

**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  
(Issued October 4, 2024)

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**COMMENTS OF SIERRA CLUB ON THE GAS UTILITIES'  
COMPLIANCE FILING REGARDING CONFIDENTIALITY**

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Dated: September 26, 2025

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Pursuant to the August 25, 2025, 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 (“ALJ Ruling”),<sup>1</sup> Sierra Club timely submits the following comments on Southern California Gas Company (“SoCalGas”), San Diego Gas & Electric Company (“SDG&E”), Pacific Gas and Electric Company (“PG&E”), and Southwest Gas Corporation’s (“SW Gas”) (collectively, “the Gas Utilities”) Joint Compliance Filing.<sup>2</sup>

**I. INTRODUCTION**

Robust community engagement will be critical to the success of Senate Bill (“SB”) 1221 pilot projects and the more widescale deployment of non-pipeline alternatives (“NPAs”) to gas distribution line replacement projects. In asserting the confidentiality of the street-level locations of foreseeable replacement of low-pressure gas mains from SB 1221’s mapping requirements, the Gas Utilities improperly seek to control access to information that is necessary to enable an equitable and community-led transition off the gas system. Leaving utilities as the gatekeepers of when, how, and to whom information on the potential location of NPA projects is shared sets this process up for failure. Simply put, SB 1221’s goal of maximizing the ratepayer, public

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<sup>1</sup> 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, at 16 (Aug. 25, 2025) (“ALJ Ruling”), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M577/K061/577061868.PDF>.

<sup>2</sup> 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 Compliance Filing in Response to the August 25, 2025, Administrative Law Judges Ruling Directing Gas Utilities To ALJs’ Inquiry (Sep. 8, 2025) (“Joint Compliance Filing”), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M579/K066/579066722.PDF>.

health, equity and climate benefits of NPAs will not be realized if the Commission permits the Gas Utilities to withhold the street-level locations of potential projects from the public.

The Gas Utilities' claims that street-level information on foreseeable low-pressure distribution main replacement projects is confidential rest on two primary assertions: 1) that the information is protected under the critical infrastructure exception; and 2) that disclosure would violate customer privacy. Neither assertion has merit. With regard to the critical infrastructure exception, as the Commission found in its *Decision Adopting Baseline Showings Necessary to Qualify for Consideration of Confidential Treatment*, "the public disclosure of highly sensitive information that could disable the State's electrical, gas, water, transportation or telecommunications systems could be devastating to the safety of the entire population. While safety is of prime importance to the Commission, the fear and uncertainty surrounding terrorist attacks to the utilities' infrastructure has led to the privilege being overused."<sup>3</sup> Nowhere is overuse of this privilege more apparent than in the Gas Utilities' blanket and unsupported effort to apply the critical infrastructure exception to all low-pressure distribution gas mains in their service territories. The Commission defines critical infrastructure as "assets so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."<sup>4</sup> The Gas Utilities utterly fail to explain how any of the pipeline segments identified on the SB 1221 maps meet this standard. Even if low-pressure gas mains could constitute critical infrastructure, disclosure at the street level, which does not identify where along the street the gas main is buried, is more than sufficient to address any safety concerns, particularly where, as here, there is a strong public interest in disclosing this information to enable meaningful and transparent engagement in NPA deployment.

The Gas Utilities' claims that disclosing the locations of gas mains implicates customer privacy is also fundamentally flawed. The statute governing privacy protections applies to customer gas usage data. The location of a gas main does not reveal anything about a customer's gas usage. Indeed, because the service lines connected to the gas main are not identified in the gas system maps, it does not even reveal if a particular customer uses gas at all.

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<sup>3</sup> D.20-08-031, *Phase 2B Decision Adopting Baseline Showings Necessary to Qualify for Consideration of Confidential Treatment*, at 8 (Aug. 27, 2020) ("D.20-08-031"), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M346/K225/346225733.PDF>.

<sup>4</sup> *Id.* at 10 (citing 42 U.S.C. § 5195c).

The Commission should see the Gas Utilities’ confidentiality assertions for what they are: a specious effort to control the flow of information to the public on potential NPAs. Confidential treatment of potential locations of low-pressure gas main replacement projects is unmerited, contrary to the public interest, and should be flatly rejected.

