

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA



**FILED**  
04/12/21  
04:59 PM

ADMINISTRATIVE LAW JUDGES JESSICA T. HECHT and MARCELO  
POIRIER, co-presiding

Order Instituting Investigation on ) EVIDENTIARY  
the Commission's Own Motion into the ) HEARING  
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 ) Investigation  
Uncontrolled Release of Natural Gas ) 19-06-016  
from its Aliso Canyon Storage )  
Facility. (U904G) )

REPORTERS' TRANSCRIPT  
Virtual Proceeding  
April 7, 2021  
Pages 1625 - 1747  
Volume 12

Reported by: Carol Ann Mendez, CSR No. 4330  
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VIRTUAL PROCEEDING

APRIL 7, 2021 - 10:01 A.M.

\* \* \* \* \*

ADMINISTRATIVE LAW JUDGE HECHT: We'll be on the record. The Commission will please come to order.

This is day 12 of the evidentiary hearings in Investigation 19-06-016 related to Aliso Canyon. We are going to be picking up today with cross-examination of Witness Abel of SoCalGas. We will swear in the witness momentarily.

I'd like to recap first that before we went on the record, we discussed there will be some housekeeping matters to discuss, and we are going to do them later today after we have finished the cross and redirect and whatever is needed with the witness, rather than keeping the witness waiting this morning while we do that.

I think that we can basically get started. I don't think there's a lot left to do now. But before I swear in the witness, is there anything else that anybody would like to raise?

(No response.)

ALJ HECHT: Okay. I see shaking heads. So I will move on to swearing in Mr. Abel.

1 Are you ready, Mr. Abel?

2 THE WITNESS: Yes, Ma'am. I am.

3 ALJ HECHT: Thank you very much. I am  
4 going to read a whole sort of long list of  
5 things. I don't know if you have been  
6 listening in the previous days, but it's a  
7 longer list than usual when we swear in the  
8 witness. And then after that, I will ask you  
9 if you agree. And we'll get to the direct.

10 So to start with, do you solemnly  
11 affirm that the testimony you're about to  
12 give will be the truth, the whole truth and  
13 nothing but the truth?

14 Do you attest to tell the truth  
15 based on your personal knowledge?

16 Do you attest that you will testify  
17 based on your own acknowledge and memory,  
18 free from external influences and pressures;  
19 that you will adhere to all formal  
20 requirements of testifying under oath,  
21 including the prohibition against being  
22 coached;

23 Attest that you will only refer to  
24 materials previously shared with all parties,  
25 including exhibits premarked and identified  
26 by the parties;

27 Attest that you will not make any  
28 recording of the proceeding and that you

1 understand that any recording of a proceeding  
2 held by Webex or teleconference, including  
3 screenshots or other visual copying of a  
4 hearing, is prohibited;

5 And attest that you know a violation  
6 of these prohibitions may result in  
7 sanctions, including removal from the  
8 evidentiary hearing, restricted entry to  
9 future hearings, denial of entry to future  
10 hearings or any other sanctions deemed  
11 necessary by the Commission?

12 Mr. Abel, do you agree to those  
13 attestations?

14 THE WITNESS: I agree.

15 L. WILLIAM ABEL, called as a witness  
16 by Southern California Gas Company,  
17 having been sworn, testified as  
18 follows:

18 ALJ HECHT: Great. Thank you. With  
19 that, I think that we'll go to Mr. Moshfegh  
20 for the direct. And then we'll get going.

21 MR. MOSHFEGH: Great. Thank you, your  
22 Honor.

23 DIRECT EXAMINATION

24 BY MR. MOSHFEGH:

25 Q Mr. Abel, can you please state your  
26 full name for the record?

27 A L. William Abel.

28 Q Do you have before you the exhibits

1 that have been premarked as SoCalGas-08, the  
2 Prepared Reply Testimony of L. William Abel,  
3 dated March 20, 2020; SoCalGas-09, the  
4 Exhibits to Prepared Reply Testimony of L.  
5 William Abel; SoCalGas-29, Prepared Sur-Reply  
6 Testimony of L. William Abel, dated June 30,  
7 2020, and SoCalGas-32, Prepared Supplemental  
8 Rebuttal Testimony of L. William Abel dated  
9 October 26, 2020?

10 A I do.

11 Q Thank you. Were these documents  
12 prepared by you or at your direction?

13 A Yes, they were.

14 Q Do you adopt them as your testimony  
15 in this proceeding?

16 A I do.

17 Q Thank you. Mr. Abel, are you  
18 employed by SoCalGas?

19 A As a consultant, yes.

20 Q You were retained by SoCalGas in  
21 the matter as an outside expert?

22 A That's correct.

23 Q Mr. Abel, can you state the nature  
24 of your involvement in this proceeding?

25 A I am here to provide context and  
26 expertise to the well-kill operations that I  
27 have reviewed.

28 Q Thank you. And, Mr. Abel, can you

1 briefly describe your well control  
2 experience?

3 A I have been in this business since  
4 1984. I have participated in over 500 well  
5 kills; have been a team leader on capping  
6 operations where we stop a flow, put out a  
7 fire on over 60 wells. I have published over  
8 30 papers on the topic and a textbook. I  
9 hold six patents for pressure control  
10 equipment and I have traveled the world and  
11 had a wide variety of experience in this  
12 matter.

13 Q Thank you. And, lastly, the  
14 parties to this proceeding have attested that  
15 they will not audio or video record these  
16 proceedings, but that does not apply to third  
17 parties. But just in case there are any  
18 third parties out there who may seek to audio  
19 or video record these proceedings, I am  
20 stating on the record that I do not consent  
21 to such a recording.

22 Do you consent to being audio or  
23 video recorded by any third party?

24 A No. I do not.

25 MR. MOSHFEGH: Thank you. The witness  
26 is available for cross-examination.

27 ALJ HECHT: Thank you very much. Then  
28 we'll turn to Mr. Gruen. You may proceed.

1 And I think you're on mute, a mistake that I  
2 have already made this morning, too.

3 MR. GRUEN: Thank you, your Honor. Can  
4 you hear me? Okay.

5 CROSS-EXAMINATION

6 BY MR. GRUEN:

7 Q Good morning, Mr. Abel. My name is  
8 Darryl Gruen. I am an attorney practicing on  
9 behalf of the Safety and Enforcement Division  
10 in this proceeding.

11 And I'd like to just start by  
12 asking you a couple of questions that build  
13 on the attestations that Mr. Moshfegh asked,  
14 as well as just establishing a common  
15 understanding of some terms that relate to  
16 this proceeding.

17 So with that, I will proceed with  
18 those basic introductory questions. Do you  
19 understand?

20 A Yes, I do.

21 Q Thank you. First of all, are you  
22 alone right now?

23 A Very. Nobody here.

24 Q Me, too. Are you able to  
25 communicate separately or privately with  
26 anyone while you communicate through this  
27 Webex connection that you have to the  
28 hearings today?

