

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



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Order Instituting Rulemaking to  
Establish Policies, Processes, and  
Rules to Ensure Safe and Reliable Gas  
Systems in California and Perform  
Long-Term Gas System Planning.

Rulemaking 24-09-012  
(Filed September 26, 2024)

**THE UTILITY CONSUMERS' ACTION NETWORK RESPONSE TO THE JOINT  
UTILITIES' MOTION REQUESTING CONFIDENTIALITY**



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Dated: July 16, 2025

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**THE UTILITY CONSUMERS’ ACTION NETWORK RESPONSE TO THE JOINT  
UTILITIES’ MOTION REQUESTING CONFIDENTIALITY MAPPING**

Pursuant to Rule 11.1(d) of the Commission’s Rules of Practice and Procedure, the Utility Consumers’ Action Network (“UCAN”) submits this response to the Southern California Gas Company’s (U 904 G), San Diego Gas & Electric Company’s (U 902 G), Pacific Gas And Electric Company’s (U 39 G), And Southwest Gas Corporation’s (U 905 G) Joint Motion For Leave To File Under Seal Specifically Identified Portions Of Their Responses To The April 18, 2025, Assigned Commissioners Ruling Requiring Submission Of Mapping Data For Compliance With Sb 1221 Maps (“Motion”).<sup>1</sup>

**1. Introduction**

SoCalGas, San Diego Gas and Electric, Pacific Gas and Electric, and Southwest Gas Corporation (“Joint IOUs”) filed a motion requesting confidentiality for specific parts of – or all parts of (i.e., in the case of the attached model non-disclosure agreement (“NDA”)<sup>2</sup> – their responses to the Assigned Commissioner’s Ruling Issuing Senate Bill 1221 Mapping Directions

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<sup>1</sup> R.24.09-012, Southern California Gas Company’s (U 904 G), San Diego Gas & Electric Company’s (U 902 G), Pacific Gas And Electric Company’s (U 39 G), And Southwest Gas Corporation’s (U 905 G) Joint Motion For Leave To File Under Seal Specifically Identified Portions Of Their Responses To The April 18, 2025, Assigned Commissioners Ruling Requiring Submission Of Mapping Data For Compliance With Sb 1221 Maps (hereafter “Motion”) (July 1, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M572/K574/572574574.PDF>.

<sup>2</sup> See, Response Heading 4.

to Utilities (“Ruling”).<sup>3</sup> In the Ruling, the Commissioner Douglas made clear that she supports transparency when she stated:

I encourage PG&E and all parties to recognize my commitment to making as much relevant information public as possible to further the objectives of SB 1221, while striking a balance between safety, feasibility, and openness. The PG&E-led discussions are an opportunity for parties to work through data issues and allow party representatives to access more sensitive information pursuant to an NDA.<sup>4</sup>

The Joint IOUs’ motion requesting confidentiality falls short on numerous counts and fails to align with Commissioner Douglas’s directions supporting data transparency. The motion makes unsupported or erroneous claims regarding harms to the Joint IOUs or to ratepayers. It fails to quote the specific sections of the statutes and regulations that claims would enable a ruling of confidentiality. It requests approval of a model NDA that the Joint IOUs failed to discuss with parties. Finally, it requests approval of a non-standard NDA that severely limits intervenors’ rights and expands the IOUs authority compared to a standard NDA. For these reasons, UCAN objects to the motion and requests the motion for confidentiality be denied.

## **2. THE MOTION ERRONEOUSLY CLAIMS THAT DISCLOSURES WOULD ELEVATE SECURITY RISKS – CLAIMS THAT THE COMMISSION HAS PREVIOUSLY DISMISSED IN OTHER PROCEEDINGS.**

In prior comments UCAN stated that the IOUs should be required to publicly disclose mapping information and that the “Sempra Utilities’ safety, security, and broader-risk claims are inaccurate and unsupported by empirical data.”<sup>5</sup> noting that transmission infrastructure’s locational data is already publicly available through other sources.<sup>6</sup> UCAN is not the only one to highlight the overuse of confidentiality claims. Southern California Edison (“SCE”), has voiced its frustration with some gas utilities’ stating that “SoCalGas asserts facts that Pacific Gas &

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<sup>3</sup> R.24-09-012, Assigned Commissioner’s Ruling Issuing Senate Bill 1221 Mapping Directions to Utilities (April 18, 2025), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M564/K184/564184170.PDF>.