## II. LEGAL BACKGROUND

General Order (“GO”) 66-D governs procedures for submission of information to the Commission with claims of confidentiality, as well as procedures for the Commission to release information pursuant to public records requests made under the California Public Records Act (“CPRA”).<sup>5</sup> Because the Commission is a public agency, its confidentiality rules are bound by what it could disclose to the public pursuant to the CPRA. While different statutory provisions govern confidentiality rules for critical infrastructure information and customer privacy, GO 66-D is clear that “[a]n information submitter bears the burden of proving the reasons why the Commission shall withhold any information, or any portion thereof, from the public.”<sup>6</sup> Information submitters—in this case, each gas utility—must “specify the basis for the Commission to provide confidential treatment with specific citation to an applicable provision of the CPRA,” meaning they must explain why the confidential treatment is warranted in addition to providing the citation to the relevant statutory provision.<sup>7</sup> A general citation to the GO or a statutory provision “without additional justification of confidentiality does not satisfy the information submitter’s burden to establish a basis for confidential treatment by the Commission.”<sup>8</sup>

The Commission specifically addressed the consideration of requests for confidential treatment of critical infrastructure information in D.20-08-031. To evaluate what constitutes “critical infrastructure,” the Commission relies on the federal definition in 42 U.S.C. § 5195c, which states that “the term ‘critical infrastructure’ means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health

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<sup>5</sup> GO 66-D, Rev. 3 (amended Jan. 16, 2025), <https://www.cpuc.ca.gov/-/media/cpuc-website/proceedings-and-rulemaking/documents/general-orders/general-order-66-d.pdf>.

<sup>6</sup> *Id.* § 3.2.

<sup>7</sup> *Id.* § 3.2(b).

<sup>8</sup> *Id.*

or safety, or any combination of those matters.”<sup>9</sup> To review critical infrastructure claims, the Commission applies “a balancing of the public interests for and against disclosure, on the basis of the facts of the particular situation.”<sup>10</sup> If an information submitter cites California Government Code Section 7922.000 as the basis for the Commission to withhold a document from public release, then “the information submitter 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.”<sup>11</sup>

With regard to customer privacy, California Public Utilities Code Section 8380 establishes protections for “electrical or gas consumption data,” defined as “data about a customer’s electrical or natural gas usage that is made available as part of an advanced metering infrastructure.”<sup>12</sup> Section 8380 prevents utilities from sharing, disclosing, or otherwise making accessible to any third party a customer’s electrical or gas consumption data, with the exception of aggregated, anonymized data used for reporting, or for system, grid, or operational needs, such as implementation of demand response or energy efficiency programs.<sup>13</sup> Section 8380 also provides an exception allowing utilities to disclose consumption data “as required or permitted under state or federal law or by an order of the commission.”<sup>14</sup> Absent any usage data, personal information collected by utilities about customers, which the Commission has defined as information identifying or “capable of being associated with” any particular individual, such as a person’s “name, signature, social security number, physical characteristics or description, address, telephone number, passport number . . . credit card number . . . medical information, or health insurance information,” among other similar types of information, is subject to a range of general data privacy protections under federal and state statutes.<sup>15</sup> However, “personal

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<sup>9</sup> D.20-08-031 at 10 (citing 42 U.S.C. § 5195c).

<sup>10</sup> *Id.* at 13 (citing Cal. Gov. Code § 6255(a), which has since been repealed and replaced by Cal. Gov. Code § 7922.000) (emphasis added).

<sup>11</sup> GO 66-D § 3.2(b) (emphasis in original).

<sup>12</sup> Cal. Pub. Util. Code § 8380(a).

<sup>13</sup> *Id.* § 8380(b), (f).

<sup>14</sup> *Id.* § 8380(f)(3).

<sup>15</sup> D.14-05-016, *Decision Adopting Rules to Provide Access to Energy Usage and Usage-Related Data While Protecting Privacy of Personal Data*, at 19, 41 n.79 (May 5, 2014) (“D.14-05-016”), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M090/K845/90845985.PDF>.

information” does *not* include “publicly available information that is lawfully made available to the general public from federal, state, or local government records.”<sup>16</sup>

### III. DISCUSSION

#### A. **The Gas Utilities Have Failed to Meet Their Burden of Demonstrating that Withholding Street-Level Geospatial Mapping of Foreseeable Low-Pressure Gas Distribution Pipeline Replacement Projects is Warranted Under the Critical Infrastructure Exception.**

