

Docket: : I.19-06-016
Exhibit Number : SED-333
Commissioner : Rechtschaffen
Admin. Law Judge : Hecht/Poirier
Witness : _____



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

**SED's Response to SoCalGas Company's
September 3, 2021 Filing as Requested
by the ALJs' August 10 2021 Ruling
(dated September 23, 2021)
Filing and Exhibit A
Declaration of Randy Holter only**

San Francisco, California
April 15, 2022



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
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Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon Storage Facility and the Release of Natural Gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from its Aliso Canyon Storage Facility. (U904G)

I.19-06-016

**SAFETY AND ENFORCEMENT DIVISION'S RESPONSE
TO SOUTHERN CALIFORNIA GAS COMPANY'S
SEPTEMBER 3, 2021 FILING AS REQUIRED BY THE ADMINISTRATIVE LAW
JUDGES' AUGUST 10, 2021 E-MAIL RULING**

I. INTRODUCTION

The Safety and Enforcement Division (SED) provides this Response to Southern California Gas Company's (SoCalGas) requests for additional discovery activities and process in its September 3, 2021 filing (Filing).¹ SoCalGas' Filing makes the following requests, purportedly based on the deposition of SED engineer Mr. Randy Holter:

1. Admit into evidence the final transcript, exhibits, and associated video recording of Mr. Holter's deposition,
2. A ruling on SoCalGas' March 1, 2021 Motion to Compel discovery from SED,
3. An order that Mr. Holter's deposition shall remain open pending SED's responses to outstanding discovery, and

¹ Southern California Gas Company (SoCalGas) was ordered to request additional activities or process based on the deposition of Mr. Holter in writing by September 3, 2021. (*E-Mail Ruling on the June 30, 2021 Motion of Southern California Gas Company* (August 10, 2021), p. 5.) The Administrative Law Judges (ALJs) also ordered all parties to come to the Status Conference on September 9, 2021 prepared to discuss any such requests. (*Ibid.*) However, during the September 9, 2021 status conference, ALJs Hecht and Poirier ordered the Safety and Enforcement Division (SED) to provide a written response by September 23, 2021. (Transcript of Status Conference (September 9, 2021), p. 139:19-22.)

4. The option for SoCalGas to call witness(es) back for additional days of evidentiary hearing pending SED's responses to outstanding discovery.

SED urges the Commission to deny SoCalGas' four requests.

The final transcript of Mr. Holter's deposition is replete with violations of law. SoCalGas spent most of the over-six-hour deposition asking Mr. Holter questions that exceeded the scope of the proceeding and the deposition. Moreover, because SoCalGas failed to provide the California Public Utilities Commission's (Commission) advisory attorneys with proper notice, Mr. Holter was not fully represented by counsel during his deposition. Therefore, the Commission did not have an opportunity to assert privileges, such as the deliberative process privilege and official information privilege,² over SoCalGas' overly broad and out-of-scope questions.

SoCalGas' other requests do not have a basis in Mr. Holter's deposition. In fact, almost all the information SoCalGas relies on as the bases for these requests is subject to exclusion as being outside the bounds of Mr. Holter's discoverable knowledge and beyond the scope of this proceeding. This proceeding will not reach resolution if SoCalGas is permitted to endlessly fish for red herrings.

As further explained in this Response, SED asks that the Commission deny the requests in SoCalGas' Filing and move the proceeding forward to briefing.

II. SUMMARY OF ARGUMENT

The Commission should deny SoCalGas' requests for the following reasons:

First, it is inappropriate to admit the entire final transcript of Mr. Holter's deposition into the evidentiary record without an *in-camera* review to address the myriad violations of law in the examination, including whether the deposition should be stricken for SoCalGas' failure to properly notify the Commission's advisory staff. With its September 8, 2021 motion to find SoCalGas in contempt and in violation of Rule 1.1, SED placed the transcript into the *administrative* record for the purpose of showing that SoCalGas did not follow instructions and its own representations. Before the transcript is admitted into the *evidentiary* record, SED requests that the Commission conduct an *in-camera* review of the entire deposition transcript, provide rulings on questions that are outside the scope of the deposition and proceeding, and

² Cal. Evidence Code § 1040.

allow parties, as well as the Commission's advisory attorneys, the opportunity to address these determinations.