1           A    No.  They took my cell phone away  
2   from me.

3           Q    Okay.  And do you consent to --  
4   just to ask it slightly more broadly than  
5   Mr. Moshfegh, do you consent to anyone  
6   recording or in any way transcribing your  
7   testimony in this proceeding, except for the  
8   Commission-authorized court reporter?

9           A    I agree.

10          Q    Okay.  You don't --

11          A    I do not give my consent, except in  
12   the court reporter, what she has to do.

13          Q    Thank you.  Okay.  And just in  
14   order to establish a couple of terms, one  
15   thing to clarify, if I do press your memory  
16   about anything, please feel free to say that  
17   you don't recall and if you don't know,  
18   please just say so and we'll move on.  Do you  
19   understand?

20          A    Yes, sir.

21          Q    Okay.  And just a couple of terms,  
22   common terms that we can establish for  
23   purposes of the record.  When we talk about  
24   the term -- use the term "Blade" today, can  
25   we agree that we're referring to Blade Energy  
26   Partners?

27          A    Yes.

28          Q    Okay.  And when we talk about the

1 Aliso Canyon facility or Aliso for short, can  
2 we agree that we are talking about SoCalGas'  
3 Aliso Canyon natural gas storage facility?

4 A Yes.

5 Q And if we use the term "root cause  
6 analysis" or "RCA," that refers to Blade's  
7 root cause analysis and supplemental reports  
8 issued in May of 2019. Would you agree with  
9 that understanding?

10 A Yes.

11 Q Okay. And the use of the term  
12 "SS-25" refers to Standard Sesnon 25 well at  
13 Aliso. Do you agree with that?

14 A Yes.

15 Q Okay. And if I use the term  
16 "incident" or you use the term "incident,"  
17 that refers to the release of gas from the  
18 SS-25 facility that was discovered, beginning  
19 October 23rd, 2015. Do you agree?

20 A Yes.

21 Q Okay. Thank you. Mr. Abel, you  
22 talked a little bit about your background and  
23 qualifications, but if we could quickly turn  
24 to your reply testimony, I believe it's  
25 Exhibit SCG-29. And if that could be pulled  
26 up and we'll go right to, first of all, just  
27 the cover page.

28 So you can see we're referencing

1 your reply testimony. And if we could go to  
2 PDF page 20, which I believe is page 19, and  
3 I don't want to belabor this too long, just a  
4 couple of quick questions is the idea. So  
5 could you --

6 MR. MOSHFEGH: I am sorry to interrupt,  
7 but I just -- I believe you identified or I  
8 believe Mr. Gruen identified this exhibit as  
9 SoCalGas-29, but my understanding is Mister  
10 -- we have identified Mr. Abel's reply  
11 testimony as SoCalGas Exhibit 8.

12 MR. GRUEN: Exhibit 8. Understood.  
13 Pardon me. Thank you for the correction. I  
14 appreciate that for the record.

15 Q Turning to SoCalGas Exhibit 8, do  
16 you recognize this as your reply testimony?

17 A Yes.

18 Q Okay. And the witness  
19 qualifications page, where we are, do these  
20 show your witness qualifications in your  
21 reply testimony?

22 A Yes, they do.

23 Q Okay. So, just to cut to it here,  
24 do any of these experiences touch upon work  
25 with natural gas?

26 A The large majority, yes.

27 Q Okay. Can you at a high level just  
28 touch on the numbers, which ones?

1           A     Kind of a big question, but I'll  
2     give you a general answer.

3                     I never thought I was going to be  
4     sitting here and have to give you a number,  
5     to an attorney, when I was doing them  
6     20 years ago. So I did not keep a record of  
7     that, but I would give you my best guess  
8     estimates. 60, 70 percent of the wells that  
9     I worked at that were out of control were  
10    natural gas or a large mixture of natural gas  
11    with oil and other fluids exiting to create  
12    the blowout.

13           Q     Understood. And I appreciate that  
14    you didn't envision talking to an attorney  
15    about this when you were drafting this. So  
16    that's good enough for the answer.

17                     Let me just ask, of those 60 to  
18    70 percent that you were talking about, were  
19    those related to production-related wells,  
20    for purposes of production?

21           A     Some were, but the majority were  
22    exploration of drilling operations where  
23    they're trying to -- in the process of  
24    creating a production well, you have to drill  
25    it, but the odds are that a well-control  
26    event occurs generally when you're trying to  
27    build the well, drilling the well, as opposed  
28    to the production operations. So the larger

1 majority is drilling operations.

2 Q Okay. Drilling operations. And  
3 for purposes of production then?

4 A Well, I am sorry. I muddled a  
5 little bit. Let me try again.

6 Q It might have been on my side, but  
7 please, please, go ahead.

8 A I was cautioned that I should try  
9 to not use words that wouldn't be common to  
10 the average guy. Okay. So -- and not that  
11 you're average, but that it would be easily  
12 understood. Okay.

13 Q Thank you.

14 A So in the process of drilling a  
15 well or creating a well, you have to make the  
16 hole in the ground and you have to construct  
17 it. And the production is after the well --  
18 after the construct -- it's like building a  
19 house. You're talking about building and  
20 living in it. Production is living in the  
21 house, you know, and drilling and workover is  
22 building the house. Okay.

23 So, the odds are that a  
24 well-control event would occur when people  
25 are building the well, drilling or workover,  
26 as opposed to it's just sitting there with  
27 valves that are opened and closed for  
28 production purposes.

1           It's a low-probability event to  
2           have a problem on a production well, in my  
3           experience.

4           Q     Thank you, Mr. Abel. Let me ask it  
5           this way: Have you done any work doing kill  
6           operations on storage facilities?

7           A     Zero. None.

8           Q     Thank you. Okay. Moving on, if we  
9           could just touch on, did you hear or did you  
10          understand that I was asking questions of  
11          Mr. Glenn La Fevers last week?

12          A     Yes. I know that you have asked --  
13          you've asked questions of Mr. La Fevers.

14          Q     Okay. And are you aware that he  
15          deferred to you with regards to certain of  
16          those questions?

17          A     I've been told, yes.

18          Q     Okay. If we could walk through  
19          them quickly. So if we could turn just to  
20          refresh your memory and perhaps go to where  
21          he deferred and turn briefly to pages two and  
22          three at Mr. La Fever's supplemental  
23          testimony and that is identified as SoCalGas  
24          Exhibit SoCalGas-30R Prepared Supplemental  
25          Rebuttal Testimony of Glenn La Fevers, and if  
26          we go to pages 2 and 3.

27          MR. MOSHFEGH: Your Honor, I am just  
28          going to state an objection that

1 Mr. La Fevers' testimony was not identified  
2 by SoCalGas as one of the exhibits they would  
3 be using on Mr. Abel's cross-examination.

4 MR. GRUEN: I would have thought it  
5 would have been obvious, since he referred to  
6 it. We don't -- all this is, is for purposes  
7 of refreshing the record. We really can lay  
8 a foundation through Mr. Abel's testimony, if  
9 we could have just a slight bit of latitude,  
10 your Honor. Helpful for the record.

