

Docket: : I.19-06-016  
Exhibit Number : SED-335  
Commissioner : Rechtschaffen  
Admin. Law Judge : Hecht/Poirier  
Witness : \_\_\_\_\_



**SAFETY AND ENFORCEMENT DIVISION**  
**California Public Utilities Commission**

**SED's Compliance Filing in Response  
to the February 2, 2022 Ruling  
(dated February 14, 2022)  
Filing and all Attached Exhibits**

San Francisco, California  
April 15, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**  
02/14/22  
04:59 PM

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.)

Investigation 19-06-016

**SAFETY AND ENFORCEMENT DIVISION'S COMPLIANCE FILING  
IN RESPONSE TO FEBRUARY 2, 2022 RULING**

**DARRYL GRUEN**  
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February 14, 2022

## I. INTRODUCTION

The Safety and Enforcement Division (SED) provides this Compliance Filing in response to the Administrative Law Judge's February 2, 2022 E-mail Ruling Requiring An Expanded Document Search (Ruling) or (February 2 Ruling). This filing responds to the portion of the Ruling requiring a thorough search of SED division and individual employee records for prior drafts or versions (electronic or hard copy) of the engineer's status report (as exemplified in the Motion for Contempt and referenced extensively in the Holter Declaration), or substantially similar documents differing only in title or formatting, that pre-dated June 28, 2019.

## II. PROCEDURAL BACKGROUND

Section 3 of the Ruling, titled Updated Guidance, instructed SED to file and serve the following (hereinafter referred to as the document search):

- SED shall work with the Commission's IT department to identify and *search the email messages of all SED staff, supervisors, managers, deputy directors and/or others who were at any point involved in the Commission's pre-formal investigation of the Aliso Canyon leak, leak response, or the contemporaneous review of general operations at Aliso. To the extent possible, SED will also require the people identified above to search their computer files for the relevant document.*
- To the extent that the files are accessible through IT or otherwise, this search will include the messages of former as well as current SED employees who participated in the pre-formal investigation.
- SED need not disclose the list of people whose files were searched in the filings required below, but SED should be prepared to disclose those names and make those individuals available for questioning by the ALJs upon request, if necessary.
- This search will not be limited to certain email folders of relevant individuals (inbox, outbox, sent, etc.) but will search *all messages associated with each person.*
- The search will use a wide variety of appropriate keywords and phrases, including both subject-specific keywords or phrases

(including but not limited to: Aliso; Aliso Canyon; Standard Sesnon-25; SS-25; and variations of these and other terms associated with the Aliso Canyon facility and incident), and product-specific keywords (such as, but again not limited to: staff report; incident investigation report; engineer’s status report; status report; and any other words or phrases potentially associated with a draft staff report or similar document). *The search terms should be as comprehensive as possible.*

- *The search will encompass not only the subject line of e-mails, but also the body (text) of those e-mails and, to the extent possible, all attachments to all emails.*

***“...[T]he search should be designed to find ANY possible document that matches the description of the “staff report” or “engineer’s status report,” as described in the November Ruling, located anywhere under the control of SED or its employees, whether in e-mail, as documents in electronic form, in hard copy, or in any other form.<sup>1</sup>***

The Ruling provided six additional Ruling Paragraphs (Paragraphs 1, 2, 3, 4, 6 and 7) that further prescribed SED’s required search, and incorporated by reference all additional requirements by the ALJs Ruling, dated November, 2021. Namely,<sup>2</sup>

1. Safety and Enforcement Division (SED) shall undertake in good faith a thorough search of SED division and individual employee records, including but not limited to the locations, storage platforms, and formats described in the November Ruling, for prior drafts or versions (electronic or hard copy) of the engineer’s status report (as exemplified in the Motion for Contempt and referenced extensively in the Holter Declaration), or substantially similar documents differing only in title or formatting, that were created, prepared, updated, modified, saved, shared or dated between May 1 and June 27, 2019. This search will be designed to find any existing copies or versions of the document being sought.
2. Safety and Enforcement Division’s search for this document shall, at minimum, comply with all search requirements

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<sup>1</sup> Administrative Law Judges’ Ruling (Ruling) Requiring an Expanded Document Search, (February 2, 2022) pp. 4-6. (Emphasis in Original).

<sup>2</sup> Ruling, pp. 7 through 9.

specified in the November Ruling, as well as the additional search and reporting requirements specified in this ruling.