Second, the Commission should deny SoCalGas' March 1, 2021 Motion to Compel. As provided in SED's response to the Motion to Compel, the discovery requests at issue in the motion were too broad and burdensome for SED to answer. After SoCalGas specified a request for the engineer's status report during the deposition,³ SED provided the document to all parties and the ALJs as an attachment to its September 8, 2021 motion.⁴ Additionally, in response to the additional specific requests SoCalGas included in its Filing,⁵ SED has attached to this pleading: (1) a declaration from Mr. Holter, which provides that no additional drafts of the engineer's status report exist, and (2) a privilege log describing the gap analysis and spreadsheet style worktable. Therefore, SoCalGas' request for specific documents, which were encompassed in its March 1, 2021 Motion to Compel, is now moot as SED has already responded adequately.

Third, SED opposes SoCalGas' requests for an order keeping Mr. Holter's deposition open. An order holding the deposition open until SoCalGas is pleased with responses to outstanding discovery would hold a briefing schedule hostage indefinitely and belies SoCalGas' request to admit the transcript into evidence because it is based upon an incomplete deposition. This contradiction alone shows that SoCalGas' attempts at creating new activities and processes to be ruled upon is yet another spurious and dilatory attempt to postpone the inevitable decision on the worst gas leak a utility has ever inflicted on the state of California. This proceeding has been mostly submitted and thus should be closed to fishing expeditions and deceptive contradiction.

Finally, SED opposes an option for SoCalGas to call witnesses back for additional days of evidentiary hearings. The incident occurred almost six years ago. SoCalGas' over-six-hour fishing expedition of Mr. Holter only yielded red herrings, not the whale SoCalGas' Filing suggests. There is no reason to re-examine SED's witness, Ms. Margaret Felts, regarding the communications Mr. Holter struggled to remember having with her. Furthermore, allowing

³ Holter Transcript, p. 145:12-146:2.

⁴ See generally *Motion to Find Southern California Gas Company in Contempt of this Commission and in Violation of Commission Rule 1.1* (Sept. 8, 2021) [requesting Commission find SoCalGas in contempt and in violation of Rule 1.1 for failing to follow ruling limiting scope of deposition].

⁵ *Southern California Gas Company's Filing in Compliance with the Administrative Law Judges' August 10, 2021 E-Mail Ruling* (Sept. 3, 2021), p. 7 [hereafter "SoCalGas September 3 Filing"].

SoCalGas to continue conducting discovery on an SED personnel whose work did not form the basis for this OII and who did not sponsor SED's testimony is unnecessary harassment and abuse.

SED recommends the ALJs move the proceeding to briefing rather than continue this delay with discovery and more evidentiary hearings.

III. ADMITTING THE ENTIRE TRANSCRIPT OF MR. HOLTER'S DEPOSITION INTO THE EVIDENTIARY RECORD IMPERMISSIBLY EXPANDS THE SCOPE OF THE PROCEEDING

SoCalGas' request that the Commission admit the entire final transcript of Mr. Holter's deposition into the record would add matters outside the scope of this proceeding into the evidentiary record, thereby expanding the scope of this proceeding.⁶ For example, SoCalGas lists 19 bullet points of information it claims are relevant testimony⁷ but only two of SoCalGas' bullet points contain information related to Mr. Holter's observations and experiences on the leak. These are bullet number 9 and part of bullet number 16.

Before any portion of the transcript is admitted into the *evidentiary* record, SED requests that the Commission conduct an *in-camera* review and allow parties, as well as the Commission's advisory attorneys, the opportunity to address any determinations on admissibility of the deposition transcript.

Courts have held that the Commission's scoping memo sets the bounds of the proceeding and the evidentiary record as a matter of law, such that adding any matters outside the scoping memo is a violation of law.⁸ Therefore, it is inappropriate for the Commission to include information in the evidentiary record that is outside the scope of the proceeding as provided in the *Assigned Commissioner's Scoping Memo and Ruling*,⁹ or that is beyond the scope of percipient witness questions authorized by the ALJs' rulings limiting the deposition. Indeed, the ALJs initially denied SoCalGas' broad request to depose Mr. Holter because "SoCalGas ha[d]

⁶ *Southern Cal. Edison Co. v. Pub. Util. Comm.* (2006) 140 Cal.App.4th 1085, 1106 [holding Commission's decision invalid because of Commission's failure to comply with its own rules concerning scope of issues to be addressed in proceeding].

⁷ SoCalGas September 3 Filing, pp. 4-6.