11 ALJ HECHT: Objection overruled.  
12 Please continue and hopefully we'll get  
13 through the foundation pretty quickly and to  
14 the heart of the question.

15 MR. GRUEN: That is our intent, your  
16 Honor. Thank you for the granting.

17 Q If we could turn to pages 2 and 3  
18 -- page 2, lines 14 to 15, just the  
19 subheading that says:

20 The release was an unavoidable  
21 by-product of the well-kill  
22 attempt on November 13, 2015.

23 Do you see that? Mr. Abel, do you  
24 see that on the screen? ]

25 A Yes, I do.

26 Q And did you hear Mr. La Fevers  
27 testify that he observed a mist that was  
28 released from well SS-25 on November 13,

1 2015?

2 MR. MOSHFEGH: I'm going to object as  
3 lacking foundation. He's not established  
4 that Mr. Abel observed Mr. La Fevers'  
5 testimony during this evidentiary hearing.

6 ALJ HECHT: Yes, that's right. We do  
7 not know whether he observed it, so I'm sure  
8 there's another way to go about this.

9 MR. GRUEN: Okay.

10 Q Did you observe Mr. La Fevers'  
11 testimony, Mr. Abel?

12 A No, I did not.

13 Q Well, let's go to -- so just to  
14 clarify, you're aware that he deferred to you  
15 on certain questions, but you're not -- since  
16 you didn't observe, you're not aware what  
17 exact questions he deferred to you; is that  
18 right?

19 A That's right.

20 Q Okay. Understood. Well, let's  
21 turn to your testimony then, which if we  
22 could go to -- bear with me -- the Prepared  
23 Supplemental Testimony that's SoCalGas-32.  
24 If we go to page 2 and we go to the Bates  
25 number there, that is SoCalGas-32.0004. If  
26 we go to the top there, lines 1 through 3,  
27 you state:

28 What Ms. Felts fails to understand

1 is that, during emergency well  
2 control operations, releases of  
3 kill fluids and other entrained  
4 fluids from the well or formation  
5 are common and known to occur,  
6 especially after fluids are pumped  
7 into the well.

8 Do you see that?

9 A Yes.

10 Q And on page 2 of your testimony  
11 going to line 18 toward the bottom, you  
12 continue:

13 With respect to the top kill  
14 operation performed by Boots &  
15 Coots on November 13, 2015,  
16 records reflect that the return of  
17 kill fluid to surface was likely  
18 the direct result of the second  
19 kill attempt. For example  
20 SoCalGas' daily well work report  
21 from November 13, 2015, states,  
22 'after' --

23 And I believe you inserted the "A"  
24 there, but --

25 -- after 693 --

26 And I believe that's shorthand for  
27 barrels --

28 -- pumped brine, oil and gas

1                   flowing from surface cracks.

2                   Similarly, Boots & Coots' daily  
3                   report from this date specifically  
4                   notes 'brine, oil and gas flowing  
5                   from fissures on the pad.'

6                   Do you see that?

7                   A    Yes.

8                   Q    And continuing onto lines 2  
9                   through 7, you stated:

10                   Notes taken by the representatives  
11                   from the Division of Oil, Gas and  
12                   Geothermal Resources (currently  
13                   known as the California Geologic  
14                   Energy Management or CalGEM), who  
15                   were present at Aliso Canyon  
16                   during the November 13th kill  
17                   attempt, similarly described that  
18                   'the well began to blowout to  
19                   surface, a large column of gas,  
20                   aerated mud and rock formed a  
21                   geyser around the well head and  
22                   mud brine also began to flow from  
23                   around the well head fissures.'

24                   Do you see that?

25                   A    Yes.

26                   Q    So were you present on November 13,  
27                   2015, to observe well SS-25?

28                   A    No, I was not.

1           Q    And you accept then that what the  
2 DOGGR, or now known as the CalGEM -- you  
3 understand CalGEM as you've referenced in  
4 line 4 of the testimony that we just read;  
5 right?

6           A    I'm sorry, I missed the question.  
7 I didn't quite --

8           Q    Probably because I jumbled it. Let  
9 me try it again. That's on my end. Pardon  
10 me, Mr. Abel. Just using the term "CalGEM"  
11 that you referenced in line 4 -- you  
12 understand "CalGEM" if I use that term;  
13 right?

14          A    Yes.

15          Q    So with that in mind, you accept  
16 what DOGGR, now known as the CalGEM,  
17 representatives described in these notes that  
18 you've just put in your testimony is  
19 accurate; is that correct?

20          MR. MOSHFEGH: I'm going to object to  
21 the extent it calls for speculation.  
22 Mr. Abel does not know why members from  
23 CalGEM wrote what they wrote.

24          ALJ HECHT: Let's stick with the  
25 witness' own experience, please.

26          MR. GRUEN: Okay.

27          Q    Well, let me ask this: Since you  
28 put it in your testimony, do you have any

1 reason to doubt its accuracy?

2 A I have no doubt that the people who  
3 wrote these three reports wrote down in their  
4 best ability what they thought they saw at  
5 the time they saw it.

6 Q Fair enough. Let's turn to Exhibit  
7 SED-226, please. Bear with us just a moment.  
8 This is SoCalGas Response to SED Data Request  
9 119.

10 Do you see that?

11 A Yes, sir, I do.

12 Q Turning to Question 3, starting on  
13 PDF page 2 with Bates Number SED-226.2, if we  
14 go to the bottom and if we turn there to  
15 Question 3C, I will represent to you that  
16 this is asking about Mr. La Fevers'  
17 testimony. It asks specifically on  
18 Question C:

19 How many times from October 23,  
20 2015, through February 28, 2016,  
21 was there a release event at SS-25  
22 similar to the one that occurred  
23 on November 13, 2015?

24 If the answer is more than one,  
25 please list the dates of the  
26 additional release events and  
27 identify by name or Bates numbers  
28 all documents that described those

1 releases.

2 Do you see that?

3 A Yes.

4 Q Okay. And continuing on the  
5 following page in response to that question,  
6 we see after the objections, SoCalGas  
7 responds as follows -- if we could -- I think  
8 it starts on the fifth line there:

9 From November 13, 2015, through  
10 February 11, 2016, pressure within  
11 the SS-25 well caused liquid to  
12 become aerosolized during kill  
13 events and on a periodic basis  
14 between kill attempts. See, e.g.,  
15 Boots & Coots' daily reports which  
16 were previously provided to SED  
17 with Bates range  
18 AC\_CPUC\_SED\_DR\_16\_0025631 through  
19 same prefix ending in 0025808.

20 Do you see that?

21 A Yes, I do.

22 Q Did you help prepare this response,  
23 Mr. Abel?

24 A This is Mr. La Fevers' response;  
25 correct? I did not help prepare  
26 Mr. La Fevers' response.

27 Q Right, it's --

28 MR. MOSHFEGH: I'm going to object to

1 the extent -- I'm sorry for the belated  
2 objection, but I'm going to object to the  
3 extent that it calls for speculation beyond  
4 the witness' knowledge.