3. All distinct versions of the engineer's status report found during the search ordered in Ruling Paragraph 2 that date to the period of May 1 through June 27, 2019, shall be produced to Southern California Gas Company and filed as a compliance filing in this proceeding not later than February 9, 2022.
4. In the event that Safety and Enforcement Division (SED) conducts a thorough, good faith search, and fails to find a version or draft of the report from between May 1 and June 27, 2019, SED shall provide the most recent version of this report it finds that was created, prepared, updated, modified, saved, shared, or dated before the initiation of this OII on June 27, 2019.
6. If Safety and Enforcement Division (SED) conducts a search as required here but fails to find a copy of the document described in the November Ruling and Ruling Paragraph 1 above dating from the May/June 2019 time period, SED shall file a sworn declaration, as described here, not later than February 9, 2022. The sworn declaration shall be signed by an SED representative that is at least at the Program Manager level (preferably higher), who will attest to the following:
  - SED complied with all aspects of this ruling, specifically by performing a thorough, good faith search consistent with the requirements of both the November Ruling and this ruling.
  - SED guarantees that the search was designed to find any possible draft of a report of the type described in the November Ruling or Ruling Paragraph 1 above that is available to SED or under SED's control.
  - SED attests that no such document was found.
7. Safety and Enforcement Division (SED) shall be prepared for any SED employee or manager, up to and potentially including the SED Division Director, to answer questions from the Administrative Law Judges at a future hearing about both the search required in this ruling and the report described in the November Ruling and Ruling Paragraph 1 above, if appropriate.

On February 3, 2022, SED filed a motion to extend the February 9, 2022 deadlines provided in Ruling paragraphs 3 and 6. On February 4, 2022, the Administrative Law

Judges issued an email ruling extending the deadline for SED to file the results of its expanded document search to February 14, 2022.

On February 8, 2022, SED updated the Administrative Law Judges and service list in a procedural email with the stated parameters of its search, the number of emails provided by the Commission's IT unit, and the resources SED was dedicating to comply with the February 2<sup>nd</sup> Ruling. On February 9, 2022, Administrative Law Judge Hecht responded to SED's procedural email stating in part, "The search description and commitment of resources you describe below sound like they comply with the directions in the recent rulings."<sup>3</sup>

On February 11, 2022, Assistant Chief General Counsel Yip-Kikugawa informed the ALJs that she was notified by the Executive Director that morning that the set of emails that had been provided by the Commission's IT Unit to SED were being recalled.<sup>4</sup>

### **III. STATUS OF SED'S SEARCH TO DATE**

In compliance with the February 2 Ruling, SED has required all SED staff, supervisors, managers, deputy directors and/or others who were at any point involved in the Commission's pre-formal investigation of the Aliso Canyon leak, leak response, or the contemporaneous review of general operations at Aliso, and who still work at the Commission, to search their computer files for any possible document that matches the description of "staff report" or "engineer's status report," as described in the November Ruling, to the extent possible.

The results of SED's search identified in the above paragraph did not reveal an engineer's status report (as exemplified in the Motion for Contempt and referenced extensively in the Holter Declaration), or substantially similar documents different only

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<sup>3</sup> Exhibit A, February 8 and 9, 2022 Email thread to the service list of I.19-06-016 showing correspondence between SED and the Administrative Law Judge Hecht.

<sup>4</sup> Exhibit B, Email to Administrative Law Judges and Service List from Assistant Chief General Counsel entitled, "I.19-06-016 (Aliso Canyon OII) – Update Regarding Expanded Search Directed in February 2 Ruling, and Attachment to email from Executive Director entitled "Notice re emails". (February 11, 2022 Correspondence).

in title or formatting, that were created, prepared, updated, modified, saved, shared or dated at any point prior to or on June 27, 2019.

In further compliance with the February 2 ruling, SED provides Exhibit C, a declaration with regards to the search identified in the first paragraph of this section.

SED is unable to perform the expanded search of the emails at this time.

#### **IV. CONCLUSION**

With the exception of an expanded search of emails, SED has performed the expanded search ordered by the February 2 Ruling.

Respectfully submitted,

/s/ DARRYL GRUEN  
Darryl Gruen  
Attorney

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February 14, 2022

**Exhibit A**

February 8 and 9, 2022 Email thread to the service list of I.19-06-016 showing correspondence between SED and the Administrative Law Judge Hecht.