⁸ *Southern Cal. Edison Co. v. Pub. Util. Comm.* (2006) 140 Cal.App.4th 1085, 1106 [holding Commission's decision invalid because of Commission's failure to comply with its own rules concerning scope of issues to be addressed in proceeding].

⁹ *Assigned Commissioner's Scoping Memo and Ruling* (Sept. 26, 2019), pp. 4-5.

not met its burden to show that a deposition of Mr. Holter would lead to relevant information on the issues being addressed in this phase of the proceeding: Blade Energy Partners Limited’s (Blade) root cause analysis report and the alleged operational and recordkeeping violations.”¹⁰ When subsequently granting SoCalGas’ *Motion for Partial Reconsideration*, the ALJs specified Mr. Holter can only be deposed as a percipient witness.¹¹ The ALJs further clarified the parameters of such deposition as “Mr. Holter’s personal experiences and observations of the leak, response, well kill, and general condition and operations he observed at the Aliso Canyon Storage Facility.”¹²

Most of the information SoCalGas now seeks to admit into the evidentiary record falls outside these clearly specified parameters. Examples of such questions include those about the Commission’s jurisdiction and responsibilities,¹³ Mr. Holter’s individual expectations, viewpoints, and opinions,¹⁴ and about any limited communications Mr. Holter had with SED’s witness, Ms. Margaret Felts, *after* the pre-formal investigation and regarding her ability to access Diamond Drive.¹⁵ SoCalGas also asked about an engineer’s status report.¹⁶ This report, which was dated *after* the end of the pre-formal investigation, simply summarizes the investigation (primarily based on Blade’s conclusions, not Mr. Holter’s), and was not intended as SED sponsored testimony — it neither proves nor disproves disputed facts. SoCalGas also asked unauthorized, non-percipient questions about a “gap analysis” and “spreadsheet style working table,”¹⁷ which elicited confusing responses from Mr. Holter.¹⁸ SED counsel later learned that

¹⁰ *E-mail Ruling on SED Motions* (March 5, 2021), p. 5.

¹¹ *Administrative Law Judges’ Ruling Granting Motion for Partial Reconsideration* (April 28, 2021), p.3 [citing Commission Rules of Practice and Procedure, Rule 10.1].

¹² *Email Ruling on Document Production in Advance of Deposition of Randy Holter* (May 28, 2021), p. 4.

¹³ SoCalGas September 3 Filing, p. 4, bullets 2, 3.

¹⁴ SoCalGas September 3 Filing, pp. 4, 5, bullets 1, 4, 16, 17.

¹⁵ SoCalGas September 3 Filing, p. 5, bullets 13, 15.

¹⁶ SoCalGas September 3 Filing, pp. 4, 5, 6, bullets 5, 6, 7, 8, 10, 11, 14, 15, 18, 19.

¹⁷ SoCalGas September 3 Filing, p. 5, bullets 10, 12.

¹⁸ Holter Tr., p. 153:3-11.

THE DEPONENT: I’ll stand with my answer that it was a fact-finding to – as a control measure for investigation purpose to make sure that all data that could be known was known and – and then the

these documents are components of privileged attorney-client communications.¹⁹ As these documents are described in the transcript, they do not reflect Mr. Holter's personal experiences and observations of the leak, response, well kill, and general condition and operations he observed at Aliso Canyon.

These questions were made worse by the fact that Mr. Holter was not represented by counsel because SoCalGas failed to serve the Notice of Deposition in conformity with the laws of the State and rules of the Commission. The Commission's advisory attorneys may find that SoCalGas asked Mr. Holter questions that raised the deliberative process and/or official information privileges. Privileged information should also not be included in the evidentiary record. If the ALJs decide to admit the transcripts into the record, SED recommends that they first review the record of the deposition *in camera* and address SoCalGas' myriad violations of law and due process in the examination of Mr. Holter before determining aspects of the deposition that may be admissible into the record.

Relatedly, SED notes that SoCalGas' Filing mischaracterizes Mr. Holter's statements from the deposition. SoCalGas' bullet number 16 states:

Mr. Holter testified that he observed a return of fluids to surface during one of the well kill operation [sic] implemented by Boots & Coots and did not see "any actions by SoCalGas or their contractors that would have been outside the protocols the kill – the kill program or the kill protocols that were set at the prior meetings in the morning."²⁰

By not specifying a date in the quoted passage, SoCalGas implies that Mr. Holter's observations may be relevant to Violation 331. Violation 331 alleges SoCalGas purposely extracted and vented oil from well SS-25 on *November 13, 2015*.²¹ However, Mr. Holter's first visit to Aliso Canyon site on December 2, 2015, and the statements Mr. Holter made during the deposition relate to his observations during the well kill attempt on *December 22, 2015*.²² If the Commission grants SoCalGas' request to admit the entire transcript into the record, SED may

nature of that data so that gap analysis could be managed as far as evidence and support for the investigation.