<sup>4</sup> Ruling, pp. 8-9.

<sup>5</sup> R.24-09-012, UCAN Comments (March 18, 2025), pp. 2-6, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M559/K371/559371498.PDF>.

<sup>6</sup> *Ibid.*

Electric Company (“PG&E”) routinely makes public, such as inventory or linepack and storage withdrawal figures, are confidential.”<sup>7</sup>

UCAN continues to opine that transparency leads to more thorough analysis of energy planning options and ensures the best possible regulatory decisions through unimpeded access to knowledge, data, and analyses. Regarding confidentiality in this particular case, the Joint IOUs’ claim that:

Section 2, p.9 of Appendix A to the April 18, 2025, ACR requires that the SB 1221 maps include “Location of distribution mains included in each [foreseeable gas distribution line replacement] project, shown as lines on map.” This degree of geospatial pipeline segment mapping requires specific details which are less aggregated than census tracts or zip codes, amounting to disclosure of critical and sensitive information which has not been disclosed on a non-confidential basis by relevant past rulings on confidentiality. The public, non-confidential availability of the geo-spatial linear location of these facilities would compromise the Utilities’ and the Commission’s physical security and safety requirements for protecting against terrorist, sabotage or criminal acts which could damage such facilities and/or expose the general public to severe personal injury and damage.

However, the motion then contradicts itself when the Joint IOUs’ go on to implicitly acknowledge that bad actors already can collect the information that they would need to incapacitate the gas system when they state that “making such energy infrastructure data publicly available may enable a malicious actor to attack or disrupt gas pipeline service without the need for onsite reconnaissance or surveillance to assist with target selection.”<sup>8</sup> This seemingly is an acknowledgement of UCAN’s previous analysis in response SoCalGas’s prior claims that gas infrastructure locations were not known because so much of the gas infrastructure is located underground.<sup>9</sup> UCAN stated that:

all compressor stations are above ground. Many valve locations are above ground, and underground facilities are marked by the utilities to alert people in the area to gas infrastructure underground. The Sempra Utilities’ claims

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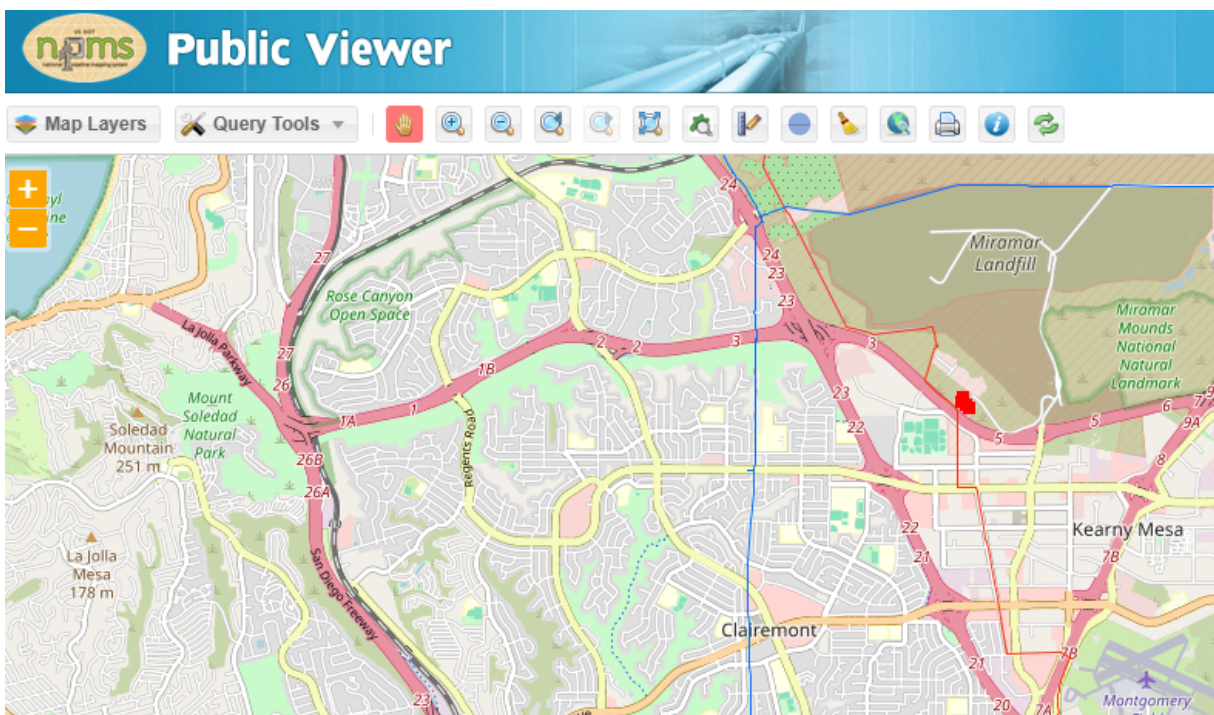
<sup>7</sup> I.17-02-002, Prehearing Conference Statement of Southern California Edison Company (February 17, 2021), p. 2.