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**From:** Hecht, Jessica T. <[jessica.hecht@cpuc.ca.gov](mailto:jessica.hecht@cpuc.ca.gov)>

**Sent:** Wednesday, February 09, 2022 12:46 PM

**To:** Gruen, Darryl <[darryl.gruen@cpuc.ca.gov](mailto:darryl.gruen@cpuc.ca.gov)>; [APatel@SempraUtilities.com](mailto:APatel@SempraUtilities.com); [NPedersen@HanMor.com](mailto:NPedersen@HanMor.com); [Maguirre@amslawyers.com](mailto:Maguirre@amslawyers.com); Bone, Traci <[traci.bone@cpuc.ca.gov](mailto:traci.bone@cpuc.ca.gov)>; [KMorsony@turn.org](mailto:KMorsony@turn.org); [NSheriff@Buchalter.com](mailto:NSheriff@Buchalter.com); [VidhyaPrabhakaran@dwt.com](mailto:VidhyaPrabhakaran@dwt.com); [RegRelCpucCases@pge.com](mailto:RegRelCpucCases@pge.com); [greiss@veritionfund.com](mailto:greiss@veritionfund.com); [KatieJorrie@dwt.com](mailto:KatieJorrie@dwt.com); [Kavya@UtilityDive.com](mailto:Kavya@UtilityDive.com); [uscontent@reorg-research.com](mailto:uscontent@reorg-research.com); [larry@engeladvice.com](mailto:larry@engeladvice.com); [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org); [M3PU@pge.com](mailto:M3PU@pge.com); [ravimk@blade-energy.com](mailto:ravimk@blade-energy.com); [sgersen@earthjustice.org](mailto:sgersen@earthjustice.org); [SDHarding@iid.com](mailto:SDHarding@iid.com); [DWTcpucDockets@dwt.com](mailto:DWTcpucDockets@dwt.com); [kirby.bosley@edftrading.com](mailto:kirby.bosley@edftrading.com); [mfrazier@bradley.com](mailto:mfrazier@bradley.com); [Paul.Gendron@edftrading.com](mailto:Paul.Gendron@edftrading.com); [margaret@mfelts.com](mailto:margaret@mfelts.com); [KButler@PH.LAcounty.gov](mailto:KButler@PH.LAcounty.gov); [Marlon.SantaCruz@LADWP.com](mailto:Marlon.SantaCruz@LADWP.com); [PLee@Counsel.LAcounty.gov](mailto:PLee@Counsel.LAcounty.gov); [priscila.kasha@ladwp.com](mailto:priscila.kasha@ladwp.com); [SKuhn@Counsel.laCounty.gov](mailto:SKuhn@Counsel.laCounty.gov); Mandelbaum, Caryn L. <[Caryn.Mandelbaum@cpuc.ca.gov](mailto:Caryn.Mandelbaum@cpuc.ca.gov)>; [DBarrett@SempraUtilities.com](mailto:DBarrett@SempraUtilities.com); [DAlcala@SoCalGas.com](mailto:DAlcala@SoCalGas.com); La Cour, Elizabeth <[Elizabeth.LaCour@cpuc.ca.gov](mailto:Elizabeth.LaCour@cpuc.ca.gov)>; [JEgan@SoCalGas.com](mailto:JEgan@SoCalGas.com); [JFohrer@SoCalGas.com](mailto:JFohrer@SoCalGas.com); [JQTran@SoCalGas.com](mailto:JQTran@SoCalGas.com); [LLuterst@socalgas.com](mailto:LLuterst@socalgas.com); [LSarkisyan@SoCalGas.com](mailto:LSarkisyan@SoCalGas.com); Intably, Mahmoud <[mahmoud.intably@cpuc.ca.gov](mailto:mahmoud.intably@cpuc.ca.gov)>; Epuna, Matthewson <[matthewson.epuna@cpuc.ca.gov](mailto:matthewson.epuna@cpuc.ca.gov)>; [MHovsepian@SempraUtilities.com](mailto:MHovsepian@SempraUtilities.com); Hwang, Nicholas <[Nicholas.Hwang@cpuc.ca.gov](mailto:Nicholas.Hwang@cpuc.ca.gov)>; [RDiaz@socalgas.com](mailto:RDiaz@socalgas.com); [SClorfeine@SempraUtilities.com](mailto:SClorfeine@SempraUtilities.com); [SMortazavi@SoCalGas.com](mailto:SMortazavi@SoCalGas.com); [TCarman@socalgas.com](mailto:TCarman@socalgas.com); [GHealy@SempraUtilities.com](mailto:GHealy@SempraUtilities.com); [JLsalazar@SempraUtilities.com](mailto:JLsalazar@SempraUtilities.com); [Kevin.Allred@mto.com](mailto:Kevin.Allred@mto.com); [rothenergy@gmail.com](mailto:rothenergy@gmail.com); [chris.vargas@morganlewis.com](mailto:chris.vargas@morganlewis.com); [taylor.day@morganlewis.com](mailto:taylor.day@morganlewis.com); [tdaquila@cityofpasadena.net](mailto:tdaquila@cityofpasadena.net); [Douglass@EnergyAttorney.com](mailto:Douglass@EnergyAttorney.com); [cchwang@burbankca.gov](mailto:cchwang@burbankca.gov); [HPandey@ci.burbank.ca.us](mailto:HPandey@ci.burbank.ca.us); [ANefouse@sempra.com](mailto:ANefouse@sempra.com); [MByrnes@amslawyers.com](mailto:MByrnes@amslawyers.com); [MSeverson@amslawyers.com](mailto:MSeverson@amslawyers.com); [liddell@EnergyAttorney.com](mailto:liddell@EnergyAttorney.com); [John.Leslie@Dentons.com](mailto:John.Leslie@Dentons.com); [CentralFiles@SempraUtilities.com](mailto:CentralFiles@SempraUtilities.com); [Epasos@iid.com](mailto:Epasos@iid.com); [ralaurie@iid.com](mailto:ralaurie@iid.com); [scbarber@iid.com](mailto:scbarber@iid.com); [Ryan.Baron@bbklaw.com](mailto:Ryan.Baron@bbklaw.com); [DSandidge@ParrisLawyers.com](mailto:DSandidge@ParrisLawyers.com); [POliver@ParrisLawyers.com](mailto:POliver@ParrisLawyers.com); Bach, Alan <[Alan.Bach@cpuc.ca.gov](mailto:Alan.Bach@cpuc.ca.gov)>; Yip-Kikugawa, Amy C. <[amy.yip-kikugawa@cpuc.ca.gov](mailto:amy.yip-kikugawa@cpuc.ca.gov)>; Herbert, Annalissa <[Annalissa.Herbert@cpuc.ca.gov](mailto:Annalissa.Herbert@cpuc.ca.gov)>; Fisher, Arthur "Iain" <[Arthur.Fisher@cpuc.ca.gov](mailto:Arthur.Fisher@cpuc.ca.gov)>; Holzschuh, Dale A. <[dale.holzschuh@cpuc.ca.gov](mailto:dale.holzschuh@cpuc.ca.gov)>; Zarchy, Daniel <[Daniel.Zarchy@cpuc.ca.gov](mailto:Daniel.Zarchy@cpuc.ca.gov)>; Peck, David B. <[david.peck@cpuc.ca.gov](mailto:david.peck@cpuc.ca.gov)>; Lee, Diana <[diana.lee@cpuc.ca.gov](mailto:diana.lee@cpuc.ca.gov)>; Ezekwo, Godson <[godson.ezekwo@cpuc.ca.gov](mailto:godson.ezekwo@cpuc.ca.gov)>; Spencer, Jean <[Jean.Spencer@cpuc.ca.gov](mailto:Jean.Spencer@cpuc.ca.gov)>; [jz6@cpuc.ca.gov](mailto:jz6@cpuc.ca.gov); Koltz, Jonathan <[Jonathan.Koltz@cpuc.ca.gov](mailto:Jonathan.Koltz@cpuc.ca.gov)>; Shea, Karen M. <[Karen.Shea@cpuc.ca.gov](mailto:Karen.Shea@cpuc.ca.gov)>; Morgans, Lucy <[Lucy.Morgans@cpuc.ca.gov](mailto:Lucy.Morgans@cpuc.ca.gov)>; Poirier, Marcelo <[marcelo.poirier@cpuc.ca.gov](mailto:marcelo.poirier@cpuc.ca.gov)>; Divina, Marianne <[Marianne.Divina@cpuc.ca.gov](mailto:Marianne.Divina@cpuc.ca.gov)>; Taul, Matthew <[Matthew.Taul@cpuc.ca.gov](mailto:Matthew.Taul@cpuc.ca.gov)>; Botros, Mina <[Mina.Botros@cpuc.ca.gov](mailto:Mina.Botros@cpuc.ca.gov)>; Skinner, Nathaniel <[nathaniel.skinner@cpuc.ca.gov](mailto:nathaniel.skinner@cpuc.ca.gov)>; Peterson, Rachel A. <[rachel.peterson@cpuc.ca.gov](mailto:rachel.peterson@cpuc.ca.gov)>; Purchia, Robyn <[Robyn.Purchia@cpuc.ca.gov](mailto:Robyn.Purchia@cpuc.ca.gov)>; Holzschuh, Tyler <[Tyler.Holzschuh@cpuc.ca.gov](mailto:Tyler.Holzschuh@cpuc.ca.gov)>; [Hayley@turn.org](mailto:Hayley@turn.org); [BFinkelstein@turn.org](mailto:BFinkelstein@turn.org); [TLong@turn.org](mailto:TLong@turn.org); [wbrenc@fenwick.com](mailto:wbrenc@fenwick.com); [daniel.charlier-smith@morganlewis.com](mailto:daniel.charlier-smith@morganlewis.com); 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Hlavka, Eileen <[Eileen.Hlavka@cpuc.ca.gov](mailto:Eileen.Hlavka@cpuc.ca.gov)>; [cbermel@politico.com](mailto:cbermel@politico.com); [jro@cpuc.ca.gov](mailto:jro@cpuc.ca.gov)

