



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

FILED
12-31-15
04:59 PM

Order Instituting Investigation And Order to Show Cause on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Distribution System Pipelines.

I.14-11-008
(Filed November 20, 2014)

**DECLARATION OF MARIE L. FIALA IN SUPPORT OF PACIFIC GAS
AND ELECTRIC COMPANY'S MOTION TO COMPEL DISCOVERY
FROM CARMEL-BY-THE-SEA**

I, Marie L. Fiala, declare:

1. I am a partner in the law firm of Sidley Austin LLP, counsel of record for Pacific Gas & Electric Company ("PG&E") in this proceeding. I make this declaration in support of PG&E's motion to compel discovery responses from Intervenor Carmel-by-the-Sea ("Carmel"). I have personal knowledge of the following facts, except for those stated on information and belief and, as to those matters, I believe them to be true.

2. On information and belief, Leslie Banach (also known as Leslie Banach McNiece) worked at PG&E as the Director of Information Management Compliance for approximately two years, from 2012 to 2014. On or about October 30, 2015, Ms. Banach emailed the human resources department at PG&E, stating in relevant part, "I received a subpoena from the Public Utilities Commission of the State of California regarding PG&E." A true and correct copy of that email is attached as Exhibit A. PG&E had not been served with a copy of any such subpoena.

3. On November 19, 2015, Carmel served PG&E with its second set of data requests in this proceeding. Among other things, Carmel's requests asked PG&E to admit a series of allegations regarding the conduct of PG&E's employees—and purportedly involving the former Director of Information Management Compliance, Ms. Banach—in the days after the incident in Carmel on March 3, 2014. A true and correct copy of those November 19 data requests is attached as **Exhibit B**.

4. PG&E substantially completed its responses to Carmel's data requests, as agreed upon with Carmel, by December 8, 2015, and made small supplemental productions thereafter, concluding with a production on December 28, 2015. A true and correct copy of PG&E's written responses is attached as **Exhibit C**. PG&E produced approximately 100 custodial documents and electronic records in response to these requests. Despite its diligent efforts, which included gathering information from document custodians and reviewing email correspondence and audit logs for the Carmel job file, PG&E found no documents or other evidence that would support Carmel's allegations.

5. On November 19, 2015, the same day PG&E received Carmel's second set of requests, I sent a letter to Britt Strottman of Meyers Nave, counsel of record for Carmel in this proceeding, asking for a copy of the subpoena Carmel had served on Ms. Banach. A true and correct copy of that letter is attached as **Exhibit D**.

6. On December 1, Ms. Strottman responded with a letter in which she stated that Carmel had previously served the subpoena on counsel for PG&E. A true and correct copy of Ms. Strottman's letter is attached as **Exhibit E**. I replied to Ms. Strottman by email that same day, saying that we had not been served with the subpoena, and again requesting a copy. Ms. Strottman also replied that day, attaching a copy. A true and correct copy of that December 1

email exchange is attached as **Exhibit F**.

7. On its face, the subpoena Ms. Strottman provided showed that it had been issued by CPUC Chief ALJ Karen Clopton on October 29, 2015, and the certificate of service indicated that it was served on Ms. Banach at the Meyers Nave offices that same afternoon. The subpoena was marked for a deposition, but a handwritten notation stating “(Interview only)” had been added to the cover page of the subpoena. A true and correct copy of the subpoena provided by Carmel is attached as **Exhibit G**.

8. On December 1, PG&E served on Carmel a second set of data requests in this proceeding. Among other things, those requests sought any documents Carmel had received from any non-parties, such as Ms. Banach, in connection with this proceeding. A true and correct copy of PG&E’s second set of data requests to Carmel is attached as **Exhibit H**.

9. On December 2, I sent a letter to Ms. Strottman requesting information about service of the subpoena Carmel propounded on Ms. Banach and what discovery Meyers Nave had obtained from non-parties, such as Ms. Banach. A true and correct copy of that letter is attached as **Exhibit I**. Ms. Strottman responded briefly that same day, repeating the same information she had provided previously, but not answering my questions. A true and correct copy of Ms. Strottman’s letter is attached as **Exhibit J**.

10. On December 3, PG&E served on Carmel its third set of data requests in this proceeding, requesting the same information that I had requested in my December 2 letter. The requests also included “contention interrogatories,” asking Carmel to provide the facts underlying the allegations in Carmel’s November 19 data requests to PG&E, as well as related information and documents. A true and correct copy of PG&E’s third set of data requests to Carmel is attached as **Exhibit K**.

11. Carmel responded to PG&E's second set of data requests on December 15, 2015. Carmel's responses acknowledged the subpoena it served on Ms. Banach, but asserted that Carmel had no "non-privileged" information to produce in response to PG&E's requests for any materials Carmel obtained from Ms. Banach. Carmel did not explain the basis for its privilege objections or whether it was withholding any documents on the basis of the asserted privileges. A true and correct copy of Carmel's December 15 responses to PG&E's second set of requests is attached as **Exhibit L**.

12. On December 15, my partner Joshua Hill, who is also counsel for PG&E in this proceeding, sent a letter to Ms. Strotzman asking her to explain whether Carmel was asserting privilege over communications with Ms. Banach or, rather, was claiming that it has no records of such communications. A true and correct copy of that letter is attached as **Exhibit M**. Carmel never responded specifically to that letter, but indicated in subsequent correspondence, described below, that it considers any writings related to its contacts with Ms. Banach to be privileged.

13. On December 17, Carmel responded to PG&E's third set of data requests. Contrary to its earlier assertion, Carmel admitted that it had never served PG&E or any other party to this proceeding with the subpoena it had served on Ms. Banach. Carmel provided only objections in response to PG&E's requests for the facts and related materials underlying the allegations in Carmel's November 19 data requests. A true and correct copy of Carmel's responses and objections is attached as **Exhibit N**.

14. On December 28, 2015, I sent a meet and confer letter to Ms. Strotzman stating that Carmel's responses to PG&E's second and third sets of data requests were deficient, primarily because there is no basis for asserting privilege as to the facts underlying the allegations made in Carmel's data requests or as to documents provided by Ms. Banach. I asked

Ms. Strottman to notify PG&E by the close of business on December 29 whether Carmel intended to withdraw its objections and substantively supplement its responses to PG&E's second and third set of data requests. I explained that, without Carmel's agreement, PG&E would promptly submit this dispute to the Commission so that it could be resolved before the start of hearing on January 19, 2016. A true and correct copy of that December 28 letter is attached as **Exhibit O**.

15. I received an email from Ms. Strottman at 4:56 p.m. the following day, December 29, stating that she would respond to my meet and confer letter on December 30, as she was out of town. I responded that PG&E would wait until noon on December 30 to hear back from Carmel before filing its motion to compel, and that filing on December 30 would leave only a few days before the hearing in which ALJ Bushey could decide the issues presented by the motion. A true and correct copy of that December 29 email correspondence is attached as **Exhibit P**.

16. On December 30, Ms. Strottman responded to PG&E's meet and confer letter. A true and correct copy of that December 30 letter is attached as **Exhibit Q**. Ms. Strottman's letter focuses exclusively on the issue of whether the "witness statements" and "notes, reports, and impressions of an interview" of Ms. Banach by the Meyers Nave firm constitute protected work product, and on that basis refuses to provide any additional responses to PG&E's data requests. The letter ignores entirely the fact that PG&E's data requests call for clearly discoverable information such as, e.g., any facts that support the assertions made in Carmel's data requests and any documents provided to Carmel by Ms. Banach. Ms. Banach's letter also avoids stating whether Carmel is in possession of any such discoverable documents.

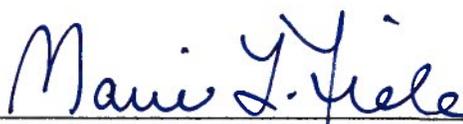
17. On December 30, in a final effort to resolve the parties' disputes, I emailed Ms.

Strottman to explain that PG&E does seek any witness statements or attorney notes related to any interviews Carmel conducted with Ms. Banach. A true and correct copy of that December 30 email is attached as Exhibit R. I suggested that the parties could avoid their dispute regarding any documents provided by Ms. Banach to Carmel if Carmel would state whether there are any such documents, and produce such documents. In addition, I suggested that the parties could resolve their disagreement regarding Carmel's responses to PG&E's requests for the facts underlying Carmel's allegations if Carmel would stipulate that it did not intend to pursue those allegations in this proceeding.

18. Ms. Strottman replied to my email on December 31. A true and correct copy of her December 31 email is attached as Exhibit S. Ms. Strottman finally confirmed that Carmel had not obtained any documents from Ms. Banach. She also stated that Carmel would not stipulate that it would not raise any of the contentions set forth in its data requests in the OII. Ms. Strottman did not agree that Carmel would respond to PG&E's contention interrogatories, stating only that the factual bases for the allegations in the data requests were derived from Meyers, Nave's own investigation and analysis including, but not limited to, their interview of Ms. Banach.

19. Because the parties are clearly at an impasse, PG&E proceeded to file its motion to compel.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 31, 2015, in Berkeley, California.



Marie L. Fiala

EXHIBIT A

From: Ibanach@astound.net [<mailto:Ibanach@astound.net>]
Sent: Friday, October 30, 2015 3:45 PM
To: Scarbrough, Glenda
Subject: Notification

Alert: This message originated outside of PG&E. Use caution when opening attachments, clicking links or responding to requests for information.

Glenda:

This communication will serve as formal notice that I have received a subpoena from the U.S. District Attorney regarding PG&E.

I received a subpoena from the Public Utilities Commission of the State of California regarding PG&E.

Leslie Banach

EXHIBIT B

I.14.11.008
City of Carmel-by-the-Sea Data Request

Data Request Number: City of Carmel-by-the-Sea-Set 2

Date Sent: November 19, 2015

Response Due: December 5, 2015

Instructions

Please provide a response to:

Britt K. Strottman
Special Counsel
City of Carmel-by-the-Sea (Carmel)
555 12th Street; Suite 1500
Oakland, CA 94607
bstrottman@meyersnave.com

For each question, please provide the name of each person who materially contributed to the preparation of the response. If different, please also identify the PG&E witness who would be prepared to respond to cross-examination questions regarding the response.

For any questions requesting numerical recorded data, please provide all responses in working Excel spreadsheet format if so available, with cells and formulae functioning.

For any question requesting documents, please interpret the term broadly to include any and all hard copy or electronic documents or records in PG&E's possession.

For any response that includes information that PG&E wishes to keep confidential, please provide a version of the response with all confidential information redacted.

Set two data request

2. Explain your internal records borrowing protocol, discussed on pp. 2-9 to 2-10 of Sumeet Singh's prepared reply testimony.
3. Produce all documents that explain your internal records borrowing protocol, discussed on pp. 2-9 to 2-10 of Sumeet Singh's prepared reply testimony.
4. Describe your procedure for checking out job files, including how the records in the file are maintained and what types of restrictions/permissions a person must have in order to inspect the file.
5. Explain what type of record or data is maintained to track who is inspecting or has inspected a particular job file.

6. Produce the job file borrowing record of the job file relating to the work performed in Carmel by PG&E on March 3, 2014 (Carmel job file).
7. Identify the physical location where the Carmel job file is maintained and whether that location has changed since 2014.
8. Was the Carmel job file available in electronic form in Documentum prior to the subject incident?
9. If the Carmel job file was not available in Documentum, explain what efforts you made to centralize this specific job file prior to the March 3, 2014 explosion.
10. If the Carmel job file was not available in Documentum, explain what efforts you made to make this job file available in electronic form.
11. Explain what efforts you made to verify the accuracy and completeness of the Carmel job file prior to the March 3, 2014 explosion.
12. Identify all person(s) who viewed the Carmel job file from January to March 2014, whether it be in electronic or hard copy form.
13. State whether you will produce the persons identified in the previous data request for deposition.
14. Admit that approximately 2 to 4 days after the March 3, 2014 explosion in Carmel, PG&E employees or agents Kurt Kremptotic and Alfonso Carnejo¹ contacted PG&E's former Director of Information Management Compliance and requested the Carmel job file or a portion thereof.
15. Admit that the requestors identified in the previous data request expressly instructed that the Carmel records NOT be tracked by your internal electronic tracking system (explained on p. 2-9 of Sumeet Singh's prepared reply testimony). In other words, admit the requestors wanted no tracking of checking out the Carmel job file.
16. Admit PG&E's former Director of Information Management Compliance objected to the request without tracking the file, but she was instructed to do it anyway.
17. Admit PG&E's former Director of Information Management Compliance was instructed to send the Carmel job file to "corporate."
18. Identify which person(s) viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel.
19. Admit the person(s) who viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel was one or more persons in management at its corporate headquarters.

