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Sent: 8/19/2014 11:45:15 AM
To: Terrie D.' Prosper (terrie.prosper@cpuc.ca.gov) (terrie.prosper@cpuc.ca.gov)
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Subject: FW: PG&E Pleads Not Guilty to Federal Charges--San Bruno Seeks Independent Monitor; NEW CHARGES COMING AGAINST PG&E FROM GRAND JURY?

From: Sam Singer [mailto:singer@singersf.com]
Sent: Tuesday, August 19, 2014 11:41 AM
To: Sam Singer
Subject: PG&E Pleads Not Guilty to Federal Charges--San Bruno Seeks Independent Monitor; NEW CHARGES COMING AGAINST PG&E FROM GRAND JURY?
Importance: High

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1. PG&E pleads not guilty in San Bruno blast case: Not-guilty pleas come as city faults PUC, pushes for independent monitor

By Bob Egelko, San Francisco Chronicle – Aug. 18, 2014

As Pacific Gas and Electric Co. pleaded not guilty Monday to federal criminal charges in the deadly San Bruno pipeline explosion, city officials called on federal prosecutors to seek an independent monitor of the company's conduct, saying state regulators are too cozy with the giant utility.

The California Public Utilities Commission and PG&E "have corrupted the system of fair and honest regulation," said San Bruno Mayor Jim Ruane.

"We have no faith in the CPUC to ensure safety improvements will be made," Ruane said.

Appointing an independent monitor as part of any criminal sentence against PG&E "is critical to ensure public safety and restore public confidence," he said.

Ruane issued a statement after the utility entered not-guilty pleas in San Francisco federal court to a grand jury indictment alleging 28 counts of safety violations and lying to government investigators after the San Bruno explosion.

At a later hearing Monday, Assistant U.S. Attorney Hallie Hoffman revealed another grand jury investigation into PG&E, also involving its gas division.

She did not specify the subject, but said it involved "different matters" from the San Bruno indictment. When PG&E lawyer Steve Bauer questioned that description, Hoffman said the new investigation is on a separate track but might be consolidated later with the existing criminal case.

Eight people were killed and 38 homes destroyed in the September 2010 explosion of a PG&E natural gas pipeline in San Bruno's Crestmoor neighborhood. Federal inspectors said the utility had failed to check the pipeline, and others in its system, for damage after gas-pressure surges.

The state utilities commission is seeking \$2.45 billion in civil penalties against PG&E for alleged violations of state regulations. But the commission has been beset recently with revelations of overly close relations with a utility that serves 15 million customers in Northern and Central California.

Cozy relationship

The Chronicle disclosed Monday that a planned conference on gas safety last year, purportedly sponsored by the commission, was actually organized by PG&E, which worked on it for eight months.

The utility suggested topics and speakers for the conference, put up most of the funding and wrote an invitation to a federal official that was nearly word-for-word identical to the letter eventually sent by the commission's president, Michael Peevey.

The conference was canceled after protests from San Bruno about the involvement of commissioners who were also hearing the PG&E regulatory case. At a news conference Monday outside the federal courthouse, City Manager Connie Jackson said San Bruno officials hadn't been aware of the utility's role in setting up the event.

"We're beyond concerned - we are disgusted," Jackson said.

In an earlier disclosure, e-mails obtained by San Bruno showed Peevey and his staff apparently advising PG&E on how to handle public relations after the explosion.

Jackson said San Bruno officials "disagree very strongly" with Gov. Jerry Brown's vote of confidence in Peevey, whom the governor described as a "very effective leader." Brown made his comments to the Bay Area News Group last week, and the governor's office confirmed them Monday.

Call for resignation

Jackson said Peevey should either step aside from the PG&E case or resign. "We believe that his participation compromises the integrity of the process," she said.

A federal grand jury indicted PG&E in April on charges of violating safety laws for the San Bruno pipeline and two other lines. A superseding indictment, issued July 29, added three pipelines to the safety charges and also accused PG&E of obstructing the National Transportation Safety Board by falsely denying it had a policy of ignoring federal pipeline inspection requirements.