5 ALJ HECHT: Again, let's stick with the  
6 witness' own knowledge and experience --

7 MR. GRUEN: Okay --

8 (Crosstalk.)

9 ALJ HECHT: -- try to be clear and  
10 efficient.

11 MR. GRUEN: Your Honor, if I may, this  
12 is exactly the line that Mr. La Fevers  
13 deferred to Mr. Abel on. So if Mr. Abel  
14 doesn't know, I'd like to ask for a witness  
15 who does know the answer to this question.  
16 We've now been punted once to someone who  
17 doesn't seem to have an answer to the  
18 question. And if he doesn't know, that's  
19 fine, but we need an answer to the question.

20 Q So, Mr. Abel, are you familiar with  
21 Boots & Coots' daily reports that I just  
22 read?

23 A Yes.

24 Q Okay. You're familiar with those,  
25 so let's just introduce them. If we could  
26 introduce Exhibit SED-227 then. This is  
27 titled SED-227 Boots & Coots Daily Reports.

28 Do you recognize -- if we turn

1 to these, these were provided ahead of time I  
2 believe. Do you recognize these documents?  
3 If you want to take some time to peruse  
4 them -- do you recognize these as the Boots &  
5 Coots' daily reports related to the top kill  
6 attempts from October 26, 2015, through  
7 February 18, 2016?

8 A Yes.

9 Q Okay. Thank you. Do you see that  
10 these documents show the Bates numbers that  
11 are referenced in SoCalGas' Response to SED  
12 Data Request 119, Question 3C that we just  
13 read? Do you want to take a moment to look  
14 at them and see if that's accurate?

15 A I'll defer to you. I believe  
16 they're accurate. If you say these are the  
17 ones you want to ask about, I believe you.

18 Q Okay.

19 (Crosstalk.)

20 THE WITNESS: (Inaudible) -- look up  
21 those numbers and verify the number --

22 BY MR. GRUEN:

23 Q Thank you --

24 (Crosstalk.)

25 THE WITNESS: -- refer to a date of a  
26 report --

27 BY MR. GRUEN:

28 Q Sure.

1 A -- and then we can go --

2 Q Well, the question is about all of  
3 them, but I appreciate your point. How about  
4 if we just ask it this way: Would you accept  
5 that the Bates numbers were the ones  
6 identified in the data response subject to  
7 check later?

8 A Sure, that's a good plan.

9 Q Okay. Okay. And just because we  
10 asked broadly about this, what we're getting  
11 at is can you indicate where in these  
12 referenced daily reports that they show  
13 pressure within the SS-25 well that caused  
14 liquid to become aerosolized during kill  
15 events?

16 MR. MOSHFEGH: I'm going to object as  
17 assuming facts not in evidence and vague and  
18 ambiguous as to the question.

19 ALJ HECHT: Can we try to restate the  
20 question more clearly.

21 MR. GRUEN: Sure.

22 Q Mr. La Fevers -- I'm sorry,  
23 Mr. Abel, do these well -- do these daily  
24 reports have any indication of liquid  
25 becoming aerosolized during kill events at  
26 SS-25?

27 A Okay. So that we're all on the  
28 same page, could you scroll the page down to

1 the middle of the page where it talks -- all  
2 I see is the bottom that they worked some  
3 hours and there's a Bates number. Okay.

4 Q Sure.

5 (Crosstalk.)

6 BY MR. GRUEN:

7 Q We'll go wherever you want, sir.  
8 Go ahead.

9 A In the hour-by-hour breakdown,  
10 there is where the information is recorded  
11 what they observed and thought was important  
12 to write down.

13 Q Understood -- oh, go ahead. I'm  
14 sorry.

15 A And my interpretation is that they  
16 are summarizing the events of the day. I  
17 don't see anything about a geyser and fluid  
18 flying up into the air on the Boots & Coots'  
19 report. I do see a reference that fluid is  
20 returning during the kill attempt, and it's  
21 referenced while there was pressure on the  
22 well.

23 Now, the way the question was  
24 styled, it was about pressure within the  
25 well, and there is no way of knowing what  
26 that is from the surface indicator. It's  
27 related, but what Boots & Coots is writing  
28 down -- and I'm sure I'm going to get my hand

1 spanked for being elaborate here -- is here  
2 is what we did and here is what we observed.  
3 There is pressure on the well that's being  
4 generated by a pump, and then later it refers  
5 to the crux of your question, if I understand  
6 it, began flowing --

7 MR. MOSHFEGH: And if I can  
8 just interject --

9 MR. GRUEN: Your Honor, he's not done  
10 answering the question. Counsel --

11 (Crosstalk.)

12 ALJ HECHT: Stop.

13 MR. GRUEN: I would object to counsel  
14 offering any insight here.

15 ALJ HECHT: Stop. We'll be off the  
16 record.

17 (Off the record.) ]

18 ALJ HECHT: We'll be back on the  
19 record.

20 When we were off the record, we  
21 discussed the appropriateness of objections.  
22 And the hope is that the witness will be able  
23 to answer the questions with all the  
24 information he needs in front of him on the  
25 screen.

26 So, Mr. Abel, please proceed.

27 THE WITNESS: Okay. The question was  
28 talked about. Did I understand that the

1 record showed the -- Boots & Coots that there  
2 was aerosolized fluid in the air. That's how  
3 I understood the question.

4 And the only reference that I know  
5 of in this respect for the first kill attempt  
6 is on November the 13th. So if we're not on  
7 November 13th, can you please put November  
8 the 13th up there and that's the one that --  
9 BY MR. GRUEN:

10 Q Absolutely. Thank you for the  
11 clarification, both of you. And we will do  
12 that. It's our intent to go where you want  
13 us to go.

14 A And I will say you were right about  
15 the Bates number. But I don't think in Bates  
16 number. I think in days. If you can indulge  
17 me, it would be helpful to know --

18 Q Most definitely. If we can get to  
19 -- Mr. Zarchy, we have October 28, 2015. To  
20 the best of my knowledge, these should be in  
21 chronological order so we can get to the  
22 November 13th fairly -- yep. There it is.  
23 Perhaps we can expand it slightly to show the  
24 date.

25 And Mr. -- with that, Mr. Abel,  
26 does this appear to be the Boots & Coots  
27 daily report from November 13, 2015, on the  
28 screen in front of you?

1           A    Yes, it does.

2           Q    Okay.  If you like, we can scroll  
3 down for you to --

4           A    Okay.  That's correct.

5           Q    -- for you to answer the question  
6 about aerosolization during the November 13th  
7 kill event.  I think you had a fair  
8 characterization and understanding.  So  
9 please go ahead.

10          A    Okay.  Line -- down about  
11 two-thirds of the way down, there's  
12 1400 hours to 1700 hours, there is a  
13 description of what's going on.  And they say  
14 after -- I am sorry.  Back up.  There's two  
15 references there.  The first one is in the  
16 line 11:15 to 1400 hours.  And it reads,  
17 "Began displacing at 9.4 and after displacing  
18 --"

19                   Hold on a moment.

20                   It says -- about five lines down,  
21 it says:

22                           Pump soft line, pump pressure 634.  
23                           Brine, oil, and gas flowing from  
24                           fissures on the pad.