¹ Carmel is informed and believes that these are the correct names of the subject PG&E employees or agents. In order to fully respond to this request, Carmel asks that PG&E investigate any spelling variances to ascertain the identity of these individuals.

20. Explain in detail why the person(s) who wished to view the Carmel job file did not want a tracking record of who borrowed the file.
21. Admit that the electronic tracking system was implemented to prevent, in part, lost records.
22. Admit you did not follow internal protocol of tracking the Carmel job file in March 2014.
23. Were any records, data, or documents removed from the Carmel job file in March 2014?
24. If your answer to the previous data request is anything other than an unequivocal no, explain what was removed and why.
25. Were any records, data, or documents inserted into the Carmel job file in March 2014?
26. If your answer to the previous data request is anything other than an unequivocal no, explain what was removed and why.
27. Were any records, data, or documents lost from the Carmel job file in March 2014?
28. If your answer to the previous data request is anything other than an unequivocal no, explain what was lost and how it occurred.
29. Produce all documents, including, but not limited to, notes, emails, or communications (internal or external), regarding PG&E's review of the Carmel job file from January 2014 to March 2014.
30. Admit that your electronic tracking system is a means to prevent "[loose] controls of records borrowing," identified on p. 55 of the P Wood Associates' September 30, 2015 report.
31. Explain whether you follow the General Accountability Recordkeeping Principles and the manner in which you follow it.
32. Admit that circumventing your internal electronic tracking system is contrary to your Asset Management Policy described on p. 2-2 of Sumeet Singh's prepared reply testimony.
33. Have any "retained for life" records been lost as a result of "loose controls of record borrowing?" If so, explain what has been lost and how.
34. Admit that you have information that supports P. Wood Associates' conclusion that PG&E's loose controls of record borrowing has resulted in the loss of records.
35. Explain what your Quality Management group has done to improve the quality of your electronic tracking system.
36. Do you contend you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel?
37. State all facts to support your contention that you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel.

38. Produce all documents to support your contention that you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel.
39. Produce a copy of the Enterprise Records and Information Policy.
40. Produce a copy of the Pricewaterhouse Cooper report conducted on your asset management in 2012.
41. Produce a copy of the internal audit report concerning your quality control process on data conversion identified on p. 2-12 of Sumeet Singh's prepared reply testimony.
42. Produce a copy of the internal audit report on your gas operations records prepared in or around February 2014.

2553441.1

EXHIBIT C

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q02		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q02		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 2

Explain your internal records borrowing protocol, discussed on pp. 2-9 to 2-10 of Sumeet Singh's prepared reply testimony.

ANSWER 2

The discussion at pp. 2-9 to 2-10 of PG&E's Reply Testimony references three different types of records: hard copy records stored at local mapping offices; records stored at the corporate records center; and records stored in the centralized electronic repository.

Certain types of hard copy records may be kept at local mapping offices. Each local office has check-out systems that are designed for its specific needs. Many offices utilize a card checkout system. Typically, the checkout cards are filled out with the relevant information (e.g., LanID – a unique employee identification designation, date, job number) and put in place of the record(s) to signal that a particular record(s) is checked-out. When the record(s) is returned, the checkout card is removed. Some offices do not allow records to be borrowed and require the records to be copied instead.

For responses regarding records stored at the corporate records center and in the centralized electronic repository, see PG&E's responses to CarmelCity_002-Q21 and CarmelCity_002-Q04, respectively.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q03		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q03		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 14, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 3

Produce all documents that explain your internal records borrowing protocol, discussed on pp. 2-9 to 2-10 of Sumeet Singh's prepared reply testimony.

ANSWER 3

As described in PG&E's response to CarmelCity_002-Q02, the discussion on pp. 2-9 to 2-10 of PG&E's Reply Testimony references three different types of records: hard copy records stored at local mapping offices; records stored at the corporate records center; and records stored in the centralized electronic repository.

There are no official company standards or procedures that describe the protocol for the check-out/check-in of hard copy records stored at local mapping offices. See PG&E's response to CarmelCity_002-Q02 for information about the check-out/check-in protocol at local mapping offices.

Attachments Bates numbered PGE_GDR_00000020 and PGE_GDR_00000024 are procedures for Requesting Records from the Records Center (GOV-7101P-02) and Returning Requested Records Back to the Corporate Records Center (GOV-7101P-03), respectively.

For protocols regarding records stored in the centralized electronic repository, see PG&E's response to CarmelCity_002-Q05.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q04		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q04		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 4

Describe your procedure for checking out job files, including how the records in the file are maintained and what types of restrictions/permissions a person must have in order to inspect the file.

ANSWER 4

As defined in PG&E Utility Standard TD-4461S, "Gas As-Built Packages,"¹ a "job file" is the electronic file folder that is created when a job is opened. The contents of a job file are updated as the job progresses through the various stages of initiation, design, and close out. When a job is completed, the records reflecting the work that was performed are scanned and uploaded to the job file, which is the official record of that job.

PG&E maintains job files in SAP. Records are uploaded to SAP, and can then be viewed, modified, and downloaded.

After a job file is created, various PG&E personnel are typically required to upload, view, modify, and possibly download copies of records from the SAP job file in order to complete their specific project tasks during the pendency of the job. Designated "roles" are assigned to PG&E personnel that allow them to view, add, or modify records in the job file. Each role within SAP has its own established permissions and restrictions.

An employee who requires a specific SAP role for such purposes makes an electronic request, which is routed to his or her supervisor for review and approval. Some role requests also require additional approvals. In these cases, a role owner must approve the role assignment, following supervisor approval.

¹ Please see attachment W077 to PG&E's November 12, 2015 Reply Testimony.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q05		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q05		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 5

Explain what type of record or data is maintained to track who is inspecting or has inspected a particular job file.

ANSWER 5

As described in PG&E's response to CarmelCity_002-Q04, a job file is electronically stored in SAP. SAP does not track whether a record maintained in a job file was viewed. However, an audit log is created when a record is modified. The audit log lists the type of modifications that were made to the job file, when, and by whom. See attachment Bates numbered PGE_GDR_000040754, which depicts a "screen shot" of the records in SAP for the job file relating to work performed in Carmel on March 3, 2014 (under the unique plant maintenance (PM) #30921135) that shows document management activity between May 21, 2013 and September 9, 2015.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q06		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q06		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 6

Produce the job file borrowing record of the job file relating to the work performed in Carmel by PG&E on March 3, 2014 (Carmel job file).

ANSWER 6

The job file relating to the work performed in Carmel by PG&E on March 3, 2014 is located in SAP, under the unique plant maintenance (PM) #30921135 ("Carmel job file"). As described in PG&E's response to CarmelCity_002-Q05, SAP does not track whether a record maintained in a job file was viewed. PG&E therefore does not maintain a "borrowing record" for the Carmel job file. Please see responses to questions CarmelCity_002-Q04 and CarmelCity_002-Q05 for further information.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q07		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q07		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 7

Identify the physical location where the Carmel job file is maintained and whether that location has changed since 2014.

ANSWER 7

The job file for the work performed in Carmel on March 3, 2014 is maintained electronically in SAP. See PG&E's response to CarmelCity_002-Q04. That location has not changed since 2014.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q08		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q08		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 8

Was the Carmel job file available in electronic form in Documentum prior to the subject incident?

ANSWER 8

The job file for the work performed in Carmel on March 3, 2014 was not available in Documentum prior to March 3, 2014. The job file was maintained and available electronically in SAP prior to the subject incident. Please see PG&E's response to CarmelCity_002-Q04.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q09		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q09		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 9

If the Carmel job file was not available in Documentum, explain what efforts you made to centralize this specific job file prior to the March 3, 2014 explosion.

ANSWER 9

The job file for the work performed in Carmel on March 3, 2014 was centralized and maintained electronically in SAP prior to March 3, 2014. Please see PG&E's response to CarmelCity_002-Q04.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q10		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q10		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 10

If the Carmel job file was not available in Documentum, explain what efforts you made to make this job file available in electronic form.

ANSWER 10

Please see PG&E's response to CarmelCity_002-Q09.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q11		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q11		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 11

Explain what efforts you made to verify the accuracy and completeness of the Carmel job file prior to the March 3, 2014 explosion.

ANSWER 11

The following activities are typically conducted during the design and pre-construction phases of gas distribution facilities and PG&E also believes that they were conducted during the design and pre-construction phases of the Carmel job. This process also helps verify the accuracy and completeness of job files prior to proceeding with construction.

As part of the engineering design process, research is conducted to review the related and available historical records of facilities that need to be reconstructed. Examples include as-built records, existing maps, gas service records, leak repairs, and test records. The design work includes reviewing field conditions, existing street and other utility improvements, and local agency requirements. Job design drawings, job instructions, accounting, and service records are prepared for the facility installation and modification. The design is prepared in accordance with applicable regulations and PG&E requirements. Once the design is completed, technical reviews and approvals are performed by the lead designer, engineers, and supervisor.

Next, a centralized processing group reviews the job file to verify that it contains the required records, including design drawings, plat maps, and approved permits, prior to routing to construction.

PG&E's construction organization performs a completeness review, and conducts pre-construction walk-downs and meetings as necessary. They also review and identify any conflicts with design drawings. Construction then plans out the excavation work by requesting other utilities to mark their underground facilities, reviews traffic and street requirements, and determines the best approach to sequencing the work.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q12		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q12		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 12

Identify all person(s) who viewed the Carmel job file from January to March 2014, whether it be in electronic or hard copy form.

ANSWER 12

As explained in PG&E's response to CarmelCity_002-Q04, the Carmel job file would have been available for viewing by anyone authorized with proper SAP system access. No record is kept of person(s) who view job files. See PG&E's response to CarmelCity_002-Q05.

From January 2014 to March 2014, the Carmel job was in its construction phase. Hard copy printouts of the entire or parts of the job file would have been viewed by various PG&E employees, contractors, and others involved in this phase of the work. PG&E's system does not log or track specific person(s) who may have viewed hard copies of documents from a job file. However, personnel holding some or all of the following positions may view the entire or portions of a job file during the construction phase of the job:

- Engineering Estimator
- Associate Distribution Engineer
- Engineering Design Supervisor
- Administrative Support from Order Management Desk
- Project Manager
- Gas Distribution Engineer
- Maintenance & Construction Coordinator
- General Construction Field Engineer
- General Construction and Division Construction Supervisor
- Gas Crew Foreman
- Gas Crew Members
- Gas Estimators
- Gas Public Works Coordinator
- Gas Mapper/s
- Administrative Support from Mapping, Scanning & Attributing Order Closure Desk
- Resource Supervisor
- Scheduler

Field Engineer
Field Clerk

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q13		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q13		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 13

State whether you will produce the persons identified in the previous data request for deposition.

ANSWER 13

PG&E objects to this request on the ground that it is overbroad, lacks foundation, and is not reasonably calculated to lead to the discovery of admissible evidence.

In addition, as stated in the response to CarmelCity_002-Q12, PG&E's system does not log or track specific person(s) who may have viewed hard copies of documents from any particular job file, including the Carmel job file.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q14		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q14		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 14

Admit that approximately 2 to 4 days after the March 3, 2014 explosion in Carmel, PG&E employees or agents Kurt Kremptotic and Alfonso Carnejo¹ contacted PG&E's former Director of Information Management Compliance and requested the Carmel job file or a portion thereof.

ANSWER 14

PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such communications took place, and on that basis, PG&E denies this request.

¹ Carmel is informed and believes that these are the correct names of the subject PG&E employees or agents. In order to fully respond to this request, Carmel asks that PG&E investigate any spelling variances to ascertain the identity of these individuals.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q15		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q15		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 15

Admit that the requestors identified in the previous data request expressly instructed that the Carmel records NOT be tracked by your internal electronic tracking system (explained on p. 2-9 of Sumeet Singh's prepared reply testimony). In other words, admit the requestors wanted no tracking of checking out the Carmel job file.

ANSWER 15

As set forth in response to CarmelCity_002-Q14, PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such communications took place, and on that basis, PG&E denies this request.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q16		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q16		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 16

Admit PG&E's former Director of Information Management Compliance objected to the request without tracking the file, but she was instructed to do it anyway.