The obstruction charge dramatically increased the maximum potential fine, from \$6 million to \$1.13 billion, which is twice the financial loss allegedly caused by the explosion.

PG&E says it has settled claims with the victims and their families for more than \$500 million.

No criminal charges have been filed against PG&E executives. Reporters asked Jackson whether she wanted to see company officials jailed, but she said San Bruno would leave those decisions to federal prosecutors.

In a statement Monday, PG&E described the pipeline explosion as a "tragic accident" and denied wrongdoing. The company said the obstruction charge was based on a good-faith mistake - an accidental submission of the wrong engineering document to the federal safety board in February 2011, an error the company said it spotted and corrected six weeks later.

'Bad judgments'

"Did people make bad judgments? Yeah, they made bad judgments," Tony Earley, PG&E Corp.'s chief executive since 2011, said Monday in an appearance at The Chronicle's editorial board. "But did they say, 'I know this is what the law requires - I'm just not going to do it that way?' We haven't seen any evidence of that, or at least I haven't. And that's what the issue will be."

In the indictment, the grand jury said PG&E's withdrawal of the supposedly erroneous document in April 2011 was actually an attempt to conceal a company policy, in effect since 2009, that violated federal standards for pressure levels in gas pipelines.

2. PG&E Pleads Not Guilty To New Federal Criminal Charges

By Vic Lee, ABC 7 News – Aug. 18, 2014

SAN FRANCISCO (KGO) -- PG&E pleaded not guilty Monday to new federal criminal charges, which came out of the San Bruno gas pipeline explosion four years ago. The utility faces record fines, if convicted.

About three weeks ago the U.S. attorney issued a superseding or new indictment against PG&E, which more than doubled the number of criminal charges. None of the giant utilities companies executives showed up for the arraignment on Monday, but after prosecutors read the indictment an attorney for PG&E responded not guilty to all charges.

PG&E faces one count of obstructing the federal investigation into the pipeline explosion and 27 counts of violating the pipeline safety act.

The explosion and fire killed eight people and injured 66 others on Sept. 9, 2010. There were 38 homes that were destroyed and 17 others were badly damaged.

If federal prosecutors have their way, the giant utility could be slapped with a \$1.3 billion fine.

PG&E maintains it did nothing wrong. "No PG&E employee violated any laws and when any errors were made, employees were always acting in good faith," PG&E spokesperson Greg Snapper said.

San Bruno city manager Connie Jackson disagrees. "We believe it's high time that PG&E cleaned up its act and that it understood and took responsibility, took full responsibility for the negligence for the inappropriate operations and frankly for its malfeasance," Jackson said.

Jackson wrote a letter to US Attorney Melinda Haag supporting the federal prosecution. She is also asking that the penalties include imposing an independent monitor to make sure the state PUC and PG&E are doing their jobs without collusion. "They have failed and they continue to fail to do so and that they continue to perpetuate a inappropriate and too cozy relationships with the utility they are tasked with regulating," Jackson said.

San Bruno city officials charge that emails they uncovered between PUC officials and PG&E show a close relationship. The latest is a letter inviting a federal official to a safety symposium sponsored by the CPUC that was almost identical to a draft written by a PG&E staffer.

The state PUC issued a statement saying in part, the agency's president Michael Peevey "directed staff to cancel it immediately to eliminate any possible public concern over the fairness of the CPUC's process."

The city of San Bruno is also asking the U.S. attorney to use some of the money from the fines to set up a trust, which would advocate for safer gas pipelines. On top of the possible federal fines the state PUC is also considering fining PG&E as much as \$2.5 billion for the San Bruno explosion and fire.

3. PG&E faces criminal charges

Opinion, San Francisco Chronicle – Aug. 18, 2014

The San Bruno pipeline explosion has produced millions in damage settlements and possibly billions more in future fines from state regulators. Now Pacific Gas and Electric Co. must answer criminal charges, a whole new level of sanction for the utility responsible for the disaster.