**Cc:** Poirier, Marcelo <[marcelo.poirier@cpuc.ca.gov](mailto:marcelo.poirier@cpuc.ca.gov)>

**Subject:** I.19-06-016: Procedural Email responding to Safety and Enforcement Division's update on the Expanded Document Search

Mr. Gruen and Parties to I.19-06-016,

Thank you for the update. The search description and commitment of resources you describe below sound like they comply with the directions in the recent rulings. As you suggest, if you find that you will be unable to complete the search in the allotted time with your currently committed resources, please send another procedural update to the ALJs and service list providing the general status of the search and whether additional time will be needed to complete it. Such an update, if required, need not be as detailed as that provided below.

Thank you again.

*Jessica T. Hecht* (for ALJs Hecht and Poirier)

**Jessica T. Hecht** (she/her)  
Administrative Law Judge  
California Public Utilities Commission  
[jessica.hecht@cpuc.ca.gov](mailto:jessica.hecht@cpuc.ca.gov)

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**From:** Gruen, Darryl <[darryl.gruen@cpuc.ca.gov](mailto:darryl.gruen@cpuc.ca.gov)>  
**Sent:** Tuesday, February 8, 2022 2:53 PM  
**To:** [APatel@SempraUtilities.com](mailto:APatel@SempraUtilities.com); [NPedersen@HanMor.com](mailto:NPedersen@HanMor.com); [Maguirre@amslawyers.com](mailto:Maguirre@amslawyers.com); Gruen, Darryl <[darryl.gruen@cpuc.ca.gov](mailto:darryl.gruen@cpuc.ca.gov)>; Bone, Traci <[traci.bone@cpuc.ca.gov](mailto:traci.bone@cpuc.ca.gov)>; [KMorsony@turn.org](mailto:KMorsony@turn.org); [NSheriff@Buchalter.com](mailto:NSheriff@Buchalter.com); [VidhyaPrabhakaran@dwt.com](mailto:VidhyaPrabhakaran@dwt.com); [RegRelCpucCases@pge.com](mailto:RegRelCpucCases@pge.com); [greiss@veritionfund.com](mailto:greiss@veritionfund.com); [KatieJorrie@dwt.com](mailto:KatieJorrie@dwt.com); [Kavya@UtilityDive.com](mailto:Kavya@UtilityDive.com); [uscontent@reorg-research.com](mailto:uscontent@reorg-research.com); [larry@engeladvice.com](mailto:larry@engeladvice.com); [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org); [M3PU@pge.com](mailto:M3PU@pge.com); [ravimk@blade-energy.com](mailto:ravimk@blade-energy.com); 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[JEgan@SoCalGas.com](mailto:JEgan@SoCalGas.com); [JFohrer@SoCalGas.com](mailto:JFohrer@SoCalGas.com); [JQTran@SoCalGas.com](mailto:JQTran@SoCalGas.com); [LLuterst@socalgas.com](mailto:LLuterst@socalgas.com); [LSarkisyan@SoCalGas.com](mailto:LSarkisyan@SoCalGas.com); Intably, Mahmoud <[mahmoud.intably@cpuc.ca.gov](mailto:mahmoud.intably@cpuc.ca.gov)>; Epuna, Matthewson <[matthewson.epuna@cpuc.ca.gov](mailto:matthewson.epuna@cpuc.ca.gov)>; [MHovsepian@SempraUtilities.com](mailto:MHovsepian@SempraUtilities.com); Hwang, Nicholas <[Nicholas.Hwang@cpuc.ca.gov](mailto:Nicholas.Hwang@cpuc.ca.gov)>; [RDiaz@socalgas.com](mailto:RDiaz@socalgas.com); [SClorfeine@SempraUtilities.com](mailto:SClorfeine@SempraUtilities.com); [SMortazavi@SoCalGas.com](mailto:SMortazavi@SoCalGas.com); [TCarman@socalgas.com](mailto:TCarman@socalgas.com); [GHealy@SempraUtilities.com](mailto:GHealy@SempraUtilities.com); [JLsalazar@SempraUtilities.com](mailto:JLsalazar@SempraUtilities.com); [Kevin.Allred@mto.com](mailto:Kevin.Allred@mto.com); 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Morgans, Lucy <[Lucy.Morgans@cpuc.ca.gov](mailto:Lucy.Morgans@cpuc.ca.gov)>; Poirier, Marcelo <[marcelo.poirier@cpuc.ca.gov](mailto:marcelo.poirier@cpuc.ca.gov)>; Divina, Marianne <[Marianne.Divina@cpuc.ca.gov](mailto:Marianne.Divina@cpuc.ca.gov)>; Taul, Matthew <[Matthew.Taul@cpuc.ca.gov](mailto:Matthew.Taul@cpuc.ca.gov)>; Botros, Mina <[Mina.Botros@cpuc.ca.gov](mailto:Mina.Botros@cpuc.ca.gov)>; Skinner, Nathaniel <[nathaniel.skinner@cpuc.ca.gov](mailto:nathaniel.skinner@cpuc.ca.gov)>; Peterson, Rachel A. <[rachel.peterson@cpuc.ca.gov](mailto:rachel.peterson@cpuc.ca.gov)>; Purchia, Robyn <[Robyn.Purchia@cpuc.ca.gov](mailto:Robyn.Purchia@cpuc.ca.gov)>; Holzschuh, Tyler <[Tyler.Holzschuh@cpuc.ca.gov](mailto:Tyler.Holzschuh@cpuc.ca.gov)>; [Hayley@turn.org](mailto:Hayley@turn.org); [BFinkelstein@turn.org](mailto:BFinkelstein@turn.org); [TLong@turn.org](mailto:TLong@turn.org); [wbrenc@fenwick.com](mailto:wbrenc@fenwick.com); [daniel.charlier-smith@morganlewis.com](mailto:daniel.charlier-smith@morganlewis.com); 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**Subject:** Procedural Email Updating the Administrative Law Judges as to Safety and Enforcement Division's Efforts to Comply with the Ruling Requiring an Expanded Document Search, Dated February 2, 2022