ANSWER 16

As set forth in response to CarmelCity_002-Q14, PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such communications took place, and on that basis, PG&E denies this request.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q17		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q17		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 17

Admit PG&E's former Director of Information Management Compliance was instructed to send the Carmel job file to "corporate."

ANSWER 17

PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such communications or instructions took place, and on that basis, PG&E denies this request.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q18		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q18		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 18

Identify which person(s) viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel.

ANSWER 18

PG&E defines "job file" in its response to CarmelCity_002-Q04. For information regarding viewing/inspecting a job file, please see PG&E's response to CarmelCity_002-Q05.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q19		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q19		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 19

Admit the person(s) who viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel was one or more persons in management at its corporate headquarters.

ANSWER 19

See PG&E's response to CarmelCity_002-Q18.

PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such facts existed, and on that basis, PG&E denies this request.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q20		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q20		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 20

Explain in detail why the person(s) who wished to view the Carmel job file did not want a tracking record of who borrowed the file.

ANSWER 20

See PG&E's response to CarmelCity_002-Q18.

PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such facts existed.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q21		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q21		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 21

Admit that the electronic tracking system was implemented to prevent, in part, lost records.

ANSWER 21

The tracking system described in Chapter 2 (page 2-9, lines 15-19) refers to PG&E's corporate records tracking system. The corporate records center tracking system is comprised of three components: 1) an Access database that logs information about each box of physical records, 2) a dedicated Outlook email inbox that is used to receive requests for records retrieval, and 3) an Excel file that is used to track records check-out. PG&E will submit errata to this testimony to avoid any confusion. A copy of the errata to PG&E's Reply Testimony, Chapter 2, page 2-9, lines 15-19, is attached as document Bates numbered PGE_GDR_000040753, and will be served on all parties.

The impetus for updating the corporate records center tracking system was to establish a consistent and standardized method for tracking records related requests received by the corporate records center. One of the ancillary benefits of these improvements could include minimizing the potential risk of lost or misplaced records.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q22		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q22		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 22

Admit you did not follow internal protocol of tracking the Carmel job file in March 2014.

ANSWER 22

PG&E defines "job file" in its response to CarmelCity_002-Q04.

PG&E has conducted a reasonable and good faith inquiry regarding the subject matter of this request and has found no information suggesting that any such facts existed, and on that basis, PG&E denies this request.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q23		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q23		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 9, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 23

Were any records, data, or documents removed from the Carmel job file in March 2014?

ANSWER 23

PG&E defines “Carmel job file” in its response to CarmelCity_002-Q06. No records or documents were removed from the Carmel job file in March 2014.

In addition to tracking when documents in a job file are modified or records uploaded as described in the response to CarmelCity_002-Q05, the SAP system produces an audit log when such transactions are performed related to a job file. Additional transactions are also recorded in the audit log that pertain to job management functions such as planned hours, materials, construction dates, construction hours, task dependencies, and line entries for charging time worked to activities, among other items. The SAP audit log includes the type of transaction that occurred, but does not always retain the history of the specific entry or entries that were made. For this reason, PG&E is unable to provide the specific transaction data in the Carmel job file that may have been changed or updated in March 2014, but has provided the transactions performed for the Carmel job file as outlined below.

Attachment Bates numbered PGE_GDR_000040755 is the SAP-generated audit log, in the form of an Excel file, summarizing the transactions associated with the Carmel job file. After the March 3, 2014 incident, PG&E transitioned the construction work for completing the Carmel job from a contract crew to a PG&E crew. A series of transactions was posted to the Carmel job file during March 2014 to reflect this change in resources and dates were added to the file,¹ hours forecasted were updated,² and positions were designated for work assignments.³ The log also reflects that the

¹ See Bartlett and Gonzalez entries – Long field label “ATP Eligible date.”

² See Baly entry – Long field label “Forecast work.”

³ See Gonzalez entries – Long field label “Operation short text.”

assigned Project Manager changed.⁴ An additional transaction was posted to the Carmel job file in March 2014 to correct a labor hours posting error.⁵

⁴ See Bartlett entry – Long field label “Partner.”

⁵ See Laufenberg entry – Long field label “Forecast work.”

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q24		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q24		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 9, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 24

If your answer to the previous data request is anything other than an unequivocal no, explain what was removed and why.

ANSWER 24

Please see the response to CarmelCity_002-Q23.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q25		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q25		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 9, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 25

Were any records, data, or documents inserted into the Carmel job file in March 2014?

ANSWER 25

PG&E defines "job file" in its response to CarmelCity_002-Q04. No documents or records were inserted into the PM #30921135 job file in March 2014. See the response to CarmelCity_002-Q05 and, specifically, attachment Bates numbered PGE_GDR_000040754 for the screen shot of the records log.

Transactions were entered that affect data related to the Carmel job file in March 2014. For a description of these changes to PM #30921135 during March 2014, see PG&E's response to CarmelCity_002-Q23.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q26		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q26		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 9, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 26

If your answer to the previous data request is anything other than an unequivocal no, explain what was removed and why.

ANSWER 26

Please see the responses to CarmelCity_002-Q23, CarmelCity_002-Q24, and CarmelCity_002-Q25.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q27		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q27		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 27

Were any records, data, or documents lost from the Carmel job file in March 2014?

ANSWER 27

See the response to CarmelCity_002-Q04 for the definition of job file. No records, data, or documents were lost from the PM #30921135 job file in March 2014.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q28		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q28		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 28

If your answer to the previous data request is anything other than an unequivocal no, explain what was lost and how it occurred.

ANSWER 28

Please see the response to CarmelCity_002-Q27.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q29		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q29		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 15, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 29

Produce all documents, including, but not limited to, notes, emails, or communications (internal or external), regarding PG&E's review of the Carmel job file from January 2014 to March 2014.

ANSWER 29

PG&E objects to this request on the grounds that it is overly broad and unduly burdensome, seeks information beyond the scope of this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. PG&E further objects to this request to the extent it seeks materials covered by the attorney-client privilege and attorney work product doctrine. Notwithstanding the foregoing objections, PG&E responds as follows:

As PG&E defined "Carmel job file" in its response to CarmelCity_002-Q06, the job file relating to the work performed in Carmel by PG&E on March 3, 2014 is located in SAP, under the unique plant maintenance (PM) #30921135. As described in PG&E's response to CarmelCity_002-Q23, the SAP system produces an audit log when transactions are performed related to a job file. PG&E provided its Carmel job file audit log in its response to CarmelCity_002-Q23 as attachment Bates numbered PGE_GDR_000040755.

For the initial response to this request, PG&E used the Carmel job file audit log (PGE_GDR_000040755), columns C, D, and E, and the Column G date range of January 2014 and March 2014, as the basis for identifying four personnel who may have created responsive materials. Those personnel include an application support analyst, two project controls analysts, and a field engineer. This search yielded responsive documents for two of the four personnel, the field engineer and a project controls analyst. Accordingly, PG&E is producing documents created between January 2014 and March 2014 that could be related to PG&E's review of the Carmel job file. See attachments Bates numbered PGE_GDR_000040923 through PGE_GDR_000040940.

In addition, to the extent PG&E identifies other relevant document custodians, PG&E will conduct a reasonable and diligent search for responsive materials and will supplement this initial production, if necessary.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q29		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q29Supp01		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 15, 2015 (original) December 28, 2015 (supplemental)	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 29

Produce all documents, including, but not limited to, notes, emails, or communications (internal or external), regarding PG&E's review of the Carmel job file from January 2014 to March 2014.

ANSWER 29 SUPPLEMENTAL 01

Certain attachments to this response have been marked CONFIDENTIAL and are submitted pursuant to a Non-Disclosure Agreement because they include confidential employee and/or customer information.

PG&E objects to this request on the grounds that it is overly broad and unduly burdensome, seeks information beyond the scope of this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. PG&E further objects to this request to the extent it seeks materials covered by the attorney-client privilege and attorney work product doctrine.

Notwithstanding the foregoing objections, PG&E provided an initial response on December 15, 2015 with documents responsive to this request created between January 2014 and March 2014 that could be related to PG&E's review of the Carmel job file based on the review of e-mails for personnel who appeared in the Carmel job file audit log (PGE_GDR_000040755) to have made transactional changes to the Carmel job file in SAP.

Notwithstanding the foregoing objections, PG&E is supplementing the December 15, 2015 response with additional responsive materials. E-mails of all personnel who charged time to the Carmel job were subsequently reviewed, as were e-mails of PG&E personnel engaged in the search for the missing plastic inserted as-built record associated with the involved main in the Carmel incident. The resulting responsive documents are provided as attachments Bates numbered PGE_GDR_000042693 through PGE_GDR_000042704, PGE_GDR_000042714 through PGE_GDR_000042915, and PGE_GDR_000042926 through PGE_GDR_000042933.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q30		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q30		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 30

Admit that your electronic tracking system is a means to prevent “[loose] controls of records borrowing,” identified on p. 55 of the P Wood Associates’ September 30, 2015 report.

ANSWER 30

PG&E does not agree with this characterization or with the PWA Report’s assertion that PG&E has “[loose] controls on records borrowing.” See response to CarmelCity_002-Q21.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q31		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q31		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 31

Explain whether you follow the General Accountability Recordkeeping Principles and the manner in which you follow it.

ANSWER 31

PG&E has no knowledge of General Accountability Record Keeping Principles; however, PG&E is aware of the Generally Accepted Record Keeping Principles developed and published by ARMA International. PG&E described its efforts to implement the Generally Accepted Record Keeping Principles on pages 14-15 in its Initial Report, filed December 22, 2014.

In addition, PG&E discussed in its Reply Testimony at page 2-8, lines 1-10, that the Gas Operations' Records & Information Management (RIM) team is using the Information Governance Maturity Model (IGMM) for records management, developed by ARMA International, and has developed a project plan and roadmap to implement a program that supports achievement of Level 3 Maturity ("Essential").¹

PG&E's Initial Report in Response to the OII discusses the RIM initiatives that follow IGMM Principles.² As noted in Reply Testimony at page 2-8, lines 13 – 25, Gas Operations RIM's continued progress in following the IGMM Principles and is evaluated by Lloyds Register typically every six months.

¹ Achievement of Level 3 Maturity ("Essential") means that Gas Operations RIM follows relevant compliance laws and regulations, and systematically carries out its creation and capture of records.

² See PG&E's Initial Report to OII, I.14-11-008, pp. 14-16.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q32		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q32		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 32

Admit that circumventing your internal electronic tracking system is contrary to your Asset Management Policy described on p. 2-2 of Sumeet Singh's prepared reply testimony.

ANSWER 32

PG&E does not agree with this assertion. PG&E's Gas Asset Management Policy¹ describes the principles for PG&E employees and contractors to observe, and does not specifically reference the details on how to achieve the identified principles including the requirement for an "internal electronic tracking system."

¹ PG&E's Gas Asset Management Utility Policy TD-01, Rev.1, was included as Attachment W0008 to PG&E's November 12, 2015 Reply Testimony.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q33		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q33		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 33

Have any “retained for life” records been lost as a result of “loose controls of record borrowing?” If so, explain what has been lost and how.

ANSWER 33

PG&E acknowledges that we have gaps in some records, including the record of inserted plastic main, which was missing from the Carmel job file and has not been located. However, as stated in Chapter 2, on pages 2-9 and 2-10, PG&E does not have knowledge of any “loose controls of records borrowing,” and is therefore not aware of a basis for the assertion that the aforementioned record, or any “retained for life records” that have been lost, were lost as a result of “loose controls of record borrowing.”

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q34		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q34		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 34

Admit that you have information that supports P. Wood Associates' conclusion that PG&E's loose controls of record borrowing has resulted in the loss of records.

ANSWER 34

PG&E does not agree with this assertion. As stated in Chapter 2, on pages 2-9 and 2-10, PG&E does not have knowledge of any "loose controls on records borrowing," nor has PWA provided a source for its systemic conclusion.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q35		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q35		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 35

Explain what your Quality Management group has done to improve the quality of your electronic tracking system.

ANSWER 35

The Gas Operations Quality Management team does not review the corporate records center tracking system (described in PG&E's response to CarmelCity_002-Q21). The Gas Operations Quality Management team is responsible for core Gas Operations services. The corporate records center tracking system is a corporate service tool, which is outside of the Gas Operations Quality Management team's scope of work.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q36		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q36		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 36

Do you contend you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel?

ANSWER 36

PG&E objects to this request on the ground that it is overbroad, vague, and ambiguous in its use of the phrase “your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel.”