An indictment, fine-tuned in new filings on Monday, accuses the firm of deliberately evading pipeline safety rules by failing to inspect pipes that had been subjected to intensified pressure. If true, it adds another dimension to the sorry history of the 2010 fireball that killed eight and leveled a neighborhood.

Tony Earley, CEO of PG&E's parent corporation, in a meeting with The Chronicle's editorial board, denied the firm evaded safety rules and said there was no evidence that an employee had

lied about inspection requirements. The federal charges are the latest and most serious claim in the wake of the explosion.

If found guilty, the firm could have billions in fines added to the expected fines coming within weeks from the California Public Utilities Commission. Along with the charges amended in court, the city of San Bruno wants an outside monitor of PG&E's conduct.

Until now the utility was depicted as short-changing safety and neglecting oversight of its dangerously old gas lines. The federal charges add the claim that PG&E had hunted for lower standards among a welter of pipeline rules and lied about the alleged strategy.

Earley, who was brought in to rebuild the shattered firm after San Bruno, has emphasized safety improvements and management changes to reassure the public. But the company's conduct and the too-tame behavior of state watchdogs remain serious issues.

Along with the federal heat are newly disclosed memos from the firm to state regulators that further paint a disturbingly cozy relationship between the utility and its regulator. "Love you," said a PG&E exec in a note to a top state PUC staffer after the two conferred. In addition, a letter from PUC President Michael Peevey inviting a federal executive to a conference was largely parroted from a PG&E document.

It's hard to accept PG&E's denials of wrongdoing, or claims of a cultural change, as long as key utility executives and regulators remain in place from an era of neglect and obliviousness on safety.

4. San Bruno Seeks Court-Appointed Overseer for PG&E

By Alex Amslie, KQED blog – Aug. 18, 2014

San Bruno's mayor and city manager are calling for court-imposed oversight of PG&E as part

of the penalty for federal criminal charges stemming from the 2010 pipeline explosion that killed eight of the city's residents and destroyed 38 homes.

"We have no faith in the [California Public Utilities Commission] to ensure safety improvements will be made," San Bruno Mayor Jim Ruane wrote in a statement. "An Independent Monitor is critical to ensure public safety and restore public confidence."

The mayor's statement was backed up by a letter (embedded below) from City Manager Connie Jackson to Melinda Haag, the U.S. attorney for Northern California, asking that federal prosecutors seek appointment of an independent monitor if PG&E is convicted under a revised criminal indictment.

In a hearing Monday, PG&E's attorney entered not-guilty pleas on the expanded indictment. The charges include 27 alleged violations of the Natural Gas Pipeline Safety Act of 1968 and one count of obstruction of justice claiming the company misled federal investigators probing the cause of the explosion.

"The issue that was raised as part of the obstruction allegation is that we had a paperwork error," PG&E spokesman Greg Snapper said. "We fixed it. That was three years ago. That fix to the error has been out in the public domain for three years. We still maintain that no employee did anything wrong. No one violated the Pipeline Safety Act. No one broke any laws."

If found guilty, PG&E could face more than \$1 billion in criminal fines, in addition to nearly \$2.5 billion in fines under consideration by the California Public Utilities Commission.

The call for independent supervision is directed in part at the CPUC, which San Bruno leaders say is too close to the utility it is supposed to oversee.

"We do not trust the CPUC to perform its statutory function," City Manager Jackson said after Monday's arraignment. "They continue to perpetuate an inappropriate, too-cozy relationship with the utility they are tasked with regulating."

Jackson said correspondence between employees at PG&E and the commission, obtained through San Bruno public records requests, details a relationship that illustrates a conflict of interest.

The CPUC did not immediately respond to requests for comment.

The San Francisco Chronicle reported Monday on a safety conference ostensibly presented by the CPUC that was substantially organized by PG&E.

From Jaxon Van Derbeken's article:

Beginning in August 2012, PG&E and its consultants suggested the broad themes for the conference and some of the panels' talking points, including: "Should our expectations for public safety be specific, understood and agreed to by the parties or should they be mandated by the regulator?" At least two PG&E executives were to speak at the symposium.