##### 1. **The Gas Utilities Have Not Demonstrated Withheld Information Constitutes Critical Infrastructure.**

As a threshold matter, the Commission should reject the Gas Utilities’ blanket application of the critical infrastructure exception because they have failed to demonstrate the low-pressure gas distribution main lines at issue here constitute assets that are “so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”<sup>17</sup> Unlike high pressure distribution and transmission lines, low-pressure gas mains are ubiquitous, hyper-localized, and typically serve much smaller numbers of homes and businesses. Were a low-pressure gas main segment taken out of service, it could not reasonably be construed as having a debilitating impact on national security or safety. Such a broad reading would improperly render “critical” superfluous as virtually all gas infrastructure would now be deemed critical.<sup>18</sup>

Tellingly, the Gas Utilities purport to demonstrate the need for confidentiality of information on low-pressure gas mains by pointing to case studies of major pipelines that deliver fuel at quantities on an entirely different scale. For example, the Colonial Pipeline cited in the Gas Utilities’ Joint Compliance Filing “controls nearly half of the gasoline, jet fuel, and diesel flowing along the East Coast.”<sup>19</sup> This is a far cry from gas main replacements that may serve

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<sup>16</sup> *Id.* at 19 (citing Cal. Civil Code § 1798.80(e)).

<sup>17</sup> D.20-08-031 at 10 (citing 42 U.S.C. § 5195c).

<sup>18</sup> *See, e.g., In re Saldana*, 122 F.4<sup>th</sup> 333, 342 (9<sup>th</sup> Cir. 2024) (“A core canon of statutory construction is the rule against surplusage: courts must construe a statute ‘so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant.’”) (citation omitted).

<sup>19</sup> Kimberly Wood, *Cybersecurity Policy Responses to the Colonial Pipeline Ransomware Attack*, Georgetown Env’tl Law Review (Mar. 7, 2023), <https://www.law.georgetown.edu/environmental-law-review/blog/cybersecurity-policy-responses-to-the-colonial-pipeline-ransomware-attack>; Joint Compliance Filing at 3 n.6.

several dozen households. Similarly, the Gas Utilities reliance on *New Cybersecurity Requirements for Critical Pipeline Owners and Operators* applies to Transportation Security Administration (“TSA”) designated critical pipelines.<sup>20</sup> A review of TSA Pipeline Security Guidelines criteria for facilities that should be designated as critical makes clear that the gas main replacements at issue here are *not* critical infrastructure. For the natural gas distribution system, TSA criteria for critical infrastructure include “facilities that if disrupted for more than seven consecutive days would experience reduced service or deliverability to 100,000 or more meters.”<sup>21</sup> The pipeline segments identified on SB 1221 maps are orders of magnitude lower than this threshold. Even in the highly unlikely event there are pipeline segments identified in the SB 1221 maps that met the criteria for critical infrastructure, it was the utilities’ obligation to identify those specific replacements as ones that could potentially fall within the critical infrastructure exemption and propose a method of achieving confidentiality for those projects that does not overapply the privilege. Having failed to do so, the utilities have not met their burden of proof. The Commission should therefore reject the Gas Utilities’ sweeping and unsupported effort to invoke the critical infrastructure exemption over all contemplated pipeline replacement projects.

**2. The Public Interest in Withholding Pipeline Information Does Not Clearly Outweigh the Public Interest in Disclosure.**

**a) There is a Strong Public Interest in Public Availability of Street-Level Locations of Foreseeable Pipeline Replacement Projects.**

Disclosure of public street-level mapping of foreseeable replacement projects serves a strong public interest because public access to this information is critical to maximizing deployment of NPAs. Community based organizations (“CBOs”) and community members are among the most trusted messengers in educating and persuading fellow residents to choose home electrification or other non-pipeline alternatives to gas pipeline replacement. The successful implementation of NPAs hinges on empowering these groups to build local support and

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<sup>20</sup> Joint Compliance Filing at 3 n.6 (citing Department of Homeland Security, *DHS Announces New Cybersecurity Requirements for Critical Pipeline Owners and Operators* (July 20, 2021), <https://www.dhs.gov/archive/news/2021/07/20/dhs-announces-new-cybersecurity-requirements-critical-pipeline-owners-and-operators>).

<sup>21</sup> TSA, *Pipeline Security Guidelines*, at 14 (Mar. 2018 with change 1 (April 2021)), [https://www.tsa.gov/sites/default/files/pipeline\\_security\\_guidelines.pdf](https://www.tsa.gov/sites/default/files/pipeline_security_guidelines.pdf).

enthusiasm for potential projects. Because the utilities’ public maps only allow a user to discern that a pipeline replacement is anticipated somewhere in a census tract, they fundamentally disempower local action. Anyone reviewing the public maps would have no idea how to focus outreach or evaluate the viability of potential projects based on their local knowledge. Keeping the specific locations of planned replacements locked behind a non-disclosure agreement (“NDA”) effectively precludes meaningful and proactive local community engagement and, with it, the successful deployment of NPAs.