The Records Information Management policies and procedures that would generally be applicable in whole or in part to the records relating to the work performed in Carmel on March 3, 2014 include the Gas Operations Vital Records Management - Utility Standard TD-4017S,¹ the Records Management Policy – Gov 01 (attached as document Bates numbered PGE_GDR_000000004), the Records Management Standard - GOV-7101S, Rev. 0 (attached as document Bates numbered PGE_GDR_000006120), and the Gas Operations Policy: TD-01, Rev. 0 (attached as document Bates numbered PGE_GDR_000040756). PG&E has not performed an analysis to determine whether, to the extent they might be applicable, these policies and procedures were specifically followed with respect to records relating to the work performed in Carmel. However, information relating to the work performed in Carmel is tracked in SAP as described in the response to CarmelCity_002-Q05.

¹ See attachment W011 to PG&E’s November 12, 2015 Reply Testimony.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q37		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q37		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 37

State all facts to support your contention that you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel.

ANSWER 37

See response to CarmelCity_002-Q36.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q38		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q38		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 8, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 38

Produce all documents to support your contention that you followed your internal Records Information Management policies and procedures regarding the assets related to the March 3, 2014 work performed in Carmel.

ANSWER 38

See PG&E's response to CarmelCity_002-Q36.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q39		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q39		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 39

Produce a copy of the Enterprise Records and Information Policy.

ANSWER 39

Provided as attachment Bates numbered PGE_GDR_000006118 through PGE_GDR_000006119 is the Corporation Policy, GOV-01: Records Management Policy.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q40		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q40		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 40

Produce a copy of the Pricewaterhouse Cooper report conducted on your asset management in 2012.

ANSWER 40

The attachment to this response has been marked CONFIDENTIAL and is submitted pursuant to a Non-Disclosure Agreement because it includes confidential employee and sensitive business information.

PG&E is not aware of a Pricewaterhouse Cooper report conducted on asset management for Gas Operations in 2012. PG&E is aware of a Pricewaterhouse Cooper report on Records and Information Management, dated March 31, 2012, and provides that report herein as document Bates numbered PGE_GDR_000024622 through PGE_GDR_000024736.

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q41		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q41		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:	Sumeet Singh	Requester:	Britt K. Strottman

QUESTION 41

Produce a copy of the internal audit report concerning your quality control process on data conversion identified on p. 2-12 of Sumeet Singh's prepared reply testimony.

ANSWER 41

The attachment to this response has been marked CONFIDENTIAL and is submitted pursuant to a Non-Disclosure Agreement because it includes confidential employee information.

Provided as attachment Bates numbered PGE_GDR_000008370 through PGE_GDR_000008372 is the April 24, 2015 internal audit report on "Pathfinder Progress – GIS Gas Distribution Maps."

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Response**

PG&E Data Request No.:	CarmelCity_002-Q42		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_CarmelCity_002-Q42		
Request Date:	November 19, 2015	Requester DR No.:	002
Date Sent:	December 7, 2015	Requesting Party:	City of Carmel
PG&E Witness:		Requester:	Britt K. Strottman

QUESTION 42

Produce a copy of the internal audit report on your gas operations records prepared in or around February 2014.

ANSWER 42

PG&E objects to this request on the ground that it is not reasonably calculated to lead to discovery of admissible evidence to the extent it seeks documents that are outside the scope of this proceeding as defined by the Commission's April 10, 2015 Scoping Memo and Ruling. The attachments to this response have been marked CONFIDENTIAL and are submitted pursuant to a Non-Disclosure Agreement because they include confidential employee information.

Without waiving and notwithstanding the objection, PG&E responds as follows. PG&E is not aware of an Internal Audit report on gas distribution operations records generally that was prepared in or around February 2014. However, PG&E has identified the Internal Audit reports listed below and produced herewith, which refer to gas distribution records and are dated in or around February 2014. With the exception of these documents, other Internal Audit reports dated in or around February 2014 are outside the scope of this proceeding.

Internal Audit Report	Bates No. Begin	Bates No. End
February 5, 2014: Gas Asset Mapping Duration Metric – Testing of 2013 Results (14-009)	PGE_GDR_000008193	PGE_GDR_000008195
February 5, 2014: Review of Gas Dig-In Investigations and Claims (14-010)	PGE_GDR_000008196	PGE_GDR_000008199

EXHIBIT D



SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO, CA 94104
+1 415 772 1200
+1 415 772 7400 FAX

mfiala@sidley.com
(415) 772 1278

BEIJING
BOSTON
BRUSSELS
CENTURY CITY
CHICAGO
DALLAS
GENEVA
HONG KONG
HOUSTON
LONDON
LOS ANGELES
NEW YORK
PALO ALTO
SAN FRANCISCO
SHANGHAI
SINGAPORE
SYDNEY
TOKYO
WASHINGTON, D.C.

FOUNDED 1866

November 19, 2015

Via E-Mail and U.S. Mail

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607

Re: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008) ("OII")

Dear Ms. Strottman:

PG&E has been notified by Leslie Banach McNiece that she has been served with a subpoena by Meyers, Nave on behalf of the City of Carmel-by-the-Sea in a CPUC proceeding, which we assume is the Gas Distribution Recordkeeping OII.

PG&E is entitled to notice of any subpoena for the taking of deposition testimony and/or production of documents. Cal. Pub. Util. Code § 1794; Cal. Code Civ. Proc. §§ 2025.220(b), 2025.240(a), (c). Please advise us at your earliest opportunity of the nature of the subpoena and, in particular, whether you have subpoenaed Ms. McNiece to give deposition testimony and/or produce documents, and the return time and date of the subpoena. Also please provide a copy of the subpoena served on Ms. McNiece, and any other discovery subpoenas you may have served on other witnesses.

We appreciate your response by close of business tomorrow.

Very truly yours,

Marie L. Fiala

EXHIBIT E



555 12th Street, Suite 1500
Oakland, California 94607
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Britt K. Strottman
Attorney at Law
bstrottman@meyersnave.com

December 1, 2015

Via U.S. Mail and Email

Marie L. Fiala
Sidley Austin LLP
555 California Street, Suite 2000
San Francisco, CA 94104

Re: PG&E Gas Distribution OII (I.14-11-008)

Dear Ms. Fiala:

Thank you for your November 19, 2015 letter. To answer your question, the City of Carmel-by-the-Sea served upon your office the subpoena my office served upon Ms. Banach. If you did not receive a copy of the subpoena, please let me know.

Carmel served the subpoena upon Ms. Banach as part of its ongoing investigation. She has not yet provided deposition testimony at this time and we have not received any documents in response to the subpoena.

Very truly yours,

Britt K. Strottman
Attorney at Law

BKS:kky

c: Mike Calhoun, Director of Public Safety/ Chief of Police Carmel Police Department
and Interim City Administrator (via Email)
Steve Meyers, Special Counsel (via Email)

2557382.1

EXHIBIT F

From: Strottman, Britt
Sent: Tuesday, December 15, 2015 9:37 AM
To: Griffin, Susan
Subject: FW: PG&E Gas Distribution OII (I.14-11-008)
Attachments: Banach subpoena.pdf

From: Strottman, Britt
Sent: Tuesday, December 01, 2015 12:05 PM
To: Fiala, Marie
Cc: Hill, Joshua; Meyers, Steven
Subject: RE: PG&E Gas Distribution OII (I.14-11-008)

Hello Marie, please see attached. Thank you, Britt

Britt K. Strottman
Principal

meyers | nave

[email](#) [vCard](#) [bio](#) [website](#)

office: 510.808.2000 mobile: 415.310.7523

Oakland • Los Angeles • Sacramento • San Diego • San Francisco • Santa Rosa

Confidentiality Notice: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Fiala, Marie [<mailto:mfiala@sidley.com>]
Sent: Tuesday, December 01, 2015 11:30 AM
To: Strottman, Britt
Cc: Hill, Joshua
Subject: FW: PG&E Gas Distribution OII (I.14-11-008)

Hello, Britt –

The subpoena served on Leslie Banach had not been received at our office as of yesterday. Would you be kind enough to send me an electronic copy by reply email?

Thank you for your courtesy in this regard,

Marie

MARIE FIALA
Partner

Sidley Austin LLP
+1 415 772 1278
mfiala@sidley.com

From: Yanaga, Kathleen [<mailto:kyanaga@meyersnave.com>]
Sent: Tuesday, December 01, 2015 10:30 AM
To: Fiala, Marie
Cc: mcalhoun@ci.carmel.ca.us; Meyers, Steven; Strottman, Britt
Subject: PG&E Gas Distribution OII (I.14-11-008)

Good morning:

Please see attached correspondence of this date regarding the above-referenced matter.

Kathleen K. Yanaga
Secretary to Britt K. Strottman

meyers | nave

[email](#) [website](#)

office: 510.808.2000

Oakland • Los Angeles • Sacramento • San Diego • San Francisco • Santa Rosa

Confidentiality Notice: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

EXHIBIT G

Subpoena Requested by:

Britt Strotzman (SBN: 209595))
(Name))

555 12th Street, Suite 1500)

Oakland, Ca 94607)
(Address))

510. 808. 2000)
(Telephone No.))

Representing: City of Carmel-By-The-Sea)

_____))
(Complainant, Defendant, Other)

Public Utilities Commission of the State of California

(Caption of Proceeding) I-14-11-008)

Order instituting investigation and)
Order to show cause on the)
Commission's own motion into the)
operations and practices of Pacific)
Gas and Electric Company with respect)
to facilities record for its natural)
gas distribution systems pipelines)

SUBPOENA OR SUBPOENA DUCES TECUM

Hearing Deposition
(Interview only)

THE PEOPLE OF THE STATE OF CALIFORNIA,

TO: Leslie Banach _____ (Special Agreement)

You are ordered to appear before the California Public Utilities Commission located at Meyer Lane 575 Market
St., Suite 2080, S.F., CA 94105 on 10-29-2015 at 2:00 pm
(Address) (Date) (Time)

to testify as a witness in this matter unless you make a special agreement with Britt Strotzman
(Name of Attorney or Party requesting Subpoena)

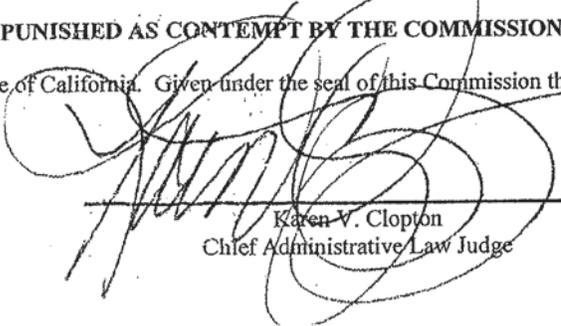
_____ to appear at another time. You are:

- Ordered to appear in person.
- Ordered to appear in person and produce the records described in the attached affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena.
- Not required to appear in person if you produce the records described in the attached affidavit in compliance with Evidence Code Sections 1560 and 1561.

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).

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

By order of the Public Utilities Commission of the State of California. Given under the seal of this Commission this 29th day of October 2015.



Karen V. Clopton
Chief Administrative Law Judge

PROOF OF SERVICE OF SUBPOENA

I served this subpoena/ subpoena duces tecum and supporting affidavit by delivering a copy personally to the person served as follows.

Person served (name) Leslie Banach

Address where served 575 Market St., Suite 2080
San Francisco, CA 94105

Date of delivery Oct. 29, 2015

Time of delivery _____

Witness fees (check one)

Were demanded and paid or tendered (Amount \$ _____)

Were not demanded or paid

Fees for service \$ _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 10/29/15 at San Francisco, California.
(date) (city)



(Signature)

EXHIBIT H

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OIL
Investigation 14-11-008
Data Request**

Recipient:	Carmel-by-the-Sea		
PG&E Data Request No.:	PGE_CarmelCity002		
PG&E File Name:	GasDistributionRecordkeepingOIL_DR_PGE_CarmelCity002		
Request Date:	December 1, 2015	PG&E Witness:	Eileen Cotroneo
Due Date:	December 15, 2015	PG&E Witness Phone No.:	(415) 973-2751

- Q 3: Provide copies of all discovery propounded by Carmel-by-the-Sea on any and all parties and Intervenor—other than PG&E—in this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories. For purposes of this data request, Carmel-by-the-Sea includes its elected officials, officers, employees, agents, including legal counsel, and/or consultants.
- a. Provide copies of any and all materials received by Carmel-by-the-Sea in response to said discovery.
- Q 4: Provide copies of all discovery propounded by Carmel-by-the-Sea on any and all non-parties in connection with this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories. For purposes of this data request, Carmel-by-the-Sea includes its elected officials, officers, employees, agents, including legal counsel, and/or consultants.
- a. Provide copies of any and all materials received by Carmel-by-the-Sea in response to said discovery.
- Q 5: Provide copies of all discovery served on Carmel-by-the-Sea by any and all parties and Intervenor—other than PG&E—in this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories.
- a. Provide copies of any and all materials produced by Carmel-by-the-Sea in response to said discovery.
- Q 6: Provide copies of all trial and/or hearing subpoenas propounded by, or served on, Carmel-by-the-Sea in this proceeding.