<sup>8</sup> Motion, p. 3.

<sup>9</sup> R.24-09-012, UCAN Comments (March 18, 2025), pp. 2-6, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M559/K371/559371498.PDF>.

that bad actors do not have the information needed to inflict considerable damage and long-term outages to the gas system are without merit.<sup>10</sup>

In the Motion the gas utilities have requested confidentiality for data similar to the locations of gas transmission pipelines. However, in contrast to distribution pipelines, gas transmission pipelines supply gas at higher pressures through larger diameter pipes. Because of these attributes, transmission pipelines are more dangerous to California communities and would be the first targets of bad actors. Despite that, federal safety regulations still allow the United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) to publish detailed maps of transmission pipelines on its National Pipeline Mapping System (NPMS). The maps also include “gas transmission pipelines and hazardous liquid pipelines jurisdictional to PHMSA.”<sup>11</sup> The image below is a screenshot showing an example of the detailed information available on transmission lines located in the city of San Diego.<sup>12</sup>



This gas transmission map data is publicly available on the website of a U.S. regulatory agency and shows the specific street locations of all transmission pipelines and several other

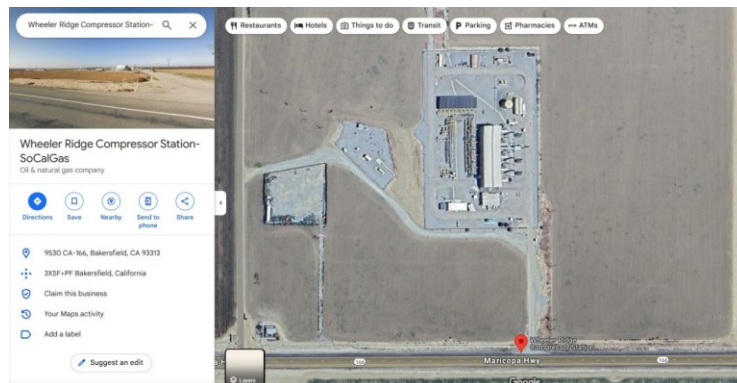
<sup>10</sup> R.24-09-012, UCAN Comments (March 18, 2025), pp. 2-6, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M559/K371/559371498.PDF>.

<sup>11</sup> PHMSA, <https://pynpms.phmsa.dot.gov/PublicViewer/>.

<sup>12</sup> *Ibid.*

types of hazardous infrastructure under PHMSA’s authority. Thus, the Joint IOUs’ Motion asks the Commission to restrict access to data far beyond what federal regulatory agencies have already decided is an acceptable level of disclosure.

ALJs have ruled against IOUs’ motions for confidentiality. For example, in response to a recent SoCalGas motion for confidentiality, an ALJ denied the request “[d]ue to the failure to present legal and factual support for confidential treatment.”<sup>13</sup> In fact, the Commission itself has previously cautioned the IOUs about their overuse of confidentiality claims. In D.20-08-031 the Commission stated that “the fear and uncertainty surrounding terrorist attacks to the utilities’ infrastructure has led to the [confidentiality] privilege being overused.”<sup>14</sup> In their Motion, the Joint IOUs’ lean heavily on threat of terrorist attacks even though, as noted above, and in UCAN’s March 18, 2025 comments, detailed information on the utilities’ gas infrastructure is readily available and thereby undermines the Joint IOUs’ assertion that other gas information would enable attacks on gas infrastructure. For example, UCAN previously noted that “Google Maps shows the location, satellite imagery, and turn-by-turn instructions for the location of SoCalGas compressor stations such as the Wheeler Ridge Compressor station shown in the screenshot of Google Maps below.”<sup>15</sup>



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<sup>13</sup> I.17.02-002, Administrative Law Judge’s Ruling on Confidentiality Claims By Southern California Gas Company Regarding Information in the Energy Division’s Modeling Report, Requesting Comments on The Energy Division’s Modeling Report (March 8, 2021), at p. 7, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M369/K691/369691866.PDF>.