25                   And then later in a different  
26 operation in 1400 to 1700 they pumped down  
27 the annulus and observed brining from the  
28 fissures.  Now, there's no description that

1 it went up into the air and aerosolized at  
2 that point.

3 So if we say that I -- do I know it  
4 happened? By reading this, I'd say the  
5 fellow who wrote this down didn't note it.  
6 That's all I can say. And I'm relying --  
7 remember I'm not there. I'm relying on the  
8 documents provided to understand what went  
9 on.

10 Q Okay.

11 A I'm relying on Mr. Walzel to have a  
12 reported factual account of what occurred  
13 that he observed and he thought was important  
14 to put on his record.

15 Q Understood. Thank you, sir. And,  
16 Mr. Abel, do you have -- do you have an  
17 understanding of the other daily reports that  
18 are here dated as to whether the fluid went  
19 up into the air as described? As you just  
20 described?

21 A In reference to this event?

22 Q In reference to this event --  
23 (Crosstalk.)

24 A There is the DOGGR report. I refer  
25 to them as DOGGR. I didn't know they changed  
26 their name until you told me today.

27 The DOGGR report were the same guy.  
28 Same event was observed by a different person

1 who wrote a different report and  
2 characterized it a little differently.

3 Q Okay.

4 A Look at the same two guys, two  
5 different fellows, looking at something and  
6 writing down their reporting. And one  
7 reports one way and one reports it a little  
8 differently.

9 Q And specifically with regards to  
10 the daily reports from Boots & Coots to your  
11 knowledge in these daily reports, is there  
12 any mention made of aerosolization during  
13 kill events on SS-25?

14 A By Boots & Coots, I did not see any  
15 record that indicated that.

16 Q Thank you, sir. Okay. If we could  
17 turn to page 1 of your prepared supplemental  
18 rebuttal testimony now. And if we go to the  
19 bottom just to read the Bates No. into the  
20 record. I am sorry. There is no Bates No.  
21 Just the page number. Pardon me.

22 Page 1 and the heading -- pardon  
23 me. I think we're at the -- if we could go  
24 to the other -- the other document that's  
25 identified as SoCalGas-32. Let's go to  
26 page 1 there and scroll down toward the  
27 bottom. Here we are.

28 So do you recognize this as your

1 supplemental rebuttal testimony, Mr. Abel?

2 A Yes, I do.

3 Q Okay. And the heading at lines 18  
4 and 19 discuss:

5 The release of fluids as common  
6 and known to occur during well  
7 control operations.

8 Did I did read that correctly?

9 A Yes, sir.

10 Q Okay. Is the release of fluids  
11 common and known to occur during emergency  
12 well control operations specifically at Aliso  
13 Canyon?

14 A I would say yes.

15 Q Okay. What data do you rely on to  
16 make that statement?

17 A The records which -- every -- the  
18 daily reports all indicate on each and every  
19 kill attempt, there was return fluid to the  
20 surface. I also rely on my experience that  
21 if you're having a successful well control  
22 attempt, you will always see fluid returned  
23 to the surface if the flow path is to the  
24 surface. It's common.

25 Q Okay. So -- but just to be clear,  
26 I think you clarified this but the experience  
27 that you're talking about does not include  
28 actual observation of the well kill attempts;

1 is that right? At Aliso; is that right?

2 A Again, I was not there. I did not  
3 observe it.

4 Q Okay. Did you talk to anyone at  
5 SoCalGas to come to that conclusion that you  
6 just stated?

7 A No.

8 Q Do you know how many emergency well  
9 control operations have occurred at Aliso  
10 since 1973?

11 A I'm aware of two or -- I'm aware  
12 there are several.

13 Q On which wells?

14 A My memory's not that good. But  
15 there were several attempts. There is some  
16 record that I saw in this volume where wells  
17 were killed.

18 Q Okay. Okay. How many times have  
19 you observed a release of aerosolized oil or  
20 mist to the atmosphere in a geyser release?

21 A Zero.

22 Q Okay. To your knowledge, has there  
23 ever been history of release on the scale of  
24 SS-25 occurring at the Aliso Canyon storage  
25 facility?

26 A I can't opine to that because I  
27 really do not know what the volume of  
28 release.

1           Q    Okay.  And, Mr. Abel, just with  
2 regards to this -- the supplemental rebuttal  
3 testimony.  I know you -- counsel asked if  
4 you sponsored it.  But did you actually write  
5 this?

6           A    I collaborated with the attorney in  
7 a verbal way.  He actually typed it.  We  
8 discussed the matter.  And I -- at the end of  
9 the day, I approved what was written.  He was  
10 the secretary and I dictated it.

11          Q    Okay.  And did he dictate it  
12 exactly as you stated to him?

13          A    He didn't dictate.  I dictated.

14          Q    Pardon me.  Thank you for the  
15 correction.  I -- pardon me.  Did he write it  
16 as you dictated it to him?  Thank you.

17          A    Not always.  I had to correct him.

18          Q    Okay.  But these words reflected  
19 your -- what you wanted put on the page?  
20 What words you wanted to put on the page; is  
21 that right?

22          A    That's correct.

23          Q    And you mentioned that you did not  
24 know until we talked about -- talked today  
25 that DOGGR had become CalGEM; is that right?

26          A    I didn't -- I've never heard of  
27 them referred to as CalGEM, only DOGGR in my  
28 reading in past discussions.  It's always

1 DOGGR. CalGEM was a new term for me today.  
2 But you told me they were one in the same so  
3 I accepted that.

4 Q Understood.

5 MR. GRUEN: Your Honor, no further  
6 questions. ]

7 ALJ HECHT: All right. Thank you very  
8 much.

9 At this point, I will ask if Public  
10 Advocates Office has any questions for this  
11 witness, as well.

12 MS. BONE: Your Honor, we have no  
13 questions for this witness.

14 ALJ HECHT: Then what I am going to do  
15 is I am going to take a 10 or-so-minute break  
16 and see if SoCalGas would like to discuss the  
17 possibility of redirect and whether they want  
18 redirect.

19 And we'll come back -- I am going to  
20 make it 15 minutes. We will come back at  
21 11:05. And at that point, you can let me  
22 know if you have redirect.

23 Does that work for everybody?

24 MR. GRUEN: Yes.

25 ALJ HECHT: Okay. Thank you. We will  
26 be off the record.

27 (Off the record.)

28 (Break.)

1 ALJ HECHT: We'll be back on the  
2 record.

3 So we just took a morning break.  
4 While we were off the record, did SoCalGas  
5 determine whether there is any redirect for  
6 this witness?

7 MR. MOSHFEGH: Yes, your Honor. We  
8 have some brief redirect.

9 ALJ HECHT: Okay. Is the witness ready  
10 for that?

11 THE WITNESS: Yes, I am.

12 ALJ HECHT: Great. Then please  
13 proceed.

14 REDIRECT EXAMINATION

15 BY MOSHFEGH:

16 Q Mr. Abel, do you recall earlier  
17 Mr. Gruen asked you about the aerosolization  
18 of fluids, when he asked about the Boots &  
19 Coots' daily operating reports?