Q 7: Provide any and all non-privileged documents that constitute, comprise, or embody written, electronic, or oral communications with Leslie Banach, also known as Leslie Banach McNiece, including, but not limited to, letters, notes, emails, voicemail messages, or text messages.

EXHIBIT I



SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO, CA 94104
+1 415 772 1200
+1 415 772 7400 FAX

mfiala@sidley.com
(415) 772 1278

BEIJING	HONG KONG	SHANGHAI
BOSTON	HOUSTON	SINGAPORE
BRUSSELS	LONDON	SYDNEY
CENTURY CITY	LOS ANGELES	TOKYO
CHICAGO	NEW YORK	WASHINGTON, D.C.
DALLAS	PALO ALTO	
GENEVA	SAN FRANCISCO	

FOUNDED 1866

December 2, 2015

Via E-Mail and U.S. Mail

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607

Re: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008) ("OII")

Dear Ms. Strottman:

This responds to your letter of December 1, 2015 and your email of the same date transmitting a copy of the subpoena requested by your firm and directed to Leslie Banach with a return date of October 29, 2015.

Your letter states that the City of Carmel-by-the-Sea served a copy of the subpoena on this firm. We did not receive it and therefore were not given notice of a deposition subpoena as required by California law. Cal. Pub. Util. Code § 1794; Cal. Code Civ. Proc. §§ 2025.220(b), 2025.240(a), (c); *see also* CPUC Rules of Practice and Procedure, Rule 10.2.

Kindly provide the following information:

- The date on which the subpoena was served on the Sidley firm and a copy of the proof of service;
- Whether the subpoena was served on any other party in the OII proceeding and a copy of the proof of service;
- A description of any discovery event ("Banach discovery") that took place on or after October 29 pursuant to the subpoena, as well as identification of all persons who attended or otherwise participated in such Banach discovery;
- All notes, documents, and/or other records memorializing any such Banach discovery, excluding only such portions of notes as may reflect attorneys' mental impressions, conclusions, or opinions;

Britt K. Strottman, Esq.

December 2, 2015

Page 2

- Whether any deposition will be taken, documents will be produced, or any other discovery will be taken pursuant to the subpoena; and
- If yes to the last question, the specifics as to the nature, date, time, and location of any such future deposition, document production, or other discovery.

Please respond by end of the day tomorrow, December 3, 2015 so that PG&E may evaluate what steps it should take to preserve its rights in the OII proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Marie Fiala" followed by a stylized flourish or initials.

Marie L. Fiala

EXHIBIT J



555 12th Street, Suite 1500
Oakland, California 94607
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Britt K. Strottman
Attorney at Law
bstrottman@meyersnave.com

December 2, 2015

Via U.S. Mail and Email

Marie L. Fiala
Sidley Austin LLP
555 California Street, Suite 2000
San Francisco, CA 94104

Re: PG&E Gas Distribution OII (I.14-11-008)

Dear Ms. Fiala:

This letter responds to your letter dated December 2, 2015. To answer your questions, as we stated in our letter to you dated December 1, 2015, the City of Carmel-by-the-Sea did not depose Ms. Banach October 29, 2015 and we have not received any documents in response to the subpoena.

Very truly yours,

Britt K. Strottman
Attorney at Law

BKS:kky

c: Mike Calhoun, Director of Public Safety/ Chief of Police Carmel Police Department
and Interim City Administrator (via Email)
Steve Meyers, Special Counsel (via Email)

EXHIBIT K

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping OII
Investigation 14-11-008
Data Request**

Recipient:	Carmel-by-the-Sea		
PG&E Data Request No.:	PGE_CarmelCity003		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_PGE_CarmelCity003		
Request Date:	December 3, 2015	PG&E Requestor:	Eileen Cotroneo
Due Date:	December 17, 2015	PG&E Requestor Phone No.:	(415) 973-2751

DEFINITIONS

1. "BANACH" refers to Leslie Banach, also known as Leslie Banach McNiece.
2. "CARMEL" refers to the City of Carmel-by-the-Sea and any person acting on its behalf, with its authority, or at its direction, including, without limitation, any attorney(s) retained by or representing CARMEL and/or legal staff employed by or acting at the direction of such attorney(s).
2. "CARMEL DR_02" refers to CARMEL's Data Request Set 2 served on PG&E on November 19, 2015.
3. "COMMUNICATION" means every means of transfer or exchange of information, whether orally, by DOCUMENT, or otherwise, and whether face-to-face, in a meeting, by telephone, by electronic media, including computer, text message, facsimile, or email, by personal delivery, or otherwise.
3. "DOCUMENT" or "DOCUMENTS" includes but is not limited to all responsive hard copy documents and all electronically stored information such as emails, text messages, voicemail messages, audio files, and/or electronically stored documents such as, by way of example and without limitation, Microsoft Word files, in CARMEL's possession, custody, or control.
4. "RELATED TO" means concerning, referring to, describing, mentioning, evidencing, constituting, reflecting, recording, memorializing, comprising, discussing, pertaining to, or in any manner connected with the matter discussed in the data request.
5. "SUBPOENA" refers to the subpoena caused to be issued in this proceeding and served on behalf of the CARMEL on BANACH on or about October 29, 2015.

INSTRUCTIONS

CARMEL is instructed to answer the following data requests in the above-captioned proceeding with written, verified responses pursuant to Public Utilities Code § 314 and Rules 1.1, 1.11, and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure by the date indicated above. Restate the text of each request prior to providing the response.

DATA REQUESTS

- Q 8: With respect to the SUBPOENA,
- a. State whether the SUBPOENA was served on Pacific Gas and Electric Company (“PG&E”) or its counsel; and
 - b. State the date on which the SUBPOENA was served on PG&E or its counsel; and
 - c. Provide a copy of the proof of service documenting such service of the SUBPOENA on PG&E or its counsel.
- Q 9: With respect to the SUBPOENA,
- a. State whether the SUBPOENA was served on any other party to this proceeding.
 - b. State the date(s) on which the SUBPOENA was served on any other party to this proceeding.
 - c. Provide a copy of the proof(s) of service documenting such service of the SUBPOENA on any other party to this proceeding.
- Q 10: Describe specifically what discovery was conducted by CARMEL on or after October 29, 2015 pursuant to the SUBPOENA.
- a. Identify all persons who attended or otherwise participated in such discovery.
 - b. Provide copies of any and all DOCUMENTS received by CARMEL in response to such discovery.
 - c. Provide copies of all DOCUMENTS RELATED TO any such discovery.
- Q 11: State whether any deposition will be taken, DOCUMENTS will be produced, or any other discovery will be taken pursuant to the SUBPOENA.
- a. If any such deposition will be taken, DOCUMENTS will be produced, or any other discovery will be taken pursuant to the SUBPOENA, describe specifically the nature, date, time, and location of any such future deposition, DOCUMENT production, or other discovery.
- Q 12: With respect to any and all COMMUNICATION between CARMEL and BANACH,
- a. Identify specifically each and every such COMMUNICATION, including the nature, date, time, and location of such COMMUNICATION.

- b. Identify all persons with knowledge of such COMMUNICATION.
- c. Produce all DOCUMENTS RELATED TO such COMMUNICATION.

Q 13: With respect to CARMEL DR_02,

- a. Data Request 14 states:

“Admit that approximately 2 to 4 days after the March 3, 2014 explosion in Carmel, PG&E employees or agents Kurt Kremptotic and Alfonso Carnejo¹ contacted PG&E’s former Director of Information Management Compliance and requested the Carmel job file or a portion thereof.”

The footnote reads: “Carmel is informed and believes that these are the correct names of the subject PG&E employees or agents. In order to fully respond to this request, Carmel asks that PG&E investigate any spelling variances to ascertain the identity of these individuals.”

- b. State all facts RELATED TO the statements made in Data Request 14 or on which Data Request 14 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 14: With respect to CARMEL DR_02,

- a. Data Request 15 states:

“Admit that the requestors identified in the previous data request expressly instructed that the Carmel records NOT be tracked by your internal electronic tracking system (explained on p. 2-9 of Sumeet Singh’s prepared reply testimony). In other words, admit the requestors wanted no tracking of checking out the Carmel job file.”

- b. State all facts RELATED TO the statements made in Data Request 15 or on which Data Request 15 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 15: With respect to CARMEL DR_02,

- a. Data Request 16 states:

“Admit PG&E’s former Director of Information Management Compliance objected to the request without tracking the file, but she was instructed to do it anyway.”

- b. State all facts RELATED TO the statements made in Data Request 16 or on which Data Request 16 is based.

- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 16: With respect to CARMEL DR_02,

a. Data Request 17 states:

“Admit PG&E’s former Director of Information Management Compliance was instructed to send the Carmel job file to ‘corporate.’”

- b. State all facts RELATED TO the statements made in Data Request 17 or on which Data Request 17 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 17: With respect to CARMEL DR_02,

a. Data Request 18 states:

“Identify which person(s) viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel.”

- b. State all facts RELATED TO the statements made in Data Request 18 or on which Data Request 18 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 18: With respect to CARMEL DR_02,

a. Data Request 19 states:

“Admit the person(s) who viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel was one or more persons in management at its corporate headquarters.”

- b. State all facts RELATED TO the statements made in Data Request 19 or on which Data Request 19 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 19: With respect to CARMEL DR_02,

a. Data Request 20 states:

“Explain in detail why the person(s) who wished to view the Carmel job file did not want a tracking record of who borrowed the file.”

- b. State all facts RELATED TO the statements made in Data Request 20 or on which Data Request 20 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 20: With respect to CARMEL DR_02,

- a. Data Request 22 states:

“Admit you did not follow internal protocol of tracking the Carmel job file in March 2014.”

- b. State all facts RELATED TO the statements made in Data Request 22 or on which Data Request 22 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 21: With respect to CARMEL DR_02,

- a. Data Request 23 states:

“Were any records, data, or documents removed from the Carmel job file in March 2014?”

- b. State all facts RELATED TO the statements made in Data Request 23 or on which Data Request 23 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 22: With respect to CARMEL DR_02,

- a. Data Request 25 states:

“Were any records, data, or documents inserted into the Carmel job file in March 2014?”

- b. State all facts RELATED TO the statements made in Data Request 25 or on which Data Request 25 is based.
- c. Identify all persons with knowledge of such facts.
- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 23: With respect to CARMEL DR_02,

a. Data Request 27 states:

“Were any records, data, or documents lost from the Carmel job file in March 2014?”

b. State all facts RELATED TO the statements made in Data Request 27 or on which Data Request 27 is based.

c. Identify all persons with knowledge of such facts.

d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

Q 24: State whether any DOCUMENT has been withheld under a claim or privilege and/or other protection.

a. If yes, identify the data request or requests to which every DOCUMENT that has been withheld is responsive.

EXHIBIT L

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping 011
Investigation 14-11-008
Data Request**

Recipient:	Carmel-by-the-Sea		
PG&E Data Request No.:	PGE_CarmelCity002		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_PGE_CarmelCity002		
Request Date:	December 1, 2015	PG&E Witness:	Eileen Cotroneo
Due Date:	December 15, 2015	PG&E Witness Phone No.	(415) 973-2751

Q 3: Provide copies of all discovery propounded by Carmel-by-the-Sea on any and all parties and Intervenor—other than PG&E—in this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories. For purposes of this data request, Carmel-by-the-Sea includes its elected officials, officers, employees, agents, including legal counsel, and/or consultants.

Carmel-by-the-Sea has not propounded discovery “on any and all parties and Intervenor,” other than PG&E.

- a. Provide copies of any and all materials received by Carmel-by-the-Sea in response to said discovery.

See above.