Administrative Law Judges Hecht and Poirier:

Safety and Enforcement Division (SED) appreciates the Administrative Law Judges' ruling on our Motion for Extension. We have commenced our efforts to conduct a thorough and satisfactory search for the engineer's status report or substantially similar documents and will do everything we can to meet the February 14<sup>th</sup> deadline.

In an effort to clarify and be certain we are properly following the Administrative Law Judges' instructions, SED is sending this procedural email to update the Administrative Law Judges about the results of SED's expanded search, which is directed in the February 2 Ruling.

On February 3, 2022, SED identified a list of those individuals who had worked on SED's Aliso pre-formal investigation. This list includes 40 individuals.

On February 4, 2022, SED provided this list of individuals to the Commission's Information Technology department to do a data pull. SED requested two searches: First, SED requested a search from May 1, 2019 to June 27, 2019, as instructed by the February 2 Ruling. Second, SED requested a search from October 23, 2015, the date the Aliso incident was discovered, to May 1, 2019, in case no prior draft of the engineer's status report was found in the initial date range.

SED also included the following search terms in the subject line, body text, and attachments of emails associated with these names.

1. Aliso
2. Aliso Canyon
3. Standard Sesnon-25
4. SS-25
5. Staff report
6. Incident investigation report
7. Incident report
8. Investigation report
9. Engineer's status report
10. Engineer status report
11. Status report
12. Staff memo
13. Draft memo
14. PHMSA
15. PHMSA report
16. G20151025-01.964
17. G 20151025-01.8173
18. 151025-8173
19. Southern California Gas Company Incident No: 151025-8173
20. SoCalGas Incident No: 151025-8173
21. G20151025
22. G20151025-01
23. G20151025-01 Los Angeles

24. Incident ID #20151025-01
25. G20191015-2924 Los Angeles
26. 12801 Tampa Avenue
27. Open Incidents
28. SoCalGas leak
29. Southern California Gas Company leak
30. Southern California Gas leak
31. SoCalGas gas leak
32. Southern California Gas gas leak
33. Southern California Gas Company gas leak

On February 4, 2022, Commission IT staff identified approximately 6,100 emails associated with the first date range (May 1 to June 27, 2019), and 172,000 emails associated with the second date range (October 23, 2015 to May 1, 2019).

