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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

ADMINISTRATIVE LAW JUDGES' RULING DIRECTING GAS UTILITIES TO PROVIDE FURTHER INFORMATION RELATED TO THE MOTION TO FILE UNDER SEAL AND APPROVING A NON-DISCLOSURE AGREEMENT

On July 1, 2025, Southern California Gas Company (SoCalGas), San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), and Southwest Gas Corporation (Southwest Gas) (together, "Gas Utilities") filed a 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 Senate Bill (SB) 1221 (Joint Motion).

This ruling directs the Gas Utilities to cure procedural and substantive deficiencies in their Joint Motion by responding to specific questions. The questions are included in Sections 2.4 and 3.4 of this ruling. The response shall be titled, "Compliance Filing in Response to ALJs' Inquiry" and is due Monday, September 8, 2025. We encourage parties to file comments on the Gas Utilities' Compliance Filing by Friday, September 26, 2025.

This ruling does not determine the confidentiality of the information that the Gas Utilities have requested to file under seal. Currently, that request is under submission pending the Gas Utilities' Compliance Filing and party comments.

However, we are aware that the information that the Gas Utilities have requested to file under seal may be helpful to parties as they provide comments on the Gas Utilities' recommended priority neighborhood decarbonization zones. As such, this ruling also approves a Non-Disclosure Agreement (NDA) and a Non-Disclosure Certificate to cover the information the Gas Utilities have requested to file under seal in their Joint Motion. The NDA and Non-Disclosure Certificate are included with this ruling as Appendix A. The Gas Utilities shall immediately allow interested parties who sign the Non-Disclosure Certificate attached to the NDA to access the information they requested to file under seal.

1. Background

On July 1, 2025, the Gas Utilities submitted maps of their systems to the Commission. Concurrently, the Gas Utilities filed the Joint Motion to seal the location of distribution mains in each foreseeable gas distribution line replacement project. The Joint Motion claims that this information is:

1. Critical and sensitive gas system infrastructure information; and
2. Customer information.

There are three attachments to the Gas Utilities' Joint Motion. Attachment A is a Proposed Order. Attachment B included declarations and matrices, specifying the legal bases for the Gas Utilities' confidentiality claims. The Gas Utilities represent that the declarations are provided as required by General Order

(GO) 66-D.[1] Attachment C is a form model NDA that the utilities request the Commission approve.

On July 10, 2025, the Joint Community Choice Aggregators (Joint CCAs) filed a response to the Joint Motion, specifically opposing the Gas Utilities' proposed form model NDA and offering other sample NDAs. On July 16, 2025, the Utility Consumers' Action Network (UCAN) filed a response opposing the Gas Utilities' requests for confidential treatment and the proposed form model NDA. On July 25, 2025, the Gas Utilities filed a joint reply to the Joint CCAs' and UCAN's response.

2. Confidentiality Claims for Critical Infrastructure

2.1. Gas Utilities' and UCAN's Arguments

The Gas Utilities request confidential treatment of information related to distribution mains in foreseeable gas distribution line replacement projects because they assert it is critical and sensitive. According to the Gas Utilities, the degree of geospatial pipeline segment mapping ordered by the ACR requires specific details that are less aggregated than census tracts or zip codes, "amounting to disclosure of critical and sensitive information."[2]

The Gas Utilities assert that making the information public "may assist with the identification of single points of failure, choke points, or other critical nodes vulnerable to attack or disruption."[3] In other words, making this information public may enable bad actors to attack or disrupt gas pipeline service. The Gas Utilities reference a recent example of this real-world risk;

[1] Joint Motion at 8.

[2] *Id*. at 3.

[3] *Ibid*.

federal congressional testimony and documents; and chapter 19 of the International Centre for Counter-Terrorism Handbook of Terrorism Prevention and Preparedness.[4]

In response, UCAN asserts that the Gas Utilities' safety, security, and broader-risk claims are inaccurate and unsupported by empirical data because the infrastructure locations in question are no more sensitive than those already public.[5] UCAN states that the Gas Utilities treat access to the same information differently.[6] It asserts that bad actors can already collect this information, and some gas utility infrastructure is visible above ground.[7] It argues that federal regulatory agencies disclose data on more dangerous gas infrastructure.[8] Finally, UCAN highlights Commission determinations that the confidentiality privilege regarding critical infrastructure is being overused.[9]

In reply, the Gas Utilities assert that the risk of disclosure of the utilities' critical gas distribution infrastructure information is undisputed and reject UCAN's claims that because so-called "similar" gas transmission date is publicly available, the infrastructure data currently at issue should also be publicly available.[10] As an alternative to public disclosure, the Gas Utilities recommend use of an NDA.