Q 4: Provide copies of all discovery propounded by Carmel-by-the-Sea on any and all non-parties in connection with this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories. For purposes of this data request, Carmel-by-the-Sea includes its elected officials, officers, employees, agents, including legal counsel, and/or consultants.

Carmel-by-the-Sea has not propounded discovery on “any and all non-parties.”

- a. Provide copies of any and all materials received by Carmel-by-the-Sea in response to said discovery.

See above.

Q 5: Provide copies of all discovery served on Carmel-by-the-Sea by any and

all parties and Intervenors—other than PG&E—in this proceeding, including by way of example and without limitation, copies of any and all data requests, requests for depositions, subpoenas, requests for admission, and/or interrogatories.

There are no non-privileged documents responsive to this request. Carmel-by-the-Sea forwarded a copy of the subpoena the City issued to Ms. Banach to PG&E counsel Marie Fiala on December 1, 2015, see attached.

- a. Provide copies of any and all materials produced by Carmel-by-the-Sea in response to said discovery.

See above.

- Q 6: Provide copies of all trial and/or hearing subpoenas propounded by, or served on, Carmel-by-the-Sea in this proceeding.

Carmel-by-the Sea did not serve trial and/or hearing subpoenas in this proceeding.

- Q 7: Provide any and all non-privileged documents that constitute, comprise, or embody written, electronic, or oral communications with Leslie Banach, also known as Leslie Banach McNiece, including, but not limited to, letters, notes, emails, voicemail messages, or text messages.

There are no non-privileged documents responsive to this request.

From: Strottman, Britt
Sent: Tuesday, December 15, 2015 9:37 AM
To: Griffin, Susan
Subject: FW: PG&E Gas Distribution OII (I.14-11-008)
Attachments: Banach subpoena.pdf

From: Strottman, Britt
Sent: Tuesday, December 01, 2015 12:05 PM
To: Fiala, Marie
Cc: Hill, Joshua; Meyers, Steven
Subject: RE: PG&E Gas Distribution OII (I.14-11-008)

Hello Marie, please see attached. Thank you, Britt

Britt K. Strottman
Principal

meyers | nave

[email](#) [vCard](#) [bio](#) [website](#)

office: 510.808.2000 mobile: 415.310.7523

Oakland • Los Angeles • Sacramento • San Diego • San Francisco • Santa Rosa

Confidentiality Notice: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Fiala, Marie [<mailto:mfiala@sidley.com>]
Sent: Tuesday, December 01, 2015 11:30 AM
To: Strottman, Britt
Cc: Hill, Joshua
Subject: FW: PG&E Gas Distribution OII (I.14-11-008)

Hello, Britt –

The subpoena served on Leslie Banach had not been received at our office as of yesterday. Would you be kind enough to send me an electronic copy by reply email?

Thank you for your courtesy in this regard,

Marie

MARIE FIALA
Partner

Sidley Austin LLP
+1 415 772 1278
mfiala@sidley.com

From: Yanaga, Kathleen [<mailto:kyanaga@meyersnave.com>]
Sent: Tuesday, December 01, 2015 10:30 AM
To: Fiala, Marie
Cc: mcalhoun@ci.carmel.ca.us; Meyers, Steven; Strottman, Britt
Subject: PG&E Gas Distribution OII (I.14-11-008)

Good morning:

Please see attached correspondence of this date regarding the above-referenced matter.

Kathleen K. Yanaga
Secretary to Britt K. Strottman

meyers | nave

[email](#) [website](#)

office: 510.808.2000

Oakland • Los Angeles • Sacramento • San Diego • San Francisco • Santa Rosa

Confidentiality Notice: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

Subpoena Requested by:

Britt Strotzman (SBN: 209595))
 (Name))
555 12th Street, Suite 1500)
Oakland, Ca 94607)
 (Address))
510. 808. 2000)
 (Telephone No.))
 Representing: City of Carmel-By-The-Sea)
)
 _____)
 (Complainant, Defendant, Other)

Public Utilities Commission of the State of California

(Caption of Proceeding) I-14-11-008)
 Order instituting investigation and)
 Order to show cause on the)
 Commission's own motion into the)
 operations and Practices of Pacific)
 Gas and Electric Company with respect)
 to Facilities Record for its natural)
 gas distribution systems pipelines)

SUBPOENA OR
SUBPOENA DUCES TECUM

Hearing Deposition
 (Interview only)

THE PEOPLE OF THE STATE OF CALIFORNIA,

TO: Leslie Banach _____ (Special Agreement)

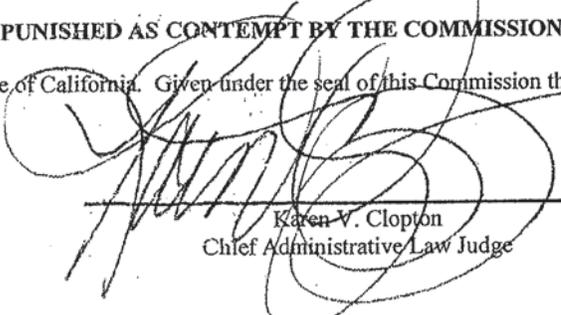
You are ordered to appear before the California Public Utilities Commission located at Meyer Lane 575 Market)
St., Suite 2080, S.F., CA 94105) on 10-29-2015) at 2:00 pm)
 (Address) (Date) (Time)
 to testify as a witness in this matter unless you make a special agreement with Britt Strotzman)
 _____ (Name of Attorney or Party requesting Subpoena)
 _____ to appear at another time. You are:

- Ordered to appear in person.
- Ordered to appear in person and produce the records described in the attached affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena.
- Not required to appear in person if you produce the records described in the attached affidavit in compliance with Evidence Code Sections 1560 and 1561.

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).

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

By order of the Public Utilities Commission of the State of California. Given under the seal of this Commission this 29th day of October 2015.



 Karen V. Clopton
 Chief Administrative Law Judge

PROOF OF SERVICE OF SUBPOENA

I served this subpoena/ subpoena duces tecum and supporting affidavit by delivering a copy personally to the person served as follows.

Person served (name) Leslie Banach

Address where served 575 Market St., Suite 2080
San Francisco, CA 94105

Date of delivery Oct. 29, 2015

Time of delivery _____

Witness fees (check one)

Were demanded and paid or tendered (Amount \$ _____)

Were not demanded or paid

Fees for service \$ _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 10/29/15 at San Francisco, California.
(date) (city)



(Signature)

EXHIBIT M



SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO, CA 94104
+1 415 772 1200
+1 415 772 7400 FAX

jhill@sidley.com
+1 415 772 1248

BEIJING
BOSTON
BRUSSELS
CENTURY CITY
CHICAGO
DALLAS
GENEVA
HONG KONG
HOUSTON
LONDON
LOS ANGELES
NEW YORK
PALO ALTO
SAN FRANCISCO
SHANGHAI
SINGAPORE
SYDNEY
TOKYO
WASHINGTON, D.C.

FOUNDED 1866

December 15, 2015

Via E-Mail

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607

Re: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008) (“OIP”)

Dear Ms. Strottman:

We are in receipt of Carmel-by-the-Sea’s (“Carmel”) responses to the second set of PG&E’s data requests directed to Carmel. In particular, with respect to Q7, we are surprised by your response that you do not have any non-privileged documents responsive to PG&E’s request for “documents that constitute, comprise, or embody written, electronic, or oral communications with Leslie Banach.” Note that Carmel should be defined to include the City of Carmel-by-the-Sea *and* any person acting on its behalf, with its authority, or at its direction, including, without limitation, any attorney(s) retained by or representing Carmel and/or legal staff employed by or acting at the direction of such attorney(s). Please confirm that there are no such communications between Carmel and Ms. Banach. In addition, please advise whether Carmel is asserting privilege over such communications with Ms. Banach.

Please respond by close of business on December 17, 2015. Feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joshua Hill".

Joshua Hill

EXHIBIT N

**PACIFIC GAS AND ELECTRIC COMPANY
Gas Distribution Recordkeeping 011
Investigation 14-11-008
Data Request**

Recipient:	Carmel-by-the-Sea		
PG&E Data Request No.:	PGE_CarmelCity003		
PG&E File Name:	GasDistributionRecordkeepingOII_DR_PGE_CarmelCity003		
Request Date:	December 3, 2015	PG&E Requestor:	Eileen Cotroneo
Due Date:	December 17, 2015	PG&E Requestor Phone No.:	(415) 973-2751

DEFINITIONS

1. "BANACH" refers to Leslie Banach, also known as Leslie Banach McNiece.
2. "CARMEL" refers to the City of Carmel-by-the-Sea and any person acting on its behalf, with its authority, or at its direction, including, without limitation, any attorney(s) retained by or representing CARMEL and/or legal staff employed by or acting at the direction of such attorney(s).
2. "CARMEL DR_02" refers to CARMEL's Data Request Set 2 served on PG&E on November 19, 2015.
3. "COMMUNICATION" means every means of transfer or exchange of information, whether orally, by DOCUMENT, or otherwise, and whether face-to-face, in a meeting, by telephone, by electronic media, including computer, text message, facsimile, or email, by personal delivery, or otherwise.
3. "DOCUMENT" or "DOCUMENTS" includes but is not limited to all responsive hard copy documents and all electronically stored information such as emails, text messages, voicemail messages, audio files, and/or electronically stored documents such as, by way of example and without limitation, Microsoft Word files, in CARMEL's possession, custody, or control.
4. "RELATED TO" means concerning, referring to, describing, mentioning, evidencing, constituting, reflecting, recording, memorializing, comprising, discussing, pertaining to, or in any manner connected with the matter discussed in the data request.
5. "SUBPOENA" refers to the subpoena caused to be issued in this proceeding and served on behalf of the CARMEL on BANACH on or about October 29, 2015.

INSTRUCTIONS

CARMEL is instructed to answer the following data requests in the above-captioned proceeding with written, verified responses pursuant to Public Utilities Code § 314 and

Rules 1.1, 1.11, and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure by the date indicated above. Restate the text of each request prior to providing the response.

Carmel's objects to PG&E's Instructions based on Public Utilities Code Section 314, Carmel did not obtain the "subpoena" through Public Utilities Code Section 314. The objection to Public Utilities Code Section 314 also applies to each and every answer below.

DATA REQUESTS

Q 8: With respect to the SUBPOENA,

- a. State whether the SUBPOENA was served on Pacific Gas and Electric Company ("PG&E") or its counsel; and

To the best of Carmel-by-the-Sea's ("Carmel") knowledge, Ms. Banach, or her counsel, served the subpoena on PG&E's counsel, but Carmel does not have knowledge of the exact date and does not have a copy of any correspondence that would show if or when Ms. Banach or her counsel served the subpoena on PG&E's counsel. Carmel is informed by counsel to Ms. Banach and therefore believes that Ms. Banach is not permitted to discuss any matter pertaining to PG&E and the CPUC with any person, at any time and for any reason, absent a "subpoena." PG&E is in possession and has knowledge of Ms. Banach's severance agreement. Carmel has not seen and has no such knowledge of such an agreement except that which is stated herein on information and belief and accordingly is unaware of its contents.

- b. State the date on which the SUBPOENA was served on PG&E or its counsel; and

Carmel provided a copy of the subpoena to PG&E's counsel Marie Fiala on December 1, 2015.

- c. Provide a copy of the proof of service documenting such service of the SUBPOENA on PG&E or its counsel.

Carmel provided a copy of the subpoena to PG&E's counsel Marie Fiala on December 1, 2015.

Q 9: With respect to the SUBPOENA,

- a. State whether the SUBPOENA was served on any other party to this proceeding.

The subpoena was not served on any other party to this proceeding.

- b. State the date(s) on which the SUBPOENA was served on any other party to this proceeding.

See above answer to Q 9(a).

- c. Provide a copy of the proof(s) of service documenting such service of the SUBPOENA on any other party to this proceeding.

See above answer to Q 9(a).

Q 10: Describe specifically what discovery was conducted by CARMEL on or after October 29, 2015 pursuant to the SUBPOENA.

- a. Identify all persons who attended or otherwise participated in such discovery.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- b. Provide copies of any and all DOCUMENTS received by CARMEL in response to such discovery.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Provide copies of all DOCUMENTS RELATED TO any such discovery.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to

the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 11: State whether any deposition will be taken, DOCUMENTS will be produced, or any other discovery will be taken pursuant to the SUBPOENA.