Executing an NDA does not remedy these fundamental concerns. As an initial matter, NDA execution is limited to “an interested party participating in R.24-09-012.”<sup>22</sup> Smaller, local groups—the very entities most critical to building enthusiasm for NPAs—are unlikely to have the resources to become parties and participate in this processing. Even if they could, the NDA appears to preclude sharing information learned through the confidential maps to “any person or third party not signing a Non-Disclosure Agreement” absent “prior written consent of the appropriate utility.”<sup>23</sup> Community organizing cannot meaningfully occur if critical information is legally required to be withheld from community members. Accordingly, even if a CBO was able to execute an NDA, it could not conduct outreach to impacted residents without having to first overcome additional and unreasonable hurdles.

These same concerns apply to larger entities like Sierra Club or local governments. For example, while Sierra Club is a party to this proceeding and has executed an NDA, because the NDA applies only to the Sierra Club representatives executing it, information on what may be promising projects cannot be shared with local Sierra Club chapters and their members to build support and gain additional insights into their potential viability absent written utility consent. Similarly, if a local government has executed an NDA, identifies a potential project in their jurisdiction and would like to gauge interest with impacted residents, they cannot do so absent written utility consent. Community engagement on potential NPAs cannot and should not be contingent of a utility’s written permission.

Keeping the location of anticipated pipeline replacement projects from the public is also directly at odds with the Commission’s Environmental and Social Justice (“ESJ”) Action Plan.

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<sup>22</sup> Senate Bill 1221 Mapping Data Nondisclosure Agreement (Aug. 25, 2025), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M577/K179/577179907.PDF>.

<sup>23</sup> *Id.*

Fundamental goals of the ESJ Action Plan are to “[e]xpand opportunities for access to CPUC activities” and “[e]nhance outreach and public participation opportunities for ESJ community to meaningfully participate in the CPUC’s decision-making process and benefit from CPUC programs.”<sup>24</sup> California’s ESJ Communities are enduring unprecedented levels of attack from federal government policies, ranging from violent and disruptive abuses by Immigration and Customs Enforcement to enormous Medicaid budget cuts that threaten or obliterate access to basic healthcare for low-income and rural Californians.<sup>25</sup> With limited resources that are being further stretched from federal assaults on their communities, the Commission would be setting up an untenable expectation that for a CBO working in an ESJ community to understand where pipeline replacement may occur, it would be required to 1) intervene in this proceeding; 2) execute an NDA; and 3) receive written consent from the utility to share this information with community members, which could potentially require identifying the members this information would be shared with, raising further concerns in immigrant communities. Imposition of these unnecessary and formidable hurdles undermines equitable electrification and SB 1221’s objective of prioritizing NPAs in “disadvantaged and low-income communities.”<sup>26</sup>

Residents of ESJ Communities have the most to gain and the most salient need for NPA benefits, both within the home (i.e., new, zero-emission appliances that improve indoor air quality and are likely more energy efficient than whatever existing appliances were in the home) and in the surrounding neighborhood (i.e., improved ambient air quality and improved public safety due to elimination of potential for gas leaks). Members of these communities deserve access to street-level geospatial data around potential NPAs so that they can advocate within and for their own communities. Because democratization and access to the locations of potential NPAs is key to their successful implementation, the Commission should find their disclosure strongly furthers the public interest.