It was PG&E's idea to invite [National Transportation Safety Board Chairwoman Deborah] Hersman, the e-mails show, with one consultant saying he hoped she would underscore that industry-regulator cooperation is "essential to a successful outcome."

One of the main conference organizers was Laura Doll, PG&E's regulatory relations director. Before joining the company in 2011, Doll spent three years as deputy policy director at the utilities commission.

Doll was the PG&E official who replied, "Love you," in an e-mail after [CPUC President Michael] Peevey's chief of staff provided advice in 2013 on how PG&E could fend off a public request for information about the conference.

That symposium was eventually scrapped after San Bruno legal maneuvers that called CPUC commissioners' participation into question as they debate a nearly \$2.5 billion fine for the 2010 pipeline explosion.

“As the safety symposium emails demonstrate, PG&E is actually doing the staff work for the CPUC,” Jackson said. “There’s something really wrong with that.”

Gov. Jerry Brown recently defended Peevey. San Bruno officials are calling for his resignation.

San Bruno officials are also requesting that some money from fines be directed to a state pipeline safety trust that could fund education and advocacy for increasing gas line safety and a requirement that PG&E install fully automated shut-off valves on major pipelines.

A PG&E statement responding to the new indictment notes the company settled claims with victims and families of the San Bruno explosion for more than \$500 million and has contributed more than \$100 million to city recovery efforts.

San Bruno officials say they're not seeking more compensation for their city. Instead, Jackson's letter to U.S. Attorney Haag says, “Our abiding interest has been to assure that the necessary changes and improvements are made so that what happened in San Bruno does not happen again, anywhere.”

Read the letter below, followed by the most recent indictment: (Letter to Melinda Haag attached).

5. [Grand jury continuing investigation of PG&E: Utility pleads not guilty to charges in deadly San Bruno blast](#)

By Julia Cheever (Bay City News), San Mateo Daily Journal – Aug. 18, 2014

(Also in The San Francisco Appeal)

Defense and prosecution attorneys revealed at a hearing in PG&E Co.'s criminal case in federal court in San Francisco Monday that a grand jury is continuing an investigation of the utility in what may be a separate case.

"Right now we view the (second possible) case as separate," Assistant U.S. Attorney Hallie Hoffman told U.S. District Judge Thelton Henderson.

No charges have been filed in connection with the current investigation.

In the existing criminal case, PG&E has been indicted on one count of obstructing justice in a probe of a fatal pipeline explosion and fire in San Bruno in 2010 and 27 counts of violating a federal pipeline safety law.

The utility was arraigned on that indictment before a federal magistrate Monday morning and through its lawyer, Steven Bauer, entered a plea of not guilty.

The indictment issued by a federal grand jury on July 29 was a superseding indictment that added new counts to an earlier indictment issued in April.

The continuing investigation was disclosed by Bauer Monday afternoon at a status conference before U.S. District Judge Thelton Henderson, the trial judge in the existing criminal case.

Bauer said the utility's natural gas division received grand jury subpoenas after the superseding indictment was announced. He said PG&E's defense lawyers wanted to know whether that investigation might lead to another superseding indictment in the same case or to a separate case, if any charges are eventually filed.

Hoffman then responded that prosecutors currently view the cases as separate but “may seek to join them if that makes sense” at a later date.

She gave no further details.

Henderson set a further status conference in the case for Sept. 22. No trial date has been set.

Outside of court, spokespersons for U.S. Attorney Melinda Haag and for PG&E declined to comment on the current investigation.

The San Bruno explosion and subsequent fire killed eight people and injured 66 others on Sept. 9, 2010. The cause was a rupture in a defective seam weld in a pipeline segment that was incorrectly listed in PG&E records as seamless, according to the National Transportation Safety Board.

In the superseding indictment, announced by prosecutors on July 29 and filed in court on July 30, PG&E is accused of obstructing the NTSB’s probe and violating Natural Gas Pipeline Safety Act record-keeping and management requirements in connection with the San Bruno pipeline and several other pipelines.