- a. If any such deposition will be taken, DOCUMENTS will be produced, or any other discovery will be taken pursuant to the SUBPOENA, describe specifically the nature, date, time, and location of any such future deposition, DOCUMENT production, or other discovery.

The subpoena speaks for itself, and by its express terms on its face, it was not issued for a deposition or the production of documents or for the attendance of a witness at hearing. City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 12: With respect to any and all COMMUNICATION between CARMEL and BANACH,

- a. Identify specifically each and every such COMMUNICATION, including the nature, date, time, and location of such COMMUNICATION.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this

request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- b. Identify all persons with knowledge of such COMMUNICATION.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Produce all DOCUMENTS RELATED TO such COMMUNICATION.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 13: With respect to CARMEL DR_02,

- a. Data Request 14 states:

"Admit that approximately 2 to 4 days after the March 3, 2014 explosion in Carmel, PG&E employees or agents Kurt Kremptoc and Alfonso Camejo ¹ contacted PG&E's former Director of Information Management Compliance and requested the Carmel job file or a portion thereof."

The footnote reads: "Carmel is informed and believes that these are the correct names of the subject PG&E employees or agents. In order to fully respond to this request, Carmel asks that PG&E investigate any spelling variances to ascertain the identity of these individuals."

- b. State all facts RELATED TO the statements made in Data Request 14 or on which Data Request 14 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of

the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 14: With respect to CARMEL DR_02,

- a. Data Request 15 states:

"Admit that the requestors identified in the previous data request expressly instructed that the Carmel records NOT be tracked by your internal electronic tracking system (explained on p. 2-9 of Sumeet Singh's prepared reply testimony). In other words, admit the requestors wanted no tracking of checking out the Carmel job file."

- b. State all facts RELATED TO the statements made in Data Request 15 or on which Data Request 15 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 15: With respect to CARMEL DR_02,

- a. Data Request 16 states:

"Admit PG&E's former Director of Information Management Compliance objected to the request without tracking the file, but she was instructed to do it anyway."

- b. State all facts RELATED TO the statements made in Data Request 16 or on which Data Request 16 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 16: With respect to CARMEL DR_02,

- a. Data Request 17 states:

"Admit PG&E's former Director of Information Management Compliance was instructed to send the Carmel job file to 'corporate.'"

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential

communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- b. State all facts RELATED TO the statements made in Data Request 17 or on which Data Request 17 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 17: With respect to CARMEL DR_02,

a. Data Request 18 states:

"Identify which person(s) viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel."

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

b. State all facts RELATED TO the statements made in Data Request 18 or on which Data Request 18 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 18: With respect to CARMEL DR_02,

- a. Data Request 19 states:

"Admit the person(s) who viewed the Carmel job file approximately 2 to 4 days (or more, pending on turnaround time) after the March 3, 2014 explosion in Carmel was one or more persons in management at its corporate headquarters."

- b. State all facts RELATED TO the statements made in Data Request 19 or on which Data Request 19 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 19: With respect to CARMEL DR_02,

- a. Data Request 20 states:

"Explain in detail why the person(s) who wished to view the Carmel job file did not want a tracking record of who borrowed the file."

- b. State all facts RELATED TO the statements made in Data Request 20 or on which Data Request 20 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident

investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 20: With respect to CARMEL DR_02,

- a. Data Request 22 states:

"Admit you did not follow internal protocol of tracking the Carmel job file in March 2014."

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- b. State all facts RELATED TO the statements made in Data Request 22 or on which Data Request 22 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 21: With respect to CARMEL DR_02,

- a. Data Request 23 states:

"Were any records, data, or documents removed from the Carmel job file in March 2014?"

- b. State all facts RELATED TO the statements made in Data Request 23 or on which Data Request 23 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 22: With respect to CARMEL DR_02,

- a. Data Request 25 states:

"Were any records, data, or documents inserted into the Carmel job file in March 2014?"

- b. State all facts RELATED TO the statements made in Data Request 25 or on which Data Request 25 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 23: With respect to CARMEL DR_02,

- a. Data Request 27 states:

"Were any records, data, or documents lost from the Carmel job file in March 2014?"

- b. State all facts RELATED TO the statements made in Data Request 27 or on which Data Request 27 is based.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- c. Identify all persons with knowledge of such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

- d. Produce all DOCUMENTS that reflect, pertain, or relate to such facts.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

Q 24: State whether any DOCUMENT has been withheld under a claim or privilege and/or other protection.

- a. If yes, identify the data request or requests to which every DOCUMENT that has been withheld is responsive.

City of Carmel-by-the-Sea objects to this request on the grounds that it seeks the production of privileged information in violation of the attorney-client privilege and the attorney work-product privilege. The City further objects to the legal characterization of the subpoena and the purposes for which it was issued. The information as to which the City asserts the attorney-client and work-product privilege consists of confidential communications between the City and its attorneys, as well as their confidential notes and information obtained or prepared by its attorneys during the course of or in anticipation of litigation. Furthermore, the information sought to be produced by this request was also obtained in the course of a continuing incident investigation by the Carmel Police Department in reference to the March 3, 2014 PG&E explosion.

EXHIBIT O



SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO, CA 94104
+1 415 772 1200
+1 415 772 7400 FAX

mfiala@sidley.com
(415) 772 1278

BEIJING
BOSTON
BRUSSELS
CENTURY CITY
CHICAGO
DALLAS
GENEVA
HONG KONG
HOUSTON
LONDON
LOS ANGELES
NEW YORK
PALO ALTO
SAN FRANCISCO
SHANGHAI
SINGAPORE
SYDNEY
TOKYO
WASHINGTON, D.C.

FOUNDED 1866

December 28, 2015

By Email

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607

Re: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008)

Dear Ms. Strottman:

The purpose of this letter is to meet and confer regarding the responses that Carmel has provided to Questions 4, 7, 10, 12, and 13 through 23 of PG&E's second and third sets of data requests. PG&E's data requests seek to elicit any facts that might support the assertions made in the November 19, 2015 data requests Carmel served on PG&E, which allege that, following the incident in Carmel on March 3, 2014, unnamed persons at PG&E either placed documents into, or removed documents from, the related job file. These allegations appear to have been based on information provided to Carmel by a former PG&E employee, Leslie Banach (McNiece). As PG&E only recently learned, the Meyers Nave firm subpoenaed Ms. Banach in this proceeding in October 2015—without serving the subpoena on the other parties, as the discovery rules require—and has interviewed Ms. Banach.

As demonstrated by PG&E's responses to Carmel's discovery, despite diligent efforts, PG&E has found no documents or other evidence that would support these allegations. PG&E therefore issued data requests to Carmel seeking any facts in Carmel's possession, including information provided by Ms. Banach, on which Carmel's assertions are based. In responses served on December 15 and 17, Carmel refused to provide any such documents or information. Carmel claims that, if any evidence exists, it is shielded from discovery by the attorney-client privilege and work-product protection, among other objections. For the reasons set forth below, these objections are meritless, and PG&E is entitled to full and complete responses.

PG&E requests that Carmel respond to this letter by close of business on Tuesday, December 29, indicating whether it will provide supplemental answers by the close of business on January 4. If Carmel does not agree to substantively supplement these responses, we will

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
December 28, 2015
Page 2

promptly move to compel so that ALJ Bushey will have an opportunity to resolve this issue prior to the start of the hearing on January 19.

PG&E Is Entitled to Discovery of the Facts Underlying the Statements in Carmel's Data Requests.

Questions 13 through 23 of PG&E's third set of data requests asked Carmel to state the facts related to its allegations about the Carmel incident, which—given that they reference alleged communications involving Ms. Banach—appear to be based on information provided by Ms. Banach. PG&E also asked Carmel to identify the documents related to (and the individuals with knowledge of) those facts. In response, Carmel has provided no documents or information, only a series of identical objections.

To begin with, it should be clear that no privileged relationship exists, or can exist, between counsel for Carmel and Ms. Banach. You have never asserted that you represent Ms. Banach and, in fact, your responses referenced the fact that Ms. Banach may be represented by her own counsel. In any event, the privilege protects only communications between an attorney and his or her clients, never facts. Carmel's claim that the information sought in these requests is the work product of its attorneys is also baseless. Parties are routinely required to share the facts that underlie their allegations through contention interrogatories. This is because, like the attorney-client privilege, the work product doctrine does not shield facts from discovery, no matter how they are learned.

Carmel also objects on the basis that the information underlying its allegations against PG&E has some relationship to an investigation conducted by the Carmel Police Department into the March 3, 2014 incident. First of all, Carmel has not made the foundational showing for the application of this privilege. Carmel's responses suggest that the information was acquired by Meyers, Nave, not by public employees. In addition, the information appears to have been obtained pursuant to the subpoena propounded by Meyers Nave on Ms. Banach, in which case all the parties to this proceeding have a right to it and it could not have been disclosed in confidence.

Even if Carmel could make the threshold showing, the privilege would still be inapplicable because the public's interest in disclosure far outweighs any interest Carmel might have in keeping the information secret. The integrity of this public process would be undermined if Carmel were permitted to voluntarily intervene to make serious accusations against PG&E and then refuse to disclose any related facts or evidence.

Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
December 28, 2015
Page 3

PG&E Is Entitled to Information About Carmel's Communications with Ms. Banach As Well As Any Documents or Information She Has Provided.

PG&E's Questions 7 and 12 ask Carmel for information regarding its communications with Ms. Banach. Questions 4 and 10 seek any discovery conducted pursuant to the subpoena Carmel served on Ms. Banach, including any documents she has provided. In response, Carmel has again provided the same three generalized objections addressed above, which fail with respect to these requests for similar reasons.

Because there is no attorney-client relationship between Meyers, Nave and Ms. Banach, the attorney-client privilege is inapplicable; similarly, any documents or other information provided by Ms. Banach to Carmel cannot constitute the work product of Carmel's attorneys. Carmel's blanket work product objection is also improper with respect to PG&E's request for the nature, time, and location of Carmel's communications with Ms. Banach. This information does not reveal the thinking of Carmel's lawyers, especially given that Carmel has already disclosed that it has been communicating with Ms. Banach. Carmel's police-investigation objection does not provide a basis to withhold Carmel's communications with Ms. Banach or the documents she has provided for the same reasons it cannot shield the facts underlying her allegations. On the other hand, if Carmel's ambiguous responses were intended to indicate that it has not received any documents from Ms. Banach or conducted any discovery pursuant to the subpoena, please provide supplemental responses saying so explicitly.

In addition, Carmel has objected to PG&E's "legal characterization of the subpoena [served on Ms. Banach] and the purpose for which it was issued." Carmel has not identified the PG&E description of the subpoena to which it is objecting, nor has it explained the relevance of this objection to its responses. As a result, PG&E does not know whether Carmel is withholding information on the basis of these contentions, nor how they could provide a justification for Carmel's refusal to respond. Please clarify in any supplemental responses whether you are withholding any information based on these contentions.

We look forward to your response to this letter.



Britt K. Strottman, Esq.
Meyers, Nave, Riback, Silver & Wilson
December 28, 2015
Page 4

Very truly yours,

A handwritten signature in cursive script that reads "Marie L. Fiala".

Marie L. Fiala

cc: Joshua Hill, Esq.

EXHIBIT P

From: Fiala, Marie
Sent: Tuesday, December 29, 2015 5:21 PM
To: Strottman, Britt
Cc: Hill, Joshua; Meyers, Steven
Subject: RE: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008)

Dear Ms. Strottman:

We will wait for your response until noon PST on Wednesday, December 30 before filing our motion to compel. That schedule leaves ALJ Bushey only a few days before the hearing to decide the issues presented by the motion. Of course, if Carmel decided in the interim to withdraw its objections and produce the requested documents, briefing and hearing on the motion would not need to proceed.

I wish you a very happy holiday.

Regards,

Marie Fiala

MARIE FIALA
Partner

Sidley Austin LLP
+1 415 772 1278
mfiala@sidley.com

From: Strottman, Britt [<mailto:bstrottman@meyersnave.com>]
Sent: Tuesday, December 29, 2015 4:55 PM
To: Hiwa, Jennifer; Fiala, Marie
Cc: Fiala, Marie; Hill, Joshua; Meyers, Steven
Subject: Re: PG&E Gas Distribution Order Instituting Investigation (I.14-11-008)

Ms. Fiala, I will respond to your letter tomorrow. I am out of town this week. Thank you, Britt

On Dec 28, 2015, at 2:04 PM, Hiwa, Jennifer <jhiwa@sidley.com> wrote:

Ms. Strottman,

Please see attached correspondence from Marie Fiala.