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[4] *Id*. at 4-6.

[5] UCAN Response at 3-5.

[6] *Id*. at 2-3.

[7] *Id.* at 3-4.

[8] *Id*. at 4-5.

[9] *Id*. at 5.

[10] Gas Utilities Reply at 3 (asserting UCAN's claim should be dismissed because "it is contrary to the undisputed risk of disclosure").

2.2. Legal Standard

GO 66-D makes clear that the entity requesting confidential treatment bears the burden of proving why information should be withheld from the public.[11] The entity requesting confidential treatment must also specify the basis for the Commission to provide confidential treatment with specific citation to an applicable provision of the California Public Records Act.[12]

If the entity submits that the information is confidential because it is critical infrastructure information, GO 66-D requires:

> …a detailed showing that the subject information: (1) is not customarily in the public domain by providing a declaration in compliance with Section 3.2(c) stating that the subject information is not related to the location of a physical structure that is visible with the naked eye or is available publicly online or in print; **and** (2) the subject information either: could allow a bad actor to attack, compromise or incapacitate physically or electronically a facility providing critical utility service; or discuss vulnerabilities of a facility providing critical utility service.[13]

If the entity cites Government Code Section 7922.000, or the public interest balancing test, the entity "must demonstrate with granular specificity on the facts of the particular information why the *public* interest served by not disclosing the record clearly outweighs the *public* interest served by disclosure of the record."[14]

2.3. Discussion

Here, procedural and substantive deficiencies preclude us from ruling on the Gas Utilities' Joint Motion. We direct the Gas Utilities to cure these

[11] GO 66-D, § 3.2.

[12] GO 66-D, § 3.2(b).

[13] GO 66-D, § 3.2(b) (emphasis original).

[14] *Ibid*. (emphasis original).

deficiencies by answering the questions in Sections 2.4 and 3.4 below in a Compliance Filing that is filed and served by Monday, September 8, 2025.

2.3.1. Legal Authority for Claim

In support of their claim, the Gas Utilities reference California Government Code Section 6255(a).[15] Although this Section was repealed, the Legislature replaced it with Government Code Section 7922.000, which states: "An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." The Commission has called this "the most relevant statute governing the Commission's review of critical infrastructure claims."[16]

However, instead of fully addressing the requirements set forth in Government Code Section 7922.000, as required by GO 66-D, the Gas Utilities cite various other legal authorities for their arguments that have questionable relevance. In the Joint Motion, the Gas Utilities reference Resolution L-436, which pertains to the Commission's disclosure of routine safety-related records,[17] and Decision (D.) 14--05-016, which protects private customer data, not critical

[15] Joint Motion at Attachment A, Attachment B. The reference only appears in the Attachment B declarations in support of SoCalGas, SDG&E, and Southwest Gas. PG&E does not reference the statute in their declaration.

[16] D.20-08-031 at 13.

[17] In the Proposed Order, the gas utilities mischaracterize language on page 8 of L-436 and broadly apply it. Specifically, the gas utilities represent that under L-436, the Commission "will" refrain from making detailed maps showing the location of specific utility regulator stations, valves, and similar facilities. (Attachment A at 1.) Instead, L-436 states that "we often refrain" from making this information available. (L-436 at 8.) Additionally, L-436 states that the "scope of redactions may vary with the facts of the particular case." (*Ibid*.) Finally, we note that the Gas Utilities were not asked to map specific utility regulator stations and valves, and have not shown that the requested information qualifies as "similar facilities."

infrastructure information.[18] In the Proposed Order, the Gas Utilities' citations include a reference to the Commission's approval of a settlement agreement between Southern California Edison Company and the Safety and Enforcement Division.[19] The Gas Utilities' reference to federal law and a Federal Energy Regulatory Commission (FERC) regulation as the legal basis for their request conflicts with a Commission determination that requests "based in federal law and regulation rarely apply to the Commission," and the FERC regulation does not "limit disclosure of information independently obtained by state agencies."[20] Similarly, the Commission previously found the utilities' reliance on certain repealed sections of the Government Code, including Section 6254(ab), inapplicable. The Commission stated that reliance on this Section "would not apply to records provided to the Commission directly."[21]

The *Administrative Law Judge's Ruling on Gas Utilities' Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data* (October 28, 2022, Ruling), which was filed in the docket of Rulemaking (R.) 20-01-007 on October 28, 2022, describes other problems with the legal basis put forward by the Gas Utilities in their Joint Motion. Namely, reference to the PHMSA regulatory framework only applies to disclosures made

[18] Joint Motion at n.5.