The maximum possible fine in the criminal case, if PG&E is convicted, would be \$1.13 billion, or twice the amount of the victims’ losses. The indictment cites a figure of \$565 million in losses, which is the amount of settlements reached in San Mateo County Superior Court in lawsuits filed against PG&E by family members of victims, people who were injured and people whose property was damaged.

In a separate action, San Bruno officials revealed Monday that they have asked prosecutors to recommend the appointment of an independent federal monitor to oversee PG&E’s progress in improving safety as part of the penalty if the utility is convicted.

In a letter to Haag on Aug. 11, San Bruno City Manager Connie Jackson wrote that a monitor would “provide the depth and breadth of resources needed to validate PG&E’s regulatory responsibilities.”

If PG&E is convicted, the penalty would be determined by the judge.

PG&E issued a statement Monday saying, “Based on all of the evidence we have seen to date and our review of the new indictment, we still do not believe that PG&E employees intentionally violated the federal Pipeline Safety Act and that, even where mistakes were made, employees were acting in good faith to provide customers with safe and reliable energy.”

San Bruno also asked Gov. Jerry Brown last month to appoint an independent state monitor.

San Bruno spokesman Sam Singer said the city has not heard back from Brown and said, “We’re disappointed and will continue to press the governor.”

The city’s letter to Brown came after San Bruno officials obtained copies of emails that they allege show that California Public Utilities Commission president Michael Peevey and his staff improperly exchanged private emails with PG&E executives on matters being investigated by the CPUC.

In an administrative proceeding that is separate from the federal criminal case, the commission is considering how much to fine PG&E for record-keeping and safety-compliance failures. San Bruno has urged it to levy a penalty and fine of \$2.45 billion.

The criminal obstruction-of-justice charge in the indictment alleges that during the NTSB investigation in February 2011, PG&E submitted a document outlining when it considered a manufacturing problem to be high-risk, but later withdrew the document in a letter on April 6, 2011, saying it had never been approved.

The indictment alleges that PG&E did not disclose in the letter that it in fact followed the practices set forth in the document between 2009 and April 2011, and also failed to disclose that it knew the policy violated a requirement of the pipeline safety law.

In its statement Monday, PG&E said it responded to hundreds of questions from the NTSB during the probe and that in one response, “PG&E had submitted a cover sheet approval form mismatched to the wrong internal engineering document.”

“PG&E corrected this error with a letter dated April 6, 2011. The NTSB published the letter on its accident investigation docket on September 30, 2011, and it has been publicly available since then. PG&E believes the letter is true and accurate and stands by it,” the utility said in its statement.

6. PG&E Pleads Not Guilty In Pipe Blast Amid \$1B Fine Threat

By Beth Winegarner, Law360 – Aug. 18, 2014

Law360, San Francisco (August 18, 2014, 3:20 PM ET) -- Pacific Gas & Electric Co. pled not guilty in California federal court on Monday to charges that it violated the Natural Gas Pipeline Safety Act and obstructed a federal investigation into a fatal 2010 natural gas explosion in San Bruno, California, for which the company faces up to \$1.1 billion in penalties.

PG&E's attorney, Steven Mark Bauer, entered the plea on behalf of the company Monday in a brief hearing before U.S. District Court Magistrate Judge Laurel Beeler, who said PG&E could have to pay up to twice the gain it made from its alleged crimes, or twice the losses suffered by the victims.

Hallie Hoffman, an attorney for the U.S. Attorney's Office, said PG&E earned an estimated \$281 million from the alleged crimes, and the victims lost approximately \$565 million as a result of the blast.

PG&E spokesman Greg Snapper stood by the utility company's innocence Monday.

"Based on all of the evidence we have seen to date and our review of the new indictment, we still do not believe that PG&E employees intentionally violated the federal Pipeline Safety Act, and that, even where mistakes were made, employees were acting in good faith to provide customers with safe and reliable energy," Snapper said.

He also contested the obstruction charge, saying that PG&E responded to investigators' questions and produced documents as quickly as possible. In one submission, a cover sheet approval form was mismatched to an incorrect internal document, which Snapper said was rectified.

Prosecutors declined to comment on the case Monday.