20 A Yes.

21 Q And I believe you highlighted the  
22 release to surface that is documented on  
23 November 13th of the Boots & Coots' daily  
24 operating report. Do you recall that?

25 A Yes.

26 Q What is a release to surface in  
27 that context?

28 A In that context, the oil and brine

1 that they are describing is near the end of  
2 the pumping attempt, and it is a return of  
3 fluid from the well that resulted from the  
4 pumping operation.

5 Q And does a return to surface, could  
6 it potentially include the aerosolized  
7 release of fluids?

8 A It could, if a geyser occurred.

9 Q And based on your review of the  
10 Boots & Coots' daily operating reports, was  
11 there a return to surface during each of the  
12 kill attempts performed by Boots & Coots?

13 A I believe, yes, there was, recorded  
14 in each Boots & Coots report return to  
15 surface of the fluids that they were pumping  
16 during the kill.

17 Q Okay. Thank you. Do you also  
18 recall that Mr. Gruen asked you about other  
19 emergency well-kill operations at Aliso  
20 Canyon?

21 A Yes.

22 Q And are you aware of any kill  
23 operation at Aliso Canyon that was anywhere  
24 near the magnitude of the incident that  
25 occurred with respect to well SS-25?

26 A No. The kill attempts -- the kills  
27 that I am referring to were minor compared to  
28 SS-25 event of October 2015.

1 MR. MOSHFEGH: Okay. I have no further  
2 questions.

3 ALJ HECHT: Thank you very much.

4 Do we have any additional questions  
5 from SED related to that brief questioning?

6 MR. GRUEN: No, your Honor.

7 ALJ HECHT: Okay. And Public Advocates  
8 Office, anything?

9 MS. BONE: No.

10 ALJ HECHT: All right. Thank you.  
11 Then I think that Witness Abel can be  
12 excused.

13 Thank you very much for your time.  
14 We appreciate very much your time and your  
15 patience.

16 And with that, we will continue with  
17 the exhibits that were used with this witness  
18 and I will turn first to Mr. Moshfegh for  
19 that.

20 MR. MOSHFEGH: Thank you, your Honor.

21 We have identified SoCalGas-08 the  
22 Prepared Reply Testimony of L. William Abel  
23 dated March 2020; SoCalGas-09, Exhibits to  
24 the Prepared Reply Testimony of L. William  
25 Abel; SoCalGas-29, the Prepared Sur-Reply  
26 Testimony of L. William Abel dated June 30,  
27 2020, and SoCalGas-32, the Prepared  
28 Supplemental Rebuttal Testimony of L. William

1 Abel dated October 26, 2020.

2 ALJ HECHT: Thank you very much. And  
3 do you move to have those moved into  
4 evidence?

5 MR. MOSHFEGH: Yes, Ma'am.

6 ALJ HECHT: Thank you. All right. So  
7 we're talking about SoCalGas Exhibits 08, 09,  
8 29 and 32. Are there any objections to  
9 moving those into the record of the  
10 proceeding?

11 MR. GRUEN: Your Honor, no objection  
12 from SED.

13 ALJ HECHT: Okay. I am not hearing any  
14 other objections, so I am going to grant that  
15 motion to move them into the record.

16 (Exhibit No. SoCalGas-08 was marked  
17 for identification.)

18 (Exhibit No. SoCalGas-09 was marked  
19 for identification.)

20 (Exhibit No. SoCalGas-29 was marked  
21 for identification.)

22 (Exhibit No. SoCalGas-32 was marked  
23 for identification.)

24 (Exhibit No. SoCalGas-08 was  
25 received into evidence.)

26 (Exhibit No. SoCalGas-09 was  
27 received into evidence.)

28 (Exhibit No. SoCalGas-29 was  
received into evidence.)

(Exhibit No. SoCalGas-32 was  
received into evidence.)

ALJ HECHT: And then I will ask

1 Mr. Gruen about cross-exhibits.

2 MR. GRUEN: Your Honor, may we have a  
3 moment off the record -- I apologize -- just  
4 to prepare for that?

5 ALJ HECHT: Certainly. We'll be off  
6 the record.

7 (Off the record.)

8 ALJ HECHT: We'll be back on the  
9 record.

10 All right. We're going to talk  
11 about moving any other exhibits for this  
12 witness.

13 MR. GRUEN: Thank you, your Honor.

14 SED requests to move Exhibits  
15 SED-226, SoCalGas Response to SED Data  
16 Request 119 dated November 8, 2020, and  
17 SED-227, the Public Version of the Boots &  
18 Coots Daily Reports. We would request to  
19 move both exhibits into the record.

20 ALJ HECHT: Are there any objections to  
21 moving those two exhibits into the record?

22 (No response.)

23 ALJ HECHT: I do not see or hear  
24 anyone. So that is no objection and I will  
25 grant the request to move those into the  
26 record.

27 (Exhibit No. SED-226 was marked for  
28 identification.)

1 (Exhibit No. SED-227 was marked for  
2 identification.)

3 (Exhibit No. SED-226 was received  
4 into evidence.)

5 (Exhibit No. SED-227 was received  
6 into evidence.)

7 ALJ HECHT: I think that that completes  
8 the exhibits related to this witness and our  
9 discussion related specifically to this  
10 witness today, but I know that we have a  
11 number of housekeeping issues to talk about  
12 and I'm going to take us off the record  
13 briefly so we can figure out exactly what  
14 those are and come back and restate them  
15 clearly.

16 We'll be off the record.

17 (Off the record.)

18 ALJ HECHT: We'll be back on the  
19 record.

20 While we were off the record, I made  
21 a list of about three housekeeping issues  
22 that we are going to want to deal with today.

23 First we're going to get a summary  
24 from Mr. Gruen of some requests made by SED,  
25 and I think supported by the Public Advocates  
26 Office about 10 days ago, and please go  
27 ahead.

28 MR. GRUEN: Thank you, your Honor.

To repeat the request as closely as

1 we can to what we had asked last week, in  
2 order -- during the break, between hearings  
3 today, and when hearings restart May 3rd, SED  
4 would request the following -- SED does  
5 request the following:

6 First, SoCalGas should be required  
7 to provide the order of its witnesses  
8 scheduled for May by the end of hearings  
9 today and should not be allowed to shuffle  
10 its witness order again.

11 Second, no further data requests  
12 should be allowed, except for those related  
13 to SoCalGas' potential violations of its  
14 attestations until the briefs related to this  
15 round of hearings are over. Yes.

16 Third, now that hearings have begun,  
17 SoCalGas should not be allowed to supplement  
18 its data responses. SED should be allowed to  
19 rely on what SoCalGas has provided as  
20 complete. It would afford an unfair  
21 advantage to allow SoCalGas to supplement its  
22 responses, now that it has performed its  
23 cross-examination.