Q. (By Mr. Stoddard) I'm not sure I understand your answer.

¹⁹ Exhibit B: Privilege Log.

²⁰ SoCalGas September 3 Filing, p. 5 [citing Holter Tr., p. 179:14-185:24].

²¹ See *Sur-Reply Testimony of Ms. Margaret Felts Related to Violation 331* (November 24, 2020), p. 1.

²² Holter Tr., pp. 181:17-185:24.

request additional time to correct similar mischaracterizations SoCalGas may try to make in briefs.

IV. SOCALGAS' REQUEST FOR SPECIFIC DOCUMENTS INCLUDED IN ITS MARCH 1, 2021 MOTION TO COMPEL IS MOOT

SoCalGas' Filing requests a ruling on the utility's March 1, 2021 Motion to Compel, which is one of the *four* outstanding motions in the docket.²³ SED supports rulings on all outstanding motions but asks that SoCalGas' March 1, 2021 Motion to Compel be denied. As provided in SED's response to the Motion to Compel, SoCalGas' discovery requests were ludicrously overbroad and burdensome. In addition, SED has provided substantive responses to those specific questions that SoCalGas' Filing claims may lead to admissible evidence.

The requests that form the basis for SoCalGas' March 1, 2021 Motion to Compel are overly broad, burdensome, and intrusive. SoCalGas requested that SED gather and produce statements that were made in writing, over family dinner, or in an unspecified number of SED personnel's thoughts over four years, as well as draft documents that mention an unspecified number of SED personnel's preliminary perceptions and observations.²⁴ Not only are the contemplations of SED personnel unlikely to lead to the discovery of admissible evidence, but to the extent that any of this information is available, SoCalGas has received much of it already in response to other data requests and requests made pursuant to the Public Records Act.²⁵

²³ See generally *Motion to Compel Southern California Gas Company to provide communications between itself and its well kill experts, Boots & Coots, to provide information to show whether SoCalGas properly asserted attorney-client privilege over such communications, to sanction SoCalGas, and to require SoCalGas to explain its basis for confidentiality assertions over information in this motion or agree that information in this motion be made public* (Sept. 15, 2020); *Motion to Compel Southern California Gas Company to Provide Sponsoring Witnesses for Its Data Responses and For Expedited Response* (Jan. 6, 2021); *Motion to compel discovery* (March 1, 2021); *Motion to Add a Violation That Southern California Gas Company Knew That in the Event of a Blow Out, a Relief Well Would Likely Be Necessary, and Continued to Run Well SS-25 Without Proper Inspection* (June 2, 2021).

²⁴ *Safety and Enforcement Division's Response to Southern California Gas Company's Motion to Compel Discovery* (March 4, 2021) pp. 3-6.

²⁵ *Safety and Enforcement Division's Response to Southern California Gas Company's Motion to Compel Discovery* (March 4, 2021) p. 6.

During the deposition and its September 3, 2021 Filing, SoCalGas specified certain documents encompassed by its discovery requests.²⁶ SED has endeavored to provide a substantive response to this narrower request, as follows:

- Engineer’s status report;²⁷
- Declaration that no additional drafts of the engineer’s status report exist; and²⁸
- Privilege log describing certain communications Mr. Holter identified and provided in response to SED advocacy attorneys’ request for the “gap analysis” and “spreadsheet style working table” referenced in SoCalGas’ Filing.²⁹ SED was not familiar with Mr. Holter’s description of these documents during the deposition. However, after receiving Mr. Holter’s response, SED advocacy attorneys determined that the documents he provided are components of privileged communications between SED personnel and SED counsel. Because these communications were made between SED personnel and SED counsel for the purpose of seeking legal advice, they constitute privileged attorney-client communications. Moreover, drafts of the gap analysis and spreadsheet style working table reflect attorneys’ legal research, impressions, opinions, and theories, and, therefore, constitutes confidential attorney work product.

These SED responses to SoCalGas’ more narrowly tailored request render the issues in SoCalGas’ March 1, 2021 Motion to Compel moot.