PG&E's various alleged missteps were uncovered by an investigation by the California Public Utilities Commission in the wake of the September 2010 PG&E pipeline rupture in San Bruno, California. Approximately 47.6 million standard cubic feet of natural gas was released in the explosion, causing a fire that killed eight people, injured 58 others and destroyed dozens of homes.

Federal prosecutors hit PG&E with a superseding indictment in the criminal case last month, tacking on 16 new criminal counts, including obstruction, and pegging potential penalties at up to \$1.1 billion. PG&E initially told investigators its response policies for pipeline manufacturing threats but later said the documents it had turned over were unapproved drafts produced in error, according to prosecutors. PG&E had actually been using the purported draft policies since 2009, prosecutors said.

Prosecutors said PG&E knowingly failed to address inaccuracies and gaps in its record-keeping related to its network of pipelines and failed to comply with other mandatory "integrity management" standards.

The indictment also claimed the company failed to identify threats to other, larger natural gas pipelines and did not take the appropriate steps to investigate them after they were pointed out, or adequately reprioritize and assess problems that arose after the pipelines were overpressurized.

In May 2013, the mayor of San Bruno called for PG&E shareholders to shoulder \$1.25 billion of the proposed regulatory fine for the incident itself and that another \$1 billion go to cover an independent monitor to oversee the company's safety operations, technical pipeline improvements and an emergency response fund.

Last year, PG&E signed a \$70 million settlement with San Bruno to end the city's claims over the pipeline explosion. The payment came on top of PG&E's agreement to fork over \$50 million for infrastructure repairs and other city expenses tied to the accident.

The government is represented by Kim Allison Berger, Stacey P. Geis, Brett Joseph Morris and Hallie Mitchell Hoffman of the U.S. Attorney's Office for the Northern District of California.

PG&E is represented by Steven M. Bauer and Margaret A. Tough of Latham & Watkins LLP and Walter M. Brown Jr. and Eric M. Hairston of Orrick Herrington & Sutcliffe LLP.

The case is USA v. Pacific Gas and Electric Company, case number 3:14-cr-00175, in the U.S. District Court for the Northern District of California.

7. Fresno Hearings on PG&E Rate Hike Request

By Gene Haagenon, ABC Fresno – Aug. 18, 2014

PG&E's California pipelines have been under scrutiny since the massive gas explosion in San

Bruno four years ago.

The utility company now wants to charge rate payers to make sure the statewide pipeline network is safe.

Company spokesperson Evelyn Escalera says the proposed one billion dollar rate increase is needed to: "Help maintain and modernize our gas transmission system, approximately 6,700 transmission pipelines are included in that. So from testing to modernizing vintage pipelines. Making sure they system is safe and reliable for our customers."

PG&E says the average gas bill would rise about \$5.00 a month if the state public utilities commission approves. But there is opposition.

Mindy Spatt, of TURN, The Utility Reform Network told us by phone from San Francisco the increase is not justified. "We don't think all of these increases are necessary for safety and reliability. We think they are being used to fix mistakes PG&E made in the past. Those mistakes should be paid for out of profits, not rates."

The utility just won a more than two billion dollar rate increase from the Public Utilities Commission, or PUC, last week. The company says that will raise rates for average customers by about \$7.50 a month, starting next month. If approved this next hike would hit at the first of the year.

Myra Diaz a consumer advocate for Fresno's Centro La Familia says these hikes hurt the unemployed and poor: "Also it's a lot of senior citizens on fixed incomes they can't afford any increase they already have their budget for their monthly expenses and increasing it is going to make it even harder for them to afford groceries."

The Public Utilities Commission is holding two hearings on the latest proposed PG&E increase on Tuesday at Fresno City Hall. Spatt urges the public to attend.

"Organizations that have received money from PG&E will come in and defend the company when it asks for rate hikes," said Spatt. "The problem is consumers are not speaking out enough. In order to stop these rates hikes we need to let the PUC know that we object.

The PUC meetings will be Tuesday at 11 in the morning and 5:00 in the evening in the council chambers at Fresno City Hall.

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