcing release of "political groups' strategic documents and other internal materials"). For that reason, SoCalGas requests that the portions of the declarations containing information regarding SoCalGas' associational activities and speech remain confidential and under seal.

For these reasons, SoCalGas respectfully requests that the Commission grant this motion designating the redacted portions of Declaration Numbers 3, 4, 5 and 6 filed directly with the Docket Office in connection with the Motion for Reconsideration/Appeal as confidential and protect the material under seal.

Respectfully submitted on behalf of Southern California Gas Company,

By:  \_\_\_\_\_  
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December 2, 2019

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

**[PROPOSED] ORDER**

Having reviewed the Motion for Leave to File Confidential Versions of Declaration Numbers 3, 4, 5 and 6 to SoCalGas' Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in Proceeding) on December 2, 2019, and for good cause appearing,

IT IS HEREBY ORDERED, that the confidential versions of Declaration Numbers 3, 4, 5 and 6 to SoCalGas' Motion for Reconsideration/Appeal to the Full Commission Regarding Administrative Law Judge's Ruling in the Discovery Dispute between Public Advocates Office and Southern California Gas Company, October 7, 2019 (Not in Proceeding) will be filed under seal.

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

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President of the Commission, Marybel Batjer