Yesterday, February 7, 2022, SED asked IT to split the data pull into batches to facilitate review by members of SED's search team. SED counsel received batches of the 6,100 emails from May 1 to June 27, 2019 of the 172,000 emails from October 23, 2015 to May 1, 2019.

Earlier this afternoon, SED received from IT the approximately 172,000 emails in batches relating to the October 23, 2015 to May 1, 2019 date range, and has now divided these emails so that each batch can be reviewed by a different individual.

In an effort to comply with the Administrative Law Judges' deadline of February 14<sup>th</sup>, 2022 to complete review of this search, SED has designated 12 people to complete review of these documents in search of the most recent version of Exhibit C of SED's Motion for Contempt, or "substantially similar documents," that would fit the dates the Administrative Law Judges have prescribed. These 12 members include SED's assigned attorneys and nine people from SED's Gas Safety and Reliability Branch, who have been diverted from other assignments to comply with the February 2 Ruling.

SED also emailed all of those individuals from the list of names SED identified on February 3rd, who still work at the CPUC, and asked them to search for other versions of SED's Motion for Contempt Exhibit C, or substantially similar documents, in hard copy, electronic form, or other form. SED is receiving responses, and tracking whether any document meets the indicated criteria.

If any document is responsive to the Administrative Law Judges required search, it will need to be analyzed to determine whether privilege applies. To the extent privilege over a responsive document needs to be determined, SED will need to coordinate with the Commission's advisory attorneys for their input.

SED proposes to update the Administrative Law Judges in the next few days if we are not on pace to complete review by the February 14<sup>th</sup> deadline with any of these efforts. SED also provides this email to ensure we are not misunderstanding any of the Administrative Law Judges' instructions related to the expanded search requirements.

Sincerely,

Darryl Gruen  
Staff Counsel  
California Public Utilities Commission  
505 Van Ness Ave. - San Francisco, CA 94102  
(415) 703-1973 - [djg@cpuc.ca.gov](mailto:djg@cpuc.ca.gov)

**Exhibit B**

Email to Administrative Law Judges and Service List from Assistant Chief General Counsel entitled, “I.19-06-016 (Aliso Canyon OII) – Update Regarding Expanded Search Directed in February 2 Ruling, and Attachment to email from Executive Director entitled “Notice re emails”. (February 11, 2022 Correspondence).

**From:** Yip-Kikugawa, Amy C. <[amy.yip-kikugawa@cpuc.ca.gov](mailto:amy.yip-kikugawa@cpuc.ca.gov)>

**Sent:** Friday, February 11, 2022 9:08 AM

**To:** [APatel@SempraUtilities.com](mailto:APatel@SempraUtilities.com); [NPedersen@HanMor.com](mailto:NPedersen@HanMor.com); [Maguirre@amslawyers.com](mailto:Maguirre@amslawyers.com); Gruen, Darryl <[darryl.gruen@cpuc.ca.gov](mailto:darryl.gruen@cpuc.ca.gov)>; Bone, Traci <[traci.bone@cpuc.ca.gov](mailto:traci.bone@cpuc.ca.gov)>; [KMorsony@turn.org](mailto:KMorsony@turn.org); [NSheriff@Buchalter.com](mailto:NSheriff@Buchalter.com); [VidhyaPrabhakaran@dwt.com](mailto:VidhyaPrabhakaran@dwt.com); [RegRelCpucCases@pge.com](mailto:RegRelCpucCases@pge.com); [greiss@veritionfund.com](mailto:greiss@veritionfund.com); [KatieJorrie@dwt.com](mailto:KatieJorrie@dwt.com); [Kavya@UtilityDive.com](mailto:Kavya@UtilityDive.com); [uscontent@reorg-research.com](mailto:uscontent@reorg-research.com); [larry@engeladvice.com](mailto:larry@engeladvice.com); [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org); [M3PU@pge.com](mailto:M3PU@pge.com); [ravimk@blade-energy.com](mailto:ravimk@blade-energy.com); 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**Cc:** Peterson, Rachel A. <[rachel.peterson@cpuc.ca.gov](mailto:rachel.peterson@cpuc.ca.gov)>; Hammond, Christine J. <[christine.hammond@cpuc.ca.gov](mailto:christine.hammond@cpuc.ca.gov)>

**Subject:** I.19-06-016 (Aliso Canyon OII) - Update Regarding Expanded Search Directed in February 2 Ruling

Dear ALJs Hecht and Poirier,

This email concerns the February 2 Ruling requiring SED to perform an expanded document search. This morning, I was informed by the Commission's Executive Director that the set of emails that had been provided by the Commission's IT Unit to SED are being recalled (please see attached email). As such, SED cannot conduct the expanded search of the emails at this time.