24 Fourth, SED requests to handle the  
25 cross-examination schedule updates from this  
26 point on. If one of SoCalGas' witnesses  
27 cannot appear at the initially-agreed time,  
28 SoCalGas should be required to give SED a

1 minimum of three days' notice, so that SED  
2 can address the schedule accordingly. The  
3 expectation should be that each witness is  
4 required to appear, unless there is a  
5 medical-related need not to do so. And SED  
6 would add just that if there is such a need,  
7 that the ALJs should be allowed to explore  
8 the basis for it in camera. There shouldn't  
9 be any privilege that applies.

10 Fifth, it is impossible to foresee  
11 every tactic, frankly, that SoCalGas may use  
12 to distract SED from preparing for and  
13 conducting cross-examination in May.

14 We note that the purpose of making  
15 these requests is to afford SED the same  
16 common courtesies that SoCalGas has enjoyed  
17 throughout its cross-examination and that  
18 that also be extended to both SED and Cal  
19 Advocates.

20 And sixth, and lastly, assuming that  
21 your Honors grant these ground rules moving  
22 forward, SED would add the request that  
23 parties be afforded a moratorium on written  
24 motion practiced from this point forward and  
25 that SED be allowed to prepare for and  
26 conduct cross-examination without  
27 distraction. And just to clarify, the time  
28 period this point forward would be no motions

1 until the conclusion of this round of  
2 hearings.

3 That concludes our request, your  
4 Honor.

5 ALJ HECHT: All right. That was my  
6 question. I am assuming that we will have a  
7 response from Mr. Stoddard.

8 MR. STODDARD: Yes, your Honor. Thank  
9 you. One clarification question. I'm not  
10 sure I caught what number five was clearly.

11 ALJ HECHT: Actually, I didn't either.  
12 There is a blank on my sheet. I have the  
13 other one. Could you please repeat?

14 MR. GRUEN: Sure. It is impossible to  
15 foresee every tactic SoCalGas may use -- may  
16 use to distract SED from preparing for and  
17 conducting cross-examination in May. That is  
18 our caveat that we've added since then --  
19 since the last time we put this before your  
20 Honors last work.

21 The purpose of making the requests  
22 -- these requests, is to afford SED the same  
23 common courtesies that SoCalGas enjoyed  
24 throughout its cross-examination and that  
25 that also be extended to SED and Cal  
26 Advocates.

27 ALJ HECHT: All right. That is clear.  
28 Thank you. And you are looking for

1 professional courtesy and that sort of  
2 summarizes the purposes of your other items.

3 Mr. Stoddard, what is your response?

4 MR. STODDARD: Yes, your Honor. And I  
5 believe we responded to several of these last  
6 time, but I will do my best to restate what  
7 we have said.

8 In terms of the order of witnesses  
9 for May, we have done the best we can to  
10 already do that, as of last week. Again, and  
11 I may have missed it, if it issued recently,  
12 but I believe we are still waiting on  
13 confirmation of hearing dates for some of the  
14 outer days. And we will not be able to  
15 confirm witnesses for those days until we  
16 have dates. And although I expect that the  
17 order would probably remain the same as what  
18 we have in our schedule, it would be  
19 contingent upon setting the actual hearing  
20 dates and times.

21 It also -- I would also like to note  
22 that this -- as we noted in that schedule, we  
23 requested a date and time certain for  
24 purposes of the producing witnesses if they  
25 are third-party witnesses. We'll discuss a  
26 little later on a possible subpoena for  
27 appearance of those witnesses, but that can  
28 specify a date and time certain.

1                   And so that is an item where and  
2                   again in light of SED's request that  
3                   witnesses' testimony not be broken up.  
4                   Again, there will be a bit of an exercise in  
5                   making sure that the testimony kind of maps  
6                   on to a sort of contiguous set of dates.

7                   Second, and my notes on this  
8                   indicate it sounds like the request today was  
9                   no further discovery by SoCalGas. Your  
10                  Honor, if I may, I just want to give SED an  
11                  opportunity to correct me if I have misstated  
12                  that. I understood it to be that SED would  
13                  be able to continue discovery, as would Cal  
14                  Advocates, as to potentially third parties as  
15                  well as on the realtime reporting issue but  
16                  that SoCalGas would not be allowed to conduct  
17                  any further discovery. Is that a correct  
18                  characterization?

19                 MR. GRUEN: Your Honor, would you like  
20                 me to respond?

21                 ALJ HECHT: Yes. Please respond to  
22                 that, whether that is correct.

23                 MR. GRUEN: Just to clarify it, almost.  
24                 The proposal would be that SED would not  
25                 pursue any discovery on SoCalGas either, the  
26                 idea being that discovery on parties to the  
27                 proceeding be discontinued until the end of  
28                 hearings. So discovery on Boots and Coots,

1 last time SoCalGas did identify correctly  
2 that SED has a data request outstanding to  
3 Boots & Coots and we would request to be  
4 allowed to continue to receive a data  
5 response to that data request.

6 ALJ HECHT: And I believe that there  
7 was another exception to that relating to the  
8 incident with the realtime reporting. Did I  
9 mishear that?

10 MR. GRUEN: No, your Honor. Pardon me  
11 for not stating it at the outset. That is  
12 correct. The other exception as your Honor  
13 noted would be to allow parties to pursue  
14 continued discovery related to the  
15 attestations, the realtime recording as I  
16 believe your Honor stated. Yes, your Honor.

17 ALJ HECHT: Okay. So, Mr. Stoddard.

18 MR. STODDARD: Yes, your Honor. Thank  
19 you.

20 SoCalGas would oppose this request  
21 as has been stated, both with respect to  
22 ongoing discovery of Blade, which, you know,  
23 the witness for Blade has appeared. He's  
24 provided his testimony and he's been released  
25 from the proceeding. We don't think further  
26 discovery of Blade at this point is  
27 appropriate, unless there is a specific  
28 limited area where it's approved by your

1 Honors generally.

2 Separately, we are pursuing  
3 discovery as we noted last time with respect  
4 to Cal Advocates' communications with Blade,  
5 which we discovered during cross-examination  
6 of a Cal Advocates' witness. This is  
7 important and notable in part because the  
8 scoping ruling in this proceeding  
9 specifically required that all discovery be  
10 served on parties to the proceeding, and it  
11 appears that there was some form of discovery  
12 going on in the form of a telephone  
13 communication. We received some information  
14 about this in response to a data request that  
15 we sent to Cal Advocates. And it appears  
16 that there were a couple of telephonic  
17 conferences with the Blade witness, based on  
18 what we've received so far, that occurred in  
19 October of last year that SoCalGas was not a  
20 party to.

21 And, you know, again, I think this  
22 is going to warrant further discovery and it  
23 may end up requiring bringing back a Cal  
24 Advocates witness to ask further questions on  
25 this issue to the degree that information was  
26 provided that would be relevant. Obviously  
27 we would come back to your Honors to discuss  
28 that issue at the appropriate time, but it

1 does warrant further discovery.