Kind regards,

JENNIFER HIWA
Legal Secretary

Sidley Austin LLP
Mailing Address:
555 California Street, Suite 2000

San Francisco, CA 94104

Temporary Physical Address (effective 10/12/15):

315 Montgomery Street, 12th Floor
San Francisco, CA 94104

+1 415 772 7404
jhiwa@sidley.com
www.sidley.com



This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

<2015.12.28 Meet and Confer letter to B. Strottman.pdf>

EXHIBIT Q



555 12th Street, Suite 1500
Oakland, California 94607
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Britt K. Strottman
Attorney at Law
bstrottman@meyersnave.com

December 30, 2015

Via U.S. Mail and Email

Marie L. Fiala
Sidley Austin LLP
555 California Street, Suite 2000
San Francisco, CA 94104

Re: PG&E Gas Distribution OII (I.14-11-008)

Dear Ms. Fiala:

Thank you for your December 28, 2015 meet and confer letter. After due consideration, Carmel will not provide supplemental responses to PG&E's data requests. PG&E's data requests essentially seek Carmel's attorney's notes, research, documents, statements, and information prepared through an attorney-led interview of an individual regarding pending litigation and a pending police incident investigation. These requests attempt to reveal the substance and source of internal discovery conducted by Carmel and betray the very purpose of work product protection. (See Code. Civ. Pro. § 2018.020.) In other words, PG&E attempts to take undue advantage of Carmel's industry and efforts. (Code. Civ. Pro. §§ 2018.020, 2018.040; *Dowden v. Superior Court* (1999) 73 Cal. App. 4th 126, 133.)

In *Coito v. Superior Court* (2012) 54 Cal. 4th 480, the California Supreme Court held that witness statements obtained through an attorney-directed interview are entitled to work product protection. (*Id.* at 494 [“in light of the origins and developments of the work product privilege in California, we conclude that witness statements obtained as a result of an interview conducted by an attorney, or by an attorney's agent at the attorney's behest constitute work product”].) The *Coito* court held that where a witness statement reveals an attorney's impressions, conclusions, points, or legal research, the statement is entitled to absolute privilege. (*Id.* at 495.) Even where witness statements obtained by an attorney do not reveal the attorney's thought process, they are nevertheless entitled to qualified work product protection. (*Id.* [“even when an attorney who exercises no selectivity in determining which witnesses to interview...the attorney has expended time and effort in identifying and locating each witness, securing the witness's willingness to talk, listening to what the witness said, and preserving the witness statements for possible future use.”].)

Carmel believes the information it obtained from this individual, who has yet to be listed as a “witness” in this proceeding, and any corresponding writings are entitled to absolute work product protection because it reflects its attorney’s impressions, analysis, and opinions and are thus not discoverable under any circumstance. (Code Civ. Proc. 2018.030(a).) The questions posed to the individual, and her answers, reflect the attorneys’ theories and strategy in this case. Even if the Court opines such information is subject to qualified protection under Code Civ. Procedure section 2018.030(b), PG&E cannot show the prerequisite prejudice or injustice. Your letter notes that the “public’s interest in disclosure far outweighs any interest Carmel might have in keeping the information secret.” This is not the applicable legal standard, but a standard under the Public Records Act. On the contrary, this individual is equally available to PG&E and PG&E is free to depose or interview this individual to obtain the facts PG&E seeks. Indeed, this individual is the best source for the information sought in the data requests. Any effort to obtain information known to Ms. Banach through the notes, reports, and impressions of an interview with her by Carmel’s attorneys is contrary to legal authority and would prejudice my client.

Your letter also takes issue with Carmel’s objection that the information and documents sought are not discoverable because they are part of a pending police incident investigation. Please note that Carmel’s Chief of Police participated in the interview of this individual as part of his official duties as a peace officer investigating the March 3, 2014 explosion. (See Evid. Code § 1040.) You are not entitled to know even this, but in the interest of being reasonable we so inform you. The information sought is also not discoverable for this reason.

I note that your meet and confer letter curiously cites no legal authority in support of your position that no privilege applies to an attorney-led witness interview during pending litigation and police incident investigation. If you believe there exists legal authority on point, please forward it to my attention prior to filing your motion to compel.

More fundamentally, we caution that we believe you and your client are engaging in an artifice to obstruct these investigatory proceedings. It is public information that the subject individual was a former officer and executive of PG&E charged with the creation of a records database, records management, and records retrieval system. (See I.11-02-016, PG&E’s Response to CPSD’s Reports: Records Management Within the Gas Transmission Division of PG&E Prior to the Natural Gas Transmission Pipeline Rupture and Fire, San Bruno, California, September 9, 2010 and Report and Testimony of Margaret Felts, Testimony of Witnesses – PG&E Company Expert Report of Maura L. Dunn, MLS, CRM, PMP citing Testimony of Leslie Banach, Director – Information Management Compliance, May 15-16, 2012 at Pages MD-58; MD-66 to MD-68.) In this proceeding, PG&E’s own data responses to the parties herein state that she is still listed on various records forms. This OII is about record keeping. We are informed and believe (as stated in our data responses) that this individual was terminated by PG&E with a severance that prohibited any disclosures to anyone at any time for whatever reasons without a subpoena, in essence a “gag order.” Now that a subpoena has been issued by this Commission for us to conduct an interview, PG&E now claims it is entitled to the substance of that interview because a

Marie L. Fiala
December 30, 2015
Page 3

subpoena was necessary. One could infer that PG&E and counsel have engaged in a deliberate attempt to prevent the availability of this individual for any purposes relevant to this OII, including for purposes of being a whistleblower. We certainly hope that inference is without merit.

I suggest that we have a conversation by phone or in person in order to meaningfully meet and confer on the issue and I will make myself available accordingly.

Very truly yours,



Britt K. Strottman
Attorney at Law

BKS:EED

c: Mike Calhoun, Director of Public Safety/ Chief of Police Carmel Police Department
and Interim City Administrator (via Email)
Steve Meyers, Special Counsel (via Email)

2568254.1

EXHIBIT R

From: Fiala, Marie
Sent: Wednesday, December 30, 2015 3:31 PM
To: Strottman, Britt
Cc: Meyers, Steven; Hill, Joshua; Collier, Elizabeth (Law)
Subject: PG&E/motion to compel issues

Dear Ms. Strottman:

I left you a message at 1:25 today, inviting a telephone discussion of the pending discovery issues. Since I haven't heard back from you yet, and given the urgent time frame, I'm writing to clarify that PG&E is not seeking production of witness statements, witness interview notes, internal memoranda, or similar qualified work product materials that may have been created in connection with your interview(s) of Leslie Banach. Rather, our requests seek production of documents as to which no claim of privilege protection could legitimately be asserted.

If you would provide unambiguous answers to the following questions, we could potentially resolve a large part, or even all, of the disputed issues:

1. Did Ms. Banach provide any documents, whether hardcopies, emails, electronic files, or in any other form, to Carmel (Q4, 10)?
2. If the answer to #1 is yes, will Carmel produce such documents to PG&E?
3. If the answer to #3 is no, on what basis does Carmel refuse to produce such documents?

The remainder of the disputed data requests (Q13-Q23) are contention interrogatories seeking to elicit the facts, if any, underlying assertions made in Carmel's November 19 data requests. If Carmel is willing to stipulate that it will not raise any of the contentions set forth in the data requests in the OII, PG&E does not require further responses. However, if Carmel is unwilling to stipulate and so keeps open the possibility that it will raise any of the contentions at the hearing, PG&E is entitled to discover the facts underlying the contentions prior to hearing. Cal. Code Civ. Proc. 2030.010(b).

Again, these requests do not ask Carmel to produce witness statements, interview notes, or other similar materials. Will Carmel agree to either stipulate that it is not making the contentions or, if it is unwilling to so stipulate, supplement its responses to the contention interrogatories by stating all facts called for by the requests?

As we have very little time prior to the scheduled hearing to have a motion heard, please let us have your written response to the above by 12:00 p.m. on December 31.

Regards,

Marie Fiala

MARIE FIALA
Partner

Sidley Austin LLP

Mailing Address:

555 California Street, Suite 2000
San Francisco, CA 94104

Temporary Physical Address (effective 10/12/15):

315 Montgomery Street, 12th Floor
San Francisco, CA 94104

+1 415 772 1278
mfiala@sidley.com
www.sidley.com



SIDLEY AUSTIN LLP

EXHIBIT S

From: [Strottman, Britt](#)
To: [Fiala, Marie](#)
Cc: [Meyers, Steven](#); [Hill, Joshua](#); [Collier, Elizabeth \(Law\)](#)
Subject: RE: PG&E/motion to compel issues
Date: Thursday, December 31, 2015 9:49:47 AM
Attachments: [image001.png](#)

Ms. Fiala, I didn't receive a voicemail from you yesterday, but I am free to talk to you today if needed. I am out of town, but can be reached on my cell at 415-310-7523. The answer to question number one is "no." The remainder questions are irrelevant. Furthermore, Carmel will not stipulate that it will not raise any of the contentions set forth in the data requests in the OII. PG&E has already denied the existence of any facts supporting those contentions. Without waiving our objections and without waiving privileges, the factual bases for the questions posed in our data request at issue are derived from our own investigation and analysis including, but not limited to, our interview of Ms. Banach.

Carmel has repeatedly attempted to meet with PG&E to discuss its concerns about the integrity of its gas distribution system, public safety and records keeping problems. The City believes that PG&E has patronized and marginalized the City and has been less than forthright and forthcoming. Mr. John's unceremonious cancellation of meetings with the Mayor and City leaders still rankles. We further stand by the comments made in our letter to you yesterday.

Please let me know if you have any additional questions. We are available to meet and confer after January 3 2016. Thank you, Britt

Britt K. Strottman

Principal

meyers | nave

[email](#) [vCard](#) [bio](#) [website](#)

office: 510.808.2000 mobile: 415.310.7523

Oakland · Los Angeles · Sacramento · San Diego · San Francisco · Santa Rosa

Confidentiality Notice: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Fiala, Marie [mailto:mfiala@sidley.com]
Sent: Wednesday, December 30, 2015 3:31 PM
To: Strottman, Britt
Cc: Meyers, Steven; Hill, Joshua; Collier, Elizabeth (Law)
Subject: PG&E/motion to compel issues

Dear Ms. Strottman:

I left you a message at 1:25 today, inviting a telephone discussion of the pending discovery issues. Since I haven't heard back from you yet, and given the urgent time frame, I'm writing to clarify that PG&E is not seeking production of witness statements, witness interview notes, internal memoranda, or similar qualified work product materials that may have been created in connection with your interview(s) of Leslie Banach. Rather, our requests seek production of documents as to which no claim of privilege protection could legitimately be asserted.

If you would provide unambiguous answers to the following questions, we could potentially resolve a large part, or even all, of the disputed issues:

1. Did Ms. Banach provide any documents, whether hardcopies, emails, electronic files, or in any other form, to Carmel (Q4, 10)?
2. If the answer to #1 is yes, will Carmel produce such documents to PG&E?
3. If the answer to #3 is no, on what basis does Carmel refuse to produce such documents?

The remainder of the disputed data requests (Q13-Q23) are contention interrogatories seeking to elicit the facts, if any, underlying assertions made in Carmel's November 19 data requests. If Carmel is willing to stipulate that it will not raise any of the contentions set forth in the data requests in the OII, PG&E does not require further responses. However, if Carmel is unwilling to stipulate and so keeps open the possibility that it will raise any of the contentions at the hearing, PG&E is entitled to discover the facts underlying the contentions prior to hearing. Cal. Code Civ. Proc. 2030.010(b).

Again, these requests do not ask Carmel to produce witness statements, interview notes, or other similar materials. Will Carmel agree to either stipulate that it is not making the contentions or, if it is unwilling to so stipulate, supplement its responses to the contention interrogatories by stating all facts called for by the requests?

As we have very little time prior to the scheduled hearing to have a motion heard, please let us have your written response to the above by 12:00 p.m. on December 31.

Regards,

Marie Fiala
MARIE FIALA
Partner
Sidley Austin LLP
Mailing Address:
555 California Street, Suite 2000
San Francisco, CA 94104

Temporary Physical Address (effective 10/12/15):
315 Montgomery Street, 12th Floor
San Francisco, CA 94104

+1 415 772 1278
mfiala@sidley.com
www.sidley.com



SIDLEY AUSTIN LLP

This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.