I have made a good faith effort to remove all Commissioner Advisors and staff from the Administrative Law Judge Division from this email.

Sincerely,

**Amy C. Yip-Kikugawa**

*Assistant General Counsel – Legal Division*

California Public Utilities Commission

Phone: 415-703-5256 Mobile: 415-308-7388

505 Van Ness Avenue, San Francisco CA 94102

Email: [amy.yip-kikugawa@cpuc.ca.gov](mailto:amy.yip-kikugawa@cpuc.ca.gov)

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**From:** Peterson, Rachel A.  
**Sent:** Friday, February 11, 2022 8:31 AM  
**To:** Yip-Kikugawa, Amy C.  
**Cc:** Hammond, Christine J.  
**Subject:** Notice re emails

**Importance:** High

Good morning Assistant General Counsel Yip-Kikugawa,

Counsel for Safety and Enforcement Division (SED) has informed the General Counsel that the Commission's Information Technology (IT) Unit provided a set of emails to SED advocacy counsel pursuant to an IT search request of Commission-wide servers created in the course of a hearing. This unique search request arose out of circumstances for which internal conventions have not been put in place to guide how the results of such IT searches would be delivered to advocacy staff. To protect the integrity of the Commission and in consultation with the General Counsel, I am asking IT to recall these emails until a set of conventions can be put in place.

With regards,  
Rachel

*Rachel Peterson* (she/her)  
Executive Director  
California Public Utilities Commission  
(415) 757-7844  
[Rachel.Peterson@cpuc.ca.gov](mailto:Rachel.Peterson@cpuc.ca.gov)



**Exhibit C**

Declaration of Safety and Enforcement Program Manager,  
Terence Eng in Compliance with Administrative Law Judges' Ruling  
Requiring Expanded Search

BEFORE THE 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.)

Investigation 19-06-016

**DECLARATION OF TERENCE ENG  
IN COMPLIANCE WITH ADMINISTRATIVE LAW JUDGES' RULING  
REQUIRING AN EXPANDED DOCUMENT SEARCH,  
DATED FEBRUARY 2, 2022**

I, Terence Eng, declare that the following is true and correct to the best of my knowledge and belief:

1. My title is Program Manager for the California Public Utilities Commission's Safety and Enforcement Division's (SED) Gas Safety and Reliability Branch (GSRB).
2. In compliance with the Administrative Law Judges' (ALJs) Ruling Requiring An Expanded Document Search, dated February 2, 2022, Ruling Paragraph 1, SED did a search described in paragraphs 3 through 7, below.
3. SED created a list of personnel on February 3, 2022, who, to the best of my knowledge, worked on SED's pre-formal investigation related to the Aliso incident. This list was compiled by discussing with Mahmoud (Steve) Intably, Dennis Lee, and Randy Holter regarding who in GSRB had worked on the Aliso Canyon pre-formal investigation. We also queried the Commission's timesheet software to determine any employees who had accredited time to the Aliso Canyon work line between January 2016 and June 2019.

4. My understanding from speaking to SED counsel is that they identified further individuals who are members of SED but not GSRB who worked on Aliso Canyon by speaking with SED management.

5. This search resulted in a subgroup of 40 people, 25 of whom who still work at the Commission.

6. SED counsel emailed the 25 individuals from the list of names SED identified on February 3rd who still work at the CPUC, and asked them to search for other versions of SED's Motion to Hold SoCalGas in Contempt Exhibit C (Exhibit C), or substantially similar documents, in hard copy, electronic form, or other form.

7. SED provided a copy of Exhibit C to all of the individuals that SED emailed regarding the search request, as described in paragraph 6.

8. SED counsel also learned that one of the 25 individuals will be on vacation until late March, and another of the individuals who has since transferred out of GSRB no longer has access to any of the files they had previously, leaving 23 people to respond.

9. SED counsel has heard back from each of the remaining 23 people described in paragraphs 5-8. None of these people found any substantially similar documents to Exhibit C stored in hard copies, electronic copies, or in any other form.

Executed on February 14, 2022 in San Francisco, California.

/s/ TERENCE ENG  
Terence Eng