

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

**DECLARATION OF GILLIAN WRIGHT
REGARDING CONFIDENTIALITY OF CERTAIN DATA**

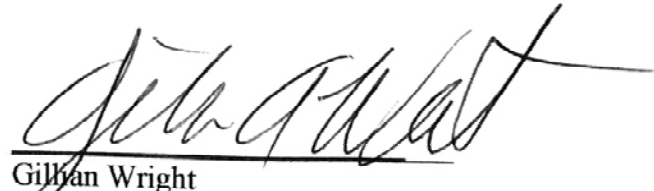
I, Gillian Wright, do declare as follows:

1. I am a Senior Vice President, Customer Services for Southern California Gas Company ("SoCalGas"). I have directed the review of SoCalGas' Response to the California Public Utilities Commission's ("Commission" or "CPUC") Data Request Regarding Business Continuity and COVID-19 Response Plans, and provided guidance on marking documents for confidentiality for purposes of this response. I am personally familiar with the facts in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or information and belief.

2. I hereby provide this Declaration in accordance with Decision ("D.") 17-09- 023 and General Order ("GO") 66-D to demonstrate that the confidential information ("Protected Information") provided in the Response submitted concurrently herewith and as described in specificity in Attachment A is within the scope of data protected as confidential under applicable statutory provisions including, but not limited to, Public Utilities Code ("PUC") § 583, Govt. Code § 6254(k) and/or GO 66-D.

3. In accordance with the statutory provisions described herein, the Protected Information should be protected from public disclosure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 27th day of March, 2020, at Los Angeles, California.



Gillian Wright
Senior Vice President, Customer Services

ATTACHMENT A

**SoCalGas \Request for Confidentiality
on the following information in its response to the CPUC’s Data Request Regarding Business Continuity
and COVID-19 Response Plans**

Location of Protected Information	Legal Citations	Narrative Justification
<p>The entirety of SoCalGas’ Business Resumption Plans (“BRPs”) which are included in response to Question 1.</p> <p>Highlighted Information in Response to Question 2.</p>	<p>California Public Records Act (CPRA) Exemption, Gov’t Code § 6254(ab) (“Critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the Office of Emergency Services for use by that office”)</p> <p>6 U.S.C. § 131(3) defines “critical infrastructure information” as: [I]nformation not customarily in the public domain and related to the security of critical infrastructure or protected systems— (A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety; (B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or (C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.</p>	<p>SoCalGas’ BRPs are confidential because data contained therein includes the Company’s plans for repair, recover, reconstruction, insurance, or continuity, to the extent it is related to addressing major business disruptions such as COVID-19. It is SoCalGas’ practice to designate certain security-related data as confidential because this data is similar to data protected by Critical Infrastructure Information (“CII”) regulations and, if made publicly available, could potentially present a risk to public and pipeline safety. This information includes CII that is not in the public domain and is related to the security and continuity of critical infrastructure operations. The Department of Homeland Security classifies utilities as a component of Critical Infrastructure,¹ and the utility system is “vital to the United States,” such that its incapacity would have a “debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”² The information provided addresses the ability of critical infrastructure to resist compromise or incapacitation and includes plans for recovery, repair, and continuity of utility operations. Should this information</p>

¹ See “Guidance on the Essential Critical Infrastructure Workforce: Ensuring Continuity and National Resilience in COVID-19 Response,” March 23, 2020, available at https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_508C_0.pdf.

² 42 U.S.C. §5195(e).

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	<p>CPRA Exemption, Gov't Code § 6254(k) (“Records, the disclosure of which is exempted or prohibited pursuant to federal or state law”)</p> <ul style="list-style-type: none"> • 6 U.S.C. §§ 131(3) & 133(a)(1)(E) • 6 CFR §§ 29.2(b) & 29.8 (defining CII and restricting its disclosure) • Cal. Pub. Util. Code § 364(d) (“The commission may, consistent with other provisions of law, withhold from the public information generated or obtained pursuant to this section that it deems would pose a security threat to the public if disclosed.”) <p>CPRA Exemption, Gov't Code § 6255(a) (Balancing Test)</p> <p>CPRA Exemption, Gov't Code § 6254.15 (disclosure not required for “corporate financial records, corporate proprietary information including ROI, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California”).</p> <p>CPRA Exemption, Gov't Code § 6254(k) (“Records, the disclosure of which is exempted or prohibited pursuant to federal or state law”)</p> <ul style="list-style-type: none"> • Cal. Evid. Code § 1060 • Cal. Civ. Code §§ 3426 <i>et seq.</i> (relating to trade secrets) (Civil Code Section 3426.1 defines “trade secret” as “information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are 	<p>be disclosed publicly, it could pose a security threat (physical or cyber) by revealing internal security operations and SoCalGas’ strategies and plans to recover from a disaster.</p> <p>Moreover, the highlighted portions of the response to Question 2 – about physical locations SoCalGas employees go to in event of major business disruptions – presents a safety concern if the public were to know how SoCalGas’ employees move about in the event of major disasters/business disruptions.</p>

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	<p>reasonable under the circumstances to maintain its secrecy.”</p> <ul style="list-style-type: none"> • <i>TMX Funding Inc. v. Impero Technologies, Inc.</i>, 2010 WL 2745484 at *4 (N.D. Cal. 2010) (defining trade secret in an injunction to include “business plans and strategies”) • <i>Whyte v. Schlage Lock Co.</i>, 101 Cal. App. 4th 1443, 1453, 1456 (2002) (giving a list of what may be trade secret and holding that “[t]he ultimate determination of trade secret status is subject to proof presented at trial”) • <i>Morton v. Rank America, Inc.</i>, 812 F. Supp. 1062, 1073 (1993) (denying motion to dismiss because “actual or probable income, expenses and capital needs of [a company], the financial, operational, marketing and other business strategies and methods” could constitute trade secret) 	
<p>Redacted personal identification information in SoCalGas’ BRPs which are included in response to Question 1, but are not relevant or responsive to the question.</p>	<p>CPRA Exemption, Gov’t Code § 6254(c) (“disclosure of which would constitute an unwarranted invasion of personal privacy”)</p> <p><i>Britt v. Superior Court</i>, 20 Cal. 3d 844, 855-856 (1978) (even highly relevant information may be shielded from discovery if its disclosure would impair a person's inalienable right of privacy provided by the California Constitution).</p> <p>CPRA Exemption, Gov’t Code § 6255(a) (Balancing Test)</p>	<p>The BRPs contain employee names and personal identification information which is confidential. Disclosing employee names in conjunction with other identifying information such as e-mail addresses, home addresses and telephone numbers could pose a risk to employee safety.</p> <p>Additionally, disclosure of such information increases the risks of cyber attacks, incessant robo-calls, targeted calls, and malicious emails. The same justification is applicable to third-party names and contact information.</p>