[19] *Id.* at Attachment A (referencing D.17-09-024). The decision does not appear to be relevant to the issue of confidential treatment of critical infrastructure.

[20] D.20-08-031 at 12.

[21] D.20-08-021 at 8-9.

by PHMSA itself.[22] Moreover, the Gas Utilities' assertions of confidential trade secrets require a showing that Gas Utilities failed to provide.[23]

2.3.1. Availability in the Public Domain

In this present proceeding, SoCalGas, SDG&E, and Southwest Gas failed to provide the required declaration that the alleged confidential information is not visible to the naked eye or available publicly.[24] While PG&E did provide such a declaration,[25] PG&E did not explain how the alleged confidential information at issue in the Joint Motion merits different treatment from related information that has been deemed and/or treated as public.

Specifically, the Administrative Law Judge assigned to R.20-01-007 stated in the October 22, 2022 Ruling that:

> Much of the location information at issue here is public: gas distribution pipeline locations are public knowledge, as the public is already aware that such pipelines run beneath streets in areas served by gas utilities. In fact, the Environmental Defense Fund and Google Earth Outreach performed a pilot study mapping pipeline leaks by simply driving city streets, where one of the locations was in Pasadena, California, which is in SoCalGas territory. On transmission pipelines, the National Pipeline Mapping System provides publicly available maps of their locations with a minimum accuracy of

[22] R.20-01-007, *Administrative Law Judge's Ruling on Gas Utilities' Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data* (Oct. 28, 2022) at 7.

[23] *Id*. at 7-8.

[24] Joint Motion at Attachment B, Declarations of Travis Sera and Lucas Thornton.

[25] Joint Motion at Attachment B, Declaration Supporting Confidential Designation on Behalf of Pacific Gas and Electric Company.

+/- 500 feet. Where the information is publicly available, confidential protections are not appropriate.[26]

In addition, Southwest Gas, which operates inside and outside of California, provides a public map of its ongoing distribution utility main projects in Arizona and Nevada.[27] SoCalGas and SDG&E provide public maps of their transmission pipelines and high-pressure (>60 psi) distribution pipelines.[28] SoCalGas also has reported that it conducts public outreach regarding its Distribution Integrity Management Program (DIMP) gas distribution replacement projects.[29]

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[26] R.20-01-007, *Administrative Law Judge's Ruling on Gas Utilities' Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data* (Oct. 28, 2022) at 6. The ruling references Environmental Defense Fund, Los Angeles Area: Snapshot of natural gas leaks under city streets, which was last visited on September 13, 2022. While the Environmental Defense Fund no longer displays the Snapshot, SoCalGas makes a Methane Emissions Map available at https://www.socalgas.com/safety/methane-emissions/methane-emissions-map. The ruling also references the National Pipeline Mapping System at https://www.npms.phmsa.dot.gov. Users may see the map by selecting "Use Public Map Viewer."

[27] Southwest Gas, Construction Projects, https://www.swgas.com/en/construction-projects, which links to Construction Notification Webmap, https://gis.swgas.com/arcgis/apps/webappviewer/index.html?id=d78e5618d4da497f994488cd72cbf5ac, accessed on August 1, 2025.

[28] SoCalGas, Gallery for SoCalGas GIS, https://socalgas.maps.arcgis.com/home/gallery.html?sortField=relevance&sortOrder=desc&focus=maps-webmaps; SDG&E, High Pressure Gas Pipeline Map, https://www.sdge.com/safety/gas-safety/pipeline-map. The high-pressure (>60 psi) distribution pipelines are depicted on the map as light blue lines.

[29] When discussing DIMP project coordination with local governments, SoCalGas stated, "We regularly and routinely engage the community through various methods to share information about our operations and pending projects. Community outreach may take the form of community canvasing, stakeholder briefings, including at city council/board of supervisor meetings, facility tours, informational newsletters, social media posts, and dedicated project websites." SoCalGas, Response to CPUC staff data request, November 29, 2023.

2.3.2. Public Interest Balancing Test

The Gas Utilities represent that there is a basis to treat the location of distribution mains in foreseeable gas distribution line replacement projects as confidential under the Government Code Section 7922.000 balancing test.[30] Under GO 66-D, if an information submitter cites Section 7922.000 as the basis for their request for confidentiality, they must "demonstrate with granular specificity on the facts of the particular information why the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."