Further, it would be inequitable to grant SoCalGas’ Motion to Compel when the utility’s hands are unclean. The doctrine of unclean hands is based on the principle that whenever a

²⁶ Holter Tr., p. 145:12-146:2:

MR. STODDARD: For purposes of the record, Darryl, we’re going to renew our requests for the engineer’s status report as a draft preliminary version of the staff report based on the witness’ testimony here today.

MR. GRUEN: I’m sorry, renew your requests? I’m not sure –

MR. STODDARD: Well, I should – I can rephrase. We previously requested the ones that we’ve been discussing the definition on, drafts of a staff report. SED defines that in a way that meant a staff report did not exist. It appears that we now are going to ask for, and this is going to be a new request that’s following up on the prior request, is the engineer’s status report.

See also SoCalGas September 3, 2021 Filing, p. 7.

²⁷ See *Safety and Enforcement Division’s Motion to Find Southern California Gas Company in Contempt of This Commission and in Violation of Commission Rule 1.1* (Sept. 8), Attachment C.

²⁸ Exhibit A: Declaration of Mr. Randy Holter.

²⁹ Exhibit B: Privilege Log.

party's prior conduct "has violated conscience, good faith or other equitable principles...then the doors of the court will be shut against him..."³⁰ SoCalGas denied SED access to relevant evidence, including certain of its communications with its well-kill contractor and testimony sponsor, Boots & Coots. SoCalGas also failed to provide SED with more than 2,500 hours of video footage of SS-25 filmed during the leak,³¹ despite an SED data request issued in March of 2018 that should have elicited this information.³²

The unlawful and unethical conduct SoCalGas' counsel demonstrated during Mr. Holter's deposition, as described in SED's September 8, 2021 motion, further illustrates how unclean SoCalGas' hands have become during this proceeding. Not only does SoCalGas withhold relevant information, but SoCalGas also abuses the discovery process.

If the Commission grants SoCalGas' March 1, 2021 Motion to Compel, SED may request that the Commission set specific parameters on the grant of relief and provide guidance for complying with its ruling. The extremely broad nature of SoCalGas' request would require SED to collect a significant amount of information from current and former SED staff members. SED advocacy attorneys would then need to work with SED advisory attorneys to review the information, determine if any privileges apply, and develop a privilege log. SED may also request a protective order.

V. THE COMMISSION SHOULD DENY SOCALGAS' REQUEST FOR AN ORDER THAT MR. HOLTER'S DEPOSITION REMAIN OPEN

SoCalGas requests that the Commission order that Mr. Holter's deposition remain open pending SED's responses to the discovery at issue in its March 1, 2021 Motion to Compel. The utility complains that it "was forced to depose Mr. Holter without the benefit of several reports and analyses that are clearly responsive" to its data request, as well as the ALJs' May 28, 2021 ruling setting the scope of the deposition.³³ However, SED has already responded to the documents SoCalGas specified in its Filing — the engineer's status report, gap analysis, and the

³⁰ *Westcom Long Distance, Inc. v. Pacific Bell, Execuline of Sacramento, et seq.* (July 20, 2006) 2006 WL 2076342, Decision (D.) 06-07-005, pp. 15-16 [citing *Pond v. Insurance Co. of North America* (1984) 151 Cal.App.3d 280, 289-90].

³¹ Exhibit C: Letter from Jesse Max Creed, attorney at Panish, Shea & Boyle to Collie James, Deanne L. Miller, attorneys at Morgan, Lewis & Bockius (September 3, 2021).

³² Exhibit D: Data Requests 17, Question 33.

³³ SoCalGas September 3 Filing, p. 11.

spreadsheet style working table. These documents do not relate to Mr. Holter's role as a percipient witness. Therefore, these documents are not within the scope of deposition as defined by the ALJs' May 28, 2021 ruling.

Moreover, SoCalGas already had an opportunity to ask Mr. Holter questions about the engineer's status report. As Mr. Holter indicated during the deposition, the engineer's status report simply summarizes the incident, describes SED's activities to investigate, and references Blade's root cause analysis and the pending violations.³⁴ Thus, the document's value is negligible at best, and there is no reason for SoCalGas to continue asking Mr. Holter questions about it.

Finally, Mr. Holter is an SED engineer whose work did not form the basis for this OII, who did not sponsor SED's testimony, and whose deposition yielded negligible evidence. Subjecting Mr. Holter to another deposition in this manner would be harassment and abuse. Given the fact that Mr. Holter is not represented and is not a witness in this proceeding, any ruling that orders that his deposition remain open should give him an opportunity to retain SED advisory counsel and allow that counsel to be heard on the matter.