<sup>14</sup> D.20-08-031, p. 8.

<sup>15</sup> R.24-09-012, UCAN Comments (March 18, 2025), pp. 4-5, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M559/K371/559371498.PDF>.



### **3. THE MOTION ERRONEOUSLY CLAIMS HARMS TO RATEPAYERS.**

Most Californians and most California businesses receive services from the large investor-owned utilities. It would be unusual to assume that a specific address does not receive utility service. However, the Joint IOUs assert that it is only with access to pipeline locations that such inferences could be made. The Joint IOUs state that “[t]he geospatial linear locations of pipeline segments identify the adjacent addresses of properties and property owners whose identity as respective Utility customers can reasonably be inferred from the location...”<sup>16</sup> This claim is without merit. Even if pipelines are located close to an address, there is no reason to believe that the person or entity at the address necessarily receives gas service or continues to receive gas service, even if it may have received service previously. UCAN opposes the Motions’ claim that pipeline proximity to specific addresses necessitates the IOUs withholding mapping data from the public.

### **4. THE MOTION REQUESTS APPROVAL OF A NON-STANDARD NDA THAT UNREASONABLY LIMITS THE RIGHTS OF INTERVENORS.**

The motion requests approval of a model NDA due to claims of confidentiality. If the Commission agrees that some information should be kept confidential, then the model NDA will need to be updated before intervenors can reasonably be asked to sign. UCAN opposes approval of the model NDA because it makes far more requirements of intervenors than the IOUs’ standard NDAs that intervenors are accustomed to signing. Moreover, the Joint IOUs made no attempt to confer with intervenors, or at least with UCAN, prior to proposing this atypical NDA to the Commission. If it had discussed the model NDA with intervenors, it may have been able to reach a resolution on numerous issues thereby minimizing the time needed for adjudication by the Commission.

As the Joint Community Choice Aggregators (“Joint CCA’s”) noted in their July 10, 2025 response to the Motion, the additional requirements in the Joint IOUs’ model NDA are unacceptable to intervenors.<sup>17</sup> In addition to the Joint CCA’s objections, UCAN also opposes the NDA for other reasons. For example, first, the NDA vaguely defines what the NDA considers

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<sup>16</sup> Motion, p. 7.

<sup>17</sup> R.24-09-012, Response of The Joint Community Choice Aggregators (July 10, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M572/K574/572574363.PDF>.

confidential instead of stating the specific information that is confidential under the agreement.<sup>18</sup> Second, the NDA limits the use of the data exclusively to “participation as an interested party in R.24-09-012 for Senate Bill (“SB”) 1221 planning and implementation purposes (“Purpose”), and for no other purpose.”<sup>19</sup> There are numerous Commission proceedings that relate to long-term gas planning and intervenors should be able to use the mapping data as needed in any CPUC proceeding as long as confidentiality is maintained. Third, the Indemnification paragraph is one-way indemnification that only benefits and protects the IOUs.<sup>20</sup> Fourth, the Document Retention paragraph allows the IOUs to “[a]t any time upon Utility’s request” withdrawal access to the data.<sup>21</sup> And as a final example of the significant issues with the proposed model NDA, under the Attorney’s Fees paragraph, the NDA assigns the responsibility of attorney’s fees to the prevailing party in a legal dispute, which has a chilling effect on small non-profits like UCAN when considering a possible dispute with multibillion-dollar companies such as the utilities.<sup>22</sup>

For the reasons above, if the Commission determines that an NDA is required to access mapping data and information, UCAN requests that the Commission require the Joint IOUs to meet and confer with intervenors before refiling a motion for approval of a model NDA for the instant proceeding.

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<sup>18</sup> NDA, p. 1.

<sup>19</sup> NDA, p. 2.

<sup>20</sup> NDA, p. 2.

<sup>21</sup> NDA, p. 3.

<sup>22</sup> NDA, p. 5.



## 5. CONCLUSION:

For the reasons above, UCAN opposes the IOUs' motion for confidentiality and opposes the Joint IOU's proposed model NDA.

Dated: July 16, 2025

Respectfully submitted,

/s/ Edward Lopez

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