While the Gas Utilities' Joint Motion discussed the sensitivity of infrastructure in general, the Gas Utilities did not balance this discussion with an analysis of the public interest served by disclosure. Moreover, the Gas Utilities did not demonstrate why we should treat the location of *all* distribution mains included in each foreseeable gas distribution line replacement (the facts of the particular information at issue) with the same sensitivity as electric substations, cross-border oil pipelines, and major transmission pipelines highlighted in their Joint Motion. We offered the Gas Utilities the opportunity to cure these defects in their reply to UCAN's claims that certain parts of this infrastructure are above ground, and other infrastructure of greater sensitivity is mapped publicly online. However, the Gas Utilities' reply did not directly address UCAN's claim or otherwise invoke the necessary balancing.

We see a potential public interest in disclosure. Indeed, the October 28, 2022 Ruling stated that disclosure of similar information "is critical to supporting

[30] *See* Joint Motion at Attachments A, B.

stakeholder discussions regarding geographic variations in bases for maintaining or decommissioning gas infrastructure."

2.4. Questions for Gas Utilities

To cure the procedural and substantive deficiencies, we direct the Gas Utilities to answer the following:

1. How is the information the Gas Utilities request in their Joint Motion to seal different from the information available in the public domain or reasonably inferred by the public?
2. Why does the risk of disclosure outweigh the potential public benefits referenced above, as required by Gov. Code Section 7922.000 and GO 66-D? Do the utilities want to narrow their request?
3. Is there other legal authority beyond Gov. Code Section 7922.000 that applies to the request for confidentiality, and, if so, how does it apply?

3. Confidentiality Claims for Customer Information

3.1. Gas Utilities' and UCAN's Arguments

The Gas Utilities allege that the "geospatial linear locations of pipeline segments identify the adjacent addresses of properties."[31] According to the Gas Utilities, this would allow members of the public to infer the identity of respective utility customers.[32] The Gas Utilities argue that customer information must be maintained as confidential to avoid violating Commission customer privacy rules and legal requirements.[33]

In response, UCAN asserts that there is no merit to the Gas Utilities' claim that geospatial linear locations of pipeline segments would allow members of the

[31] Joint Motion at 7.

[32] *Ibid*.

[33] *Id*. at 7-8 (referencing Pub. Util. Code § 8380(e)(1), D.11-07-046, and D.14-05-016).

public to identify respective utility customers.[34] According to UCAN, "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."[35]

3.2. Legal Standard

Pub. Util. Code Section 8380 prohibits the disclosure of certain customer information, including utility usage data and personal information, to the public without customer consent. In D.14-05-016, the Commission defined "personal information" as any information that identifies, relates to, describes, or is capable of being associated with a particular individual, including their address.[36]

3.3. Discussion

The Gas Utilities were not directed to indicate addresses at the pipeline segment locations in their maps. Moreover, the Gas Utilities were not required to indicate whether properties near pipeline segments are gas customers.

3.4. Questions for Gas Utilities

To cure the procedural and substantive deficiencies that have precluded our ability to rule on the Joint Motion, we direct the Gas Utilities to answer the following:

4. Why does Pub. Util. Code Section 8380 apply when the Gas Utilities were not directed to indicate addresses at the pipeline segment locations in their maps or indicate whether properties are gas customers?

[34] UCAN Response at 6.

[35] *Ibid*.

[36] D.14-05-016 at 19.

4. Party Comments

The Scoping Memo identifies the following issues within the scope of this proceeding:

> 10.c. How should the Commission ensure that the activities required by [Public Utilities Code] Section 661 best support other current and future Commission-directed activities?
>
> 10.d. How should the Commission treat any information utilities may claim as confidential, including customer gas consumption data, customer counts, and infrastructure data?[37]

Both issues require further record development and are relevant to the Commission's request to file certain SB 1221 mapping information under seal.

We, therefore, invite parties, including Gas Utilities, to provide comments on these issues. Parties other than Gas Utilities may also include comments on the Gas Utilities' Compliance Filing, the questions asked in this ruling, and the risks and benefits of public disclosure. Comments are due Friday, September 26, 2025.

5. Model NDA

5.1. Gas Utilities', the Joint CCAs', and UCAN's Arguments

In their Joint Motion, the Gas Utilities request that the Commission approve their form model NDA.[38]

The Joint CCAs object to the Gas Utilities' NDA. They recommend that the Gas Utilities be required to show why any existing NDA is insufficient to cover the confidential information provided.[39] The Joint CCAs further argue that the

[37] Scoping Memo at 6.

[38] Joint Motion at Attachment A at 2.

[39] Joint CCAs Response at 4.

Commission has put no bounds on the CCAs' use of customer information data.[40] Following the Joint CCAs' logic, the utilities should also then justify why the Joint CCAs would need to sign an NDA for this information.

Beyond these points, the Joint CCAs note that their chief concern with the Gas Utilities' proposed NDA is "the fact that the gas utilities have inappropriately interposed themselves as gatekeepers and cyber security investigators" of the receiving entity.[41] The Joint CCAs state that the model NDA is "far more involved and invasive" than other NDAs the Joint CCAs have entered into with PG&E.[42] Specifically, the NDAs permit the Gas Utilities to determine, as a preemptive measure, what evidence is acceptable to persuade the gas utility that sufficient protections of the information are in place.[43] The Joint CCAs assert that this "level of scrutiny and pre-authorization is unjustified, and threatens to further delay CCAs getting access to map data."[44]

UCAN also opposes approval of the model NDA because it has far more requirements than utilities' standard NDAs. UCAN states that if the Gas Utilities had discussed the model NDA with other intervenors, they may have reached an agreement.[45] Both UCAN and the Joint CCAs recommend specific changes to the NDAs, including modifications to the "attorney's fees" clause.[46]

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[40] *Id*. at 5.

[41] *Id*. at 3.

[42] *Id*. at 6.

[43] *Ibid*.

[44] *Id*. at 7.

[45] UCAN Response at 6.

[46] Joint CCAs Response at 8; UCAN Response at 6-7.

In their reply, the Gas Utilities do not provide additional justification for their NDA. Instead, they claim that the Joint CCAs "apparently mistrust the good faith and objectivity of the utilities in acting as 'gatekeepers' to review the Joint CCAs' own protocols and protections for CEII in compliance with the NDA's physical and cybersecurity terms and conditions."[47] As an alleged middle ground, the Gas Utilities propose meeting with the Joint CCAs to review and discuss CEII security protocols.[48] If there is disagreement, the Joint CCAs could request resolution from the Commission's Safety Division, the assigned Commissioner, and the Administrative Law Judges in this proceeding.[49]

5.2. Discussion

We acknowledge that there is currently no undisputed NDA for parties to use, despite the assigned Commissioner's direction to PG&E to attempt to resolve confidentiality concerns through a potential NDA before June 4, 2025.[50] We are also sympathetic to the concern that further NDA negotiations will delay parties' ability to gain access to the information the Gas Utilities requested to be filed under seal. Parties have already been asked to submit opening comments on the Gas Utilities' recommendations for priority neighborhood decarbonization zones without this critical data. We aim to enable access before reply comments are due.

As such, this ruling approves an NDA to cover the information the Gas Utilities have requested to file under seal. The NDA is attached to this ruling as

[47] Gas Utilities Reply at 4.

[48] *Ibid*.

[49] *Ibid*.

[50] *Assigned Commissioner's Ruling Issuing Senate Bill 1221 Mapping Directions to Utilities* (April 18, 2025) at 10.

Appendix A. The NDA adapts portions of the Gas Utilities' NDA, including a Non-Disclosure Certificate, as well as portions of the NDAs attached by the Joint CCAs as Attachments 2 and 3 to their response. The Gas Utilities shall immediately allow interested parties who sign the Non-Disclosure certificate attached to the NDA to access the information they have requested to file under seal in their Joint Motion.

We reiterate that this ruling does not determine whether the information the Gas Utilities have requested to file under seal is confidential. Currently, that request is under submission pending the Gas Utilities' Compliance Filing and party comments.

IT IS RULED that:

1. The Gas Utilities shall file and serve a Compliance Filing that answers the questions included in this ruling by Monday, September 8, 2025.
2. Parties may comment on the Gas Utilities' response by Friday, September 26, 2025.
3. The NDA and Non-Disclosure Certificate attached to this ruling as Appendix A are approved.
4. The Gas Utilities shall immediately provide access to the information requested to be filed under seal in their July 1, 2025 Joint Motion to interested parties who sign the Non-Disclosure Certificate attached to the NDA.

Dated August 25, 2025, at San Francisco, California.

/s/ ROBYN PURCHIA
Robyn Purchia
Administrative Law Judge

/s/ PAULA GRUENDLING
Paula Gruendling
Administrative Law Judge