If the ALJs grant SoCalGas' requests for an order that the deposition be left open, SED may request that a referee from the ALJ Division's alternative dispute resolution section be available during the deposition, a protective order to limit the scope of any additional deposition of Mr. Holter, and sanctions should SoCalGas exceed the scope again.

VI. THE COMMISSION SHOULD DENY SOCALGAS' REQUEST FOR AN OPTION TO CALL WITNESSES BACK FOR ADDITIONAL DAYS OF EVIDENTIARY HEARINGS

The ALJs should deny SoCalGas' request to re-call any witness for cross-examination and for additional days of evidentiary hearing. The additional information SoCalGas requested and received during the deposition and activities that have been added so far is irrelevant to the proceeding. Nothing in SoCalGas' examination of Mr. Holter or other outstanding discovery supports further evidentiary activities in this proceeding. As the ALJs noted, "evidentiary hearings are intended for cross-examination of individuals who have submitted written

³⁴ Holter Tr., pp. 138:19-21, 140:19-22, 143:3-144:11, 191:21-23; see also SoCalGas September 3 Filing, pp. 4-6.

testimony.”³⁵ If the ALJs grant SoCalGas’ request for an option to call witnesses back, SED may request to re-examine Mr. Healy during additional days of evidentiary hearings. To the extent that the ALJs reconsider or clarify their previous ruling limiting evidentiary hearings to individuals who submitted testimony, then SED may renew its request to examine SoCalGas’ employees Steve Cardiff and Frank Selga, contractors from iDiscover involved with the scanning of well files, and any SoCalGas employees who oversaw the work of iDiscover contractors and the filming of SS-25 during the leak. SED may also request to examine SoCalGas’ employees who knew of the video footage.

VII. CONCLUSION

The Commission should adopt SED’s recommendations and:

1. Deny SoCalGas’ request to admit the entire final transcript of Mr. Holter’s deposition into the evidentiary record;
2. Deny SoCalGas’ March 1, 2021 Motion to Compel;
3. Deny SoCalGas’ request for an order that Mr. Holter’s deposition remain open; and
4. Deny SoCalGas’ request for an option to call witnesses back for additional days of evidentiary hearings.

Respectfully submitted,

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September 23, 2021

³⁵ *E-mail Ruling on SED Motions* (March 5, 2021), p. 8.

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Gas Company with Respect to the Aliso Canyon storage facility and the release of natural gas, and Order to Show Cause Why Southern California Gas Company Should Not Be Sanctioned for Allowing the Uncontrolled Release of Natural Gas from its Aliso Canyon Storage Facility. (U904G)

Investigation 19-06-016

DECLARATION OF RANDY HOLTER IN SUPPORT OF SAFETY AND ENFORCEMENT DIVISION'S REPLY TO SOUTHERN CALIFORNIA GAS COMPANY'S COMPLIANCE FILING

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

1. I am a Senior Utilities Engineer with the Gas Safety and Reliability Branch (GSRB), which is part of the Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC). I served as an investigator for GSRB during the pre-formal investigation of the Aliso Canyon gas leak prior to the CPUC opening the proceeding Investigation (I.) 19-06-016. All facts stated herein are within my personal knowledge and if called as a witness, I could and would testify competently thereto.
2. I drafted the original Word application (document) that I referred to in my deposition as the Engineer's Status Report.
3. After I drafted the Engineer's Status Report, I uploaded the text contents of the document to the Microsoft Access server. To the best of my recollection, I uploaded the text contents of this version on or about March 17, 2020. The date is included at the top of the report.
4. My understanding is that anytime text is saved on the Access server, the previous text versions are overwritten and do not exist as accessible documents. To the best of my knowledge, I did not save prior Word document drafts. As a result, I am not aware of any other document versions that are available.

5. Separately, I drafted documents that I referred to in my deposition as a gap analysis and the spreadsheet style working table (levels 1-4).
6. The gap analysis and spreadsheet style working table (levels 1-4) are components of the pre-formal investigation of the Aliso Canyon Gas Storage leak and not components of the Engineer's Status Report.
7. I communicated with counsel for SED regarding the gap analysis and spreadsheet style working table (levels 1-4).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23 day of September 2021, at San Diego, California.

/s/ RANDY HOLTER
Randy Holter