2           And the next item I have on the list  
3 is no supplementation on data responses.

4 And, you know, as I mentioned last time, we  
5 don't oppose this request generally; however,  
6 there probably would need to be exceptions to  
7 this, including currently ongoing discovery  
8 that may require supplementation based on  
9 information that is obtained. You know, so I  
10 think it's kind of an overly-broad request  
11 with respect to, you know, the discovery that  
12 we are receiving, for example, related to  
13 realtime, the realtime-monitoring issue or  
14 other discovery that may be propounded on --  
15 that may have been propounded on as more  
16 recently, but in general we wouldn't oppose  
17 this request, given that we are now in the  
18 midst of evidentiary hearings.

19           The next item I have is that SED  
20 wants to handle cross-examination scheduling,  
21 I believe, and estimates themselves. And  
22 then this also included a request with  
23 SoCalGas give three days advance notice  
24 regarding any change in the order of  
25 witnesses.

26           On the first item, in terms of SED  
27 handling the cross schedule, SoCalGas would  
28 not oppose that. In terms of the three days'

1 advance notice, Mr. Gruen included a note on  
2 that that of course is contingent upon or  
3 would be dependent upon and wouldn't include  
4 the need to reschedule due to medical issues.  
5 And, of course, I raised that last time.  
6 That is absolutely a necessary limitation, in  
7 light of the COVID pandemic that we are  
8 currently going through, as well as just  
9 other ordinary medical issues that may arise  
10 and given we are not going to have the rest  
11 of these hearings occurring for several weeks  
12 now. And we also wouldn't oppose having  
13 further discussions on any medical issues  
14 that arise as appropriate in, you know, kind  
15 of and in-camera-type consultation. However,  
16 we have never asserted that they're  
17 privileged. Just to respond to a point made  
18 by SED, we actually were very forthcoming  
19 with the details about the medical issues the  
20 last time we discussed this. And I would  
21 like to note that for purposes of the record.

22 The 5th item which Mr. Gruen  
23 restated a moment ago isn't a request. It's  
24 more of a comment. And he referred to, you  
25 know, "impossible to foresee every tactic  
26 that SoCalGas may use." I would just like to  
27 note that SoCalGas disputes any suggestion  
28 that we are engaging in some kind of

1 inappropriate tactics here aside from just  
2 litigation of our case.

3 And but, aside from that, you know,  
4 again, that is not a request. So I don't  
5 think we necessarily need to address it,  
6 other than to dispute the characterization  
7 and the suggestion there.

8 And then finally, six was a  
9 moratorium on motions' practice. And, again,  
10 as I noted last week when this issue came up,  
11 there is a specific motion which we were  
12 contemplating bringing, which is a motion to  
13 strike related to SED's testimony as to  
14 continuing violations. And we intend to  
15 renew this motion. As you will recall, the  
16 judges -- your Honors denied it the first  
17 time without prejudice, pending hearing from  
18 the Blade witnesses. We have now heard from  
19 the Blade witnesses who didn't provide any  
20 testimony on this issue.

21 Pursuant to Commission Rule 11.1(b),  
22 a motion can be brought at any time during  
23 the pendency of the proceeding. That is the  
24 general rule. And we don't see a reason for  
25 deviating from it here, especially where we  
26 have a break of three weeks in which this  
27 motion could be addressed with time for SED  
28 and Cal Advocates to prepare for the

1 remaining witnesses.

2 I would note that, you know,  
3 parties were preparing for these proceedings  
4 in advance of evidentiary hearings and even  
5 up until shortly before hearings commenced  
6 and we commenced and we did our  
7 cross-examination, SED was bringing motions,  
8 and in part because of the schedule that was  
9 established which included prehearing motions  
10 that was set by your Honors.

11 But, again, I think it's appropriate  
12 and consistent with the Commission's Rules  
13 to permit SoCalGas to bring a motion to  
14 strike in this context and in light of the  
15 judge's ruling when we first brought it as an  
16 oral motion.

17 It's also -- permitting SoCalGas to  
18 bring this motion may also aid resolution of  
19 the proceeding. SoCalGas' motion to strike,  
20 if granted, would help narrow and clarify the  
21 scope and number of violations at issue here  
22 for briefing and it would promote judicial  
23 economy and increase the likelihood of  
24 settlement.

25 SED's allegations currently and  
26 without basis extend back decades as to the  
27 continuing violations, including back to the  
28 1960s for one of them. Briefing these

1 allegations is going to require responding on  
2 a decade-by-decade and in some cases maybe in  
3 a more granular way as to the factual basis  
4 for those.

5           Again, as we heard during testimony,  
6 Ms. Felts testified to having no involvement  
7 in the determination of the basis for the  
8 continuing violations to essentially taking  
9 them as they were handed to her, including  
10 the selection of start and endings. That's  
11 not testimony. And what we would argue in  
12 our motion is that it should be stricken on  
13 that basis.

14           In the motion to strike, SoCalGas  
15 would not be seeking to strike the specific  
16 violations that have been stated by SED.  
17 Those would be briefed. This is simply the  
18 testimony as to the continuing violations.  
19 Accordingly, SoCalGas would request that your  
20 Honors permit leave for SoCalGas to file a  
21 motion to strike on this issue and we would  
22 oppose SED's request for a blanket moratorium  
23 on motions practiced during the break.

24           ALJ POIRIER: ALJ Hecht, you're on  
25 mute.

26           ALJ HECHT: Thank you. I am guessing  
27 that in a moment Public Advocates Office will  
28 want to respond, but before I get to that, I

1 will say that the main thing I took out of  
2 that is that most of these requests aren't  
3 really opposed. Providing an order of  
4 witnesses, having SED manage the witness  
5 schedule, having three days notice' of  
6 changes in the witness schedule, I am not  
7 seeing opposition to those things. And I  
8 will consult with my co-assigned ALJ, but  
9 things that are not opposed on that level  
10 probably are not going to end up being a  
11 problem, and I'm happy that I think about  
12 four of the five or six questions are on a  
13 practical level, unopposed. Having said  
14 that, the two that are opposed are on data  
15 responses, with certain exceptions. And I  
16 think that is something that we'll probably  
17 hear from SED and Public Advocates Office on,  
18 and then the other is on a complete  
19 moratorium on written motion practice.

20 So I think that's where we are  
21 focusing right now, but if I have misstated  
22 that or if somebody has another  
23 interpretation, please do let me know. I am  
24 not seeing anybody who is --

25 ALJ POIRIER: He has raised his hand. ]

26 ALJ HECHT: Go ahead, Mr. Gruen. And  
27 now you are on mute.

28 MR. GRUEN: Sorry, your Honor. Excuse

1 me for that. Your Honor, that crystalizes, I  
2 think, the areas of dispute as I understand  
3 them. Thank you for that, that input. With  
4 regards -- and, your Honor, may I respond to  
5 the areas that are potentially in dispute?

6 ALJ HECHT: Briefly, and then I would  
7 like to hear from Public Advocates Office, if  
8 they want to speak, which I've been assuming,  
9 and I'm seeing nodding so I will continue to  
10 assume that.

11 MR. GRUEN: Okay. Thank you, your  
12 Honor. With regards to the data responses, I  
13 still