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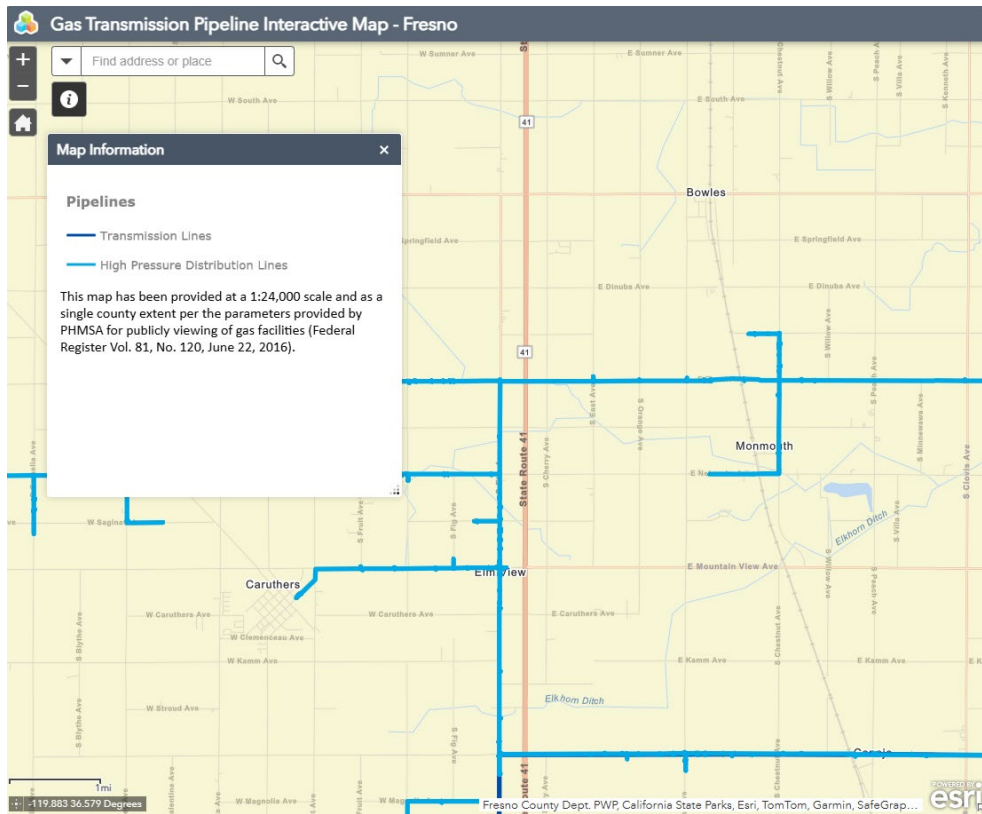
<sup>24</sup> CPUC, *ESJ Action Plan: Version 2.0*, at 24 (Apr. 7, 2022), <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>.

<sup>25</sup> See Governor Gavin Newsom, *Governor Newsom issues statement on the Supreme Court’s ruling to uphold racially motivated immigration arrests in Southern California* (Sep. 8, 2025), <https://www.gov.ca.gov/2025/09/08/governor-newsom-issues-statement-on-the-supreme-courts-ruling-to-uphold-racially-motivated-immigration-arrests-in-southern-california/>. See also California Medical Association, *‘Big Beautiful Bill’ will devastate access to care, CMA warns* (July 10, 2025), <https://www.cmadocs.org/newsroom/news/view/ArticleId/50933/-Big-Beautiful-Bill-will-devastate-access-to-care-CMA-warns>.

<sup>26</sup> S.B. 1221 § 1(a)(8), 2023–2024 Reg. Sess. (Cal. 2024).

**b) The Gas Utilities Have Failed to Demonstrate Their Concerns Strongly Outweigh the Public Interest in Disclosure.**

Even assuming any of the potential pipeline replacements at issue constitute critical infrastructure, the Gas Utilities’ repeated invocation of unspecified safety concerns is insufficient to overcome the public interest in disclosure of street-level information. As the Commission Staff Proposal on *Recommendations for SB 1221 California Natural Gas System Mapping* observes, gas utilities already provide mapping of their gas transmission lines at the street level.<sup>27</sup> For example, SoCalGas provides detailed maps of their transmission and high pressure distribution lines by county at a 1:24,000 scale that can be zoomed in with street locations clearly identified.<sup>28</sup>



As Utility Consumers’ Action Network stated in its Response to the Joint Utilities’ Request for Confidentiality, these gas lines operate at higher pressures and are therefore a more dangerous

<sup>27</sup> CPUC Energy Division, *Recommendations for SB 1221 California Natural Gas System Mapping*, at 6–7 (Feb. 20, 2025) (“Staff Proposal”), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M556/K897/556897432.PDF>.

<sup>28</sup> SoCalGas, *Natural Gas Pipeline Map*, <https://www.socalgas.com/sustainability/pipeline-and-storage-safety/natural-gas-pipeline-map> (last visited Sep. 26, 2025) (selecting Fresno County).

and attractive target for bad actors than the low-pressure distribution mains at issue in the SB 1221 maps.<sup>29</sup> Yet despite these potential risks, public disclosure of their street-level location at a 1:24,000 scale is permitted by the United States Pipeline and Hazardous Safety Administration (“PHMSA”).<sup>30</sup> There is no legitimate reasons why this level of granularity cannot also be made public for the much lower risk low-pressure distribution mains. Indeed, having executed the NDA and reviewed PG&E’s confidential maps, it appears to Sierra Club that this information is already provided at this scale. Accordingly, simply making this information public would not reveal where below the street these distribution lines, which are typically only several inches wide, are located. The Commission should view this level of granularity as best balancing the strong public interest in disclosing pipeline street location with the concerns raised by the Gas Utilities.

The Commission should also reject the Gas Utilities’ claim that public disclosure of pipelines that are anticipated to require replacement merits confidential treatment. First, as the Staff Proposal states, this type of information is already provided by gas utilities like Southwest Gas.<sup>31</sup> Publicly available environmental review documents under the California Environmental Quality Act similarly disclose specific locations of pipeline repair projects.<sup>32</sup> There is nothing so sensitive about this information that it has been deemed confidential in other contexts.

Second, the Gas Utilities have failed to meet their burden to provide a detailed showing with “granular specificity” that the public interest served by nondisclosure clearly outweighs the

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<sup>29</sup> Utility Consumers’ Action Network, *Response to the Joint Utilities’ Request for Confidentiality*, at 4 (July 16, 2025), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M573/K507/573507513.PDF>.

<sup>30</sup> *Id.*

<sup>31</sup> Staff Proposal at 7. Southwest Gas maps identifying the locations of planned repair and replacement projects is available at <https://gis.swgas.com/arcgis/apps/webappviewer/index.html>.

<sup>32</sup> *See, e.g.*, County of Santa Barbara, Draft Mitigated Negative Declaration, SoCalGas Line 247 Segment 3 Replacement (July 2024), [https://files.ceqanet.lci.ca.gov/305105-1/attachment/ToG9fcTtQsvqRQ-zVbQur1LK38OUIvobBOKkbCfrJaJYmJVQwr3PjsuVUvGS4yfl46byG\\_UmSuHoXjh0](https://files.ceqanet.lci.ca.gov/305105-1/attachment/ToG9fcTtQsvqRQ-zVbQur1LK38OUIvobBOKkbCfrJaJYmJVQwr3PjsuVUvGS4yfl46byG_UmSuHoXjh0). *See also, e.g.*, Cal. State Lands Comm’n, Pacific Gas and Electric Company L-021A Napa River Pipeline Crossing Replacement Project, at ES-3, ES-6 (Oct. 2023), <https://files.ceqanet.lci.ca.gov/290089-3/attachment/8sqHVXHQ11eu6GnhP3UUqAljIKk9gNEUs8OdG3sev-8QY-coE2qnvhlHKTEx25q021dgp4U0snH5c6Gu0>; Cal. Dept. of Fish and Wildlife, *Environmental Impact Report: Incidental Take Permit and Lake and Streambed Alteration Agreements for Pacific Gas and Electric Company’s Southern California Desert Gas Pipeline Operation and Maintenance Activities*, at PDF p. 169 (Aug. 2022), [https://files.ceqanet.lci.ca.gov/268592-2/attachment/3oXdPckQA3oB9q8tiw6l7eSHXvmv5JZgyivcmbRfcchvIYSUSwxelwif9l1K93dsJjE\\_-HPngPrvfHKd0](https://files.ceqanet.lci.ca.gov/268592-2/attachment/3oXdPckQA3oB9q8tiw6l7eSHXvmv5JZgyivcmbRfcchvIYSUSwxelwif9l1K93dsJjE_-HPngPrvfHKd0).

public interest served by disclosure.<sup>33</sup> To the contrary, their opposition to disclosure consists of repeated and unsupported efforts to equate the safety concerns of critical infrastructure with the low-pressure distribution mains at issue here. For example, SoCalGas and SDG&E’s declarant states generally, with regard to potential and foreseeable distribution system projects, that it is those utilities’ “practice to designate certain data as confidential because this data is *similar* to data protected by CEII regulations,”<sup>34</sup> and that if the information on these projects was “made publicly available, could potentially present a risk to pipeline safety and critical infrastructure or utility service.”<sup>35</sup> In doing so, the Gas Utilities make the unsupported leap of extending justifications for protections for critical energy infrastructure as defined in 42 U.S.C. § 5195c to low-pressure gas distribution mains that do not meet this definition. The declarant goes on to state: “Mapping products integrated with supplementary information including physical attributes or infrastructure could be used by a bad actor to determine the vulnerabilities of the gas delivery network and attack, compromise, or incapacitate a critical facility. Due to the critical nature of these attributes, they have been identified by PHMSA as restricted attributes available only to government officials.”<sup>36</sup> Here again, because the PHMSA guidelines cited by the utilities for this claim pertains to the mapping of transmission pipelines,<sup>37</sup> it is inaccurate and insufficient

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<sup>33</sup> GO 66-D § 3.2(b). The Gas Utilities’ contention that the ALJ Ruling is wrong to “assume that the need to protect the detailed location of the Joint Utilities’ gas pipeline facilities is based primarily on legal arguments” is meritless. Joint Compliance Filing at 3. Confidentiality claims, including claims asserting confidentiality is needed to protect critical infrastructure information, are governed by a legal framework applied to the facts at hand. Whether or not the Gas Utilities think their set of facts is compelling is not the relevant legal standard for assessing confidentiality claims.

<sup>34</sup> 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 28, 2025, Assigned Commissioner’s Ruling Requiring Submission of Mapping Data for Compliance with SB 1221 Maps, Declaration of Travis T. Sera, at 3 (July 1, 2025) (“Motion”) (emphasis added). *See also id.* at PDF p. 32, Declaration of Lucas Thornton Regarding Confidentiality Designation of Certain Data (declaration on behalf of Southwest Gas repeating the same language as the SoCalGas/SDG&E declaration). PG&E’s declaration similarly states without support that “the public, non-confidential availability of the geospatial linear location of these facilities would violate 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.” Motion, Declaration Supporting Confidential Designation on Behalf of Pacific Gas and Electric Company (U 39 E), at 3.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> The PHMSA Guidelines citation identified by this declarant applies to the National Pipeline Mapping System, which provides information on gas transmission and hazardous liquid pipelines, liquefied natural

to state that PHMSA has identified information about the general location of low-pressure, local distribution main projects as a “restricted attribute.” To meet the granular specificity required to properly apply this privilege, the Gas Utilities would first have to explain why the particular pipeline segment they seek to keep confidential meets the Commission’s definition of critical infrastructure and then explain how a street-level, imprecise indication of the presence of a pipe segment slotted for replacement years in the future, which is a few inches in diameter and buried underground, could be meaningfully useful to a bad actor seeking to sabotage infrastructure or cause an explosion and therefore heavily weighs in favor of keeping this information confidential. Having failed to do so, the Commission should dismiss the Gas Utilities attempted blanket application of the critical infrastructure exception to all of their contemplated gas main replacement projects.

**B. Public Availability of Street Level Distribution Main Maps Does Not Reveal Private Customer Information.**

The Gas Utilities’ argument that providing public access to SB 1221 mapping data overlaid on a street map would violate its duty to protect customer information is meritless.<sup>38</sup> The Gas Utilities’ invocation of California Public Utilities Code Section 8380 and D.14-05-016 to suggest that the street map overlay would allow third parties to “re-identify” personally identifiable information about gas customers is inapposite because these privacy protections relates to customer *usage data*, which would not be disclosed through street-level gas distribution pipeline mapping. Further, to the extent specific addresses within a utility’s service territory can be intuited from utility maps, there is still no privacy violation because information that is already lawfully publicly available is not considered “personal information” under the Commission’s privacy-protective standards.

**1. Proximity of Building Addresses to a Gas Distribution Main Does Not Convey Usage Data and Thus Does Not Implicate Privacy Concerns.**

Public Utilities Code Section 8380 directs utilities not to “share, disclose, or otherwise make accessible to any third party a customer’s electrical or gas consumption data,” subject to limited exceptions.<sup>39</sup> In this case, there is no usage data at issue, so revealing that any given

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gas plants, and breakout tanks. *See* U.S. Dept. of Transportation, *National Pipeline Mapping System: About the NPMS*, <https://www.npms.phmsa.dot.gov/About.aspx> (last accessed Sep. 24, 2025).

<sup>38</sup> Joint Compliance Filing at 13–14.

<sup>39</sup> Cal. Pub. Util. Code § 8380(b).

addresses are located near a pipe does not implicate privacy protections. The presence of nearby gas distribution pipe does not allow a map user to intuit either the personal identity of individuals associated with the address nor volumetric gas usage of the relevant addresses. In fact, it is not even an indicator that any particular building uses gas at all. For example, an all-electric building could be located on a street where a distribution main is present, or a building could be connected to the gas system but never use the gas equipment present onsite.

The distinction between usage data and the presence of a pipeline is reflected in D.12-08-045, where the Commission established privacy protections for customer usage data of PG&E, SoCalGas, and SDG&E gas customers, but notably, not Southwest Gas customers.<sup>40</sup> SoCalGas, PG&E, and SDG&E have each adopted rules conforming to those in Attachment A of D.12-08-045, which defines “covered information” as “any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household, residence, or non-residential customer,” unless the usage information has had all identifying information removed such that the customer “cannot reasonably be identified or re-identified.”<sup>41</sup> However, Southwest Gas is exempt from these rules because it does not employ Advanced Metering Infrastructure and thus does not collect the type of usage data that implicates privacy protections.<sup>42</sup> Southwest Gas’ exemption is relevant because it underscores that these protections apply to premises’ usage data generated by smart meters and their associated technologies, not simply to the presence of gas distribution pipelines, which Southwest Gas does operate and maintain. As the Commission has thus implicitly recognized, the presence of gas distribution pipe is not “usage information” and thus does not implicate customer privacy.<sup>43</sup>

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<sup>40</sup> D.12-08-045, *Decision Extending Privacy Protections to Customers of Gas Corporations and Community Choice Aggregators, and to Residential and Small Commercial Customers of Electric Service Providers*, at 2 (Aug. 31, 2012) (“D.12-08-045”), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M026/K531/26531585.PDF>.

<sup>41</sup> *Id.*, Attach. A, at A1. *See also* SoCalGas Tariff Rule No. 42, <https://tariffsprd.socalgas.com/view/tariff/?utilId=SCG&bookId=GAS&tarfKey=474>; PG&E Gas Rule No. 27, [https://www.pge.com/tariffs/assets/pdf/tariffbook/GAS\\_RULES\\_27.pdf](https://www.pge.com/tariffs/assets/pdf/tariffbook/GAS_RULES_27.pdf); SDG&E Gas Rule No. 33, <https://tariffsprd.sdge.com/view/tariff/?utilId=SDGE&bookId=GAS&tarfKey=737>.

<sup>42</sup> D.12-08-045 at 2 (“Southwest Gas Corporation and Southern California Edison’s Santa Catalina Island Gas Utility are exempt from complying with these privacy rules. The rules in Attachment A apply to companies providing customer services using an Advanced Metering Infrastructure (AMI) technology, but Southwest Gas Corporation and Southern California Edison’s Santa Catalina Island Gas Utility do not use AMI technology.”).

<sup>43</sup> *See id.*, Attach. A, at A1.

## 2. Location of Addresses Within Utility Service Territory is Publicly Available Information.

The Gas Utilities' claim that maps displaying the street-level locations of gas distribution mains could "be used to re-identify customers indirectly by the physical proximity of their homes or businesses to the location of the distribution mains" is also not a valid basis to assert confidentiality.<sup>44</sup> The presence of a gas distribution main on any given street within a gas utility's service territory does not reveal personal information about the buildings on that street or their owners or occupants. In D.14-05-016, the Commission adopted a definition of "personal information" including information like individuals' names, signatures, social security numbers, addresses, employment history, and medical information, among other similarly personal categories.<sup>45</sup> Notably, the Commission found, "[p]ersonal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records."<sup>46</sup> Gas utility service territories are publicly available information, as are street maps that display the addresses of buildings. It is reasonable for a third party to assume the presence of gas distribution infrastructure in proximity to buildings within the service territory of a gas utility, particularly but not only in situations where gas service is apparent at one building on a block, for instance, by having a visible meter, or by containing a restaurant whose kitchen visibly utilizes a gas stove. Even if a third party correctly inferred that a certain premise contained gas customers, the personal information possible to glean about those customers from the SB 1221 maps (*i.e.*, the premises' addresses) is "publicly available information that is lawfully made available to the general public from federal, state, or local government records," and thus not subject to protection under the Commission's rules.<sup>47</sup> Accordingly, the Commission should reject the Gas Utilities' attempts to limit public disclosure of SB 1221 mapping data on customer privacy grounds.

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<sup>44</sup> Joint Compliance Filing at 13.

<sup>45</sup> D.14-05-016 at 138, Finding of Fact #7.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 19 (citing Cal. Civil Code § 1798.80(e)).

#### IV. CONCLUSION

Sierra Club appreciates the opportunity to comment on the Gas Utilities' Compliance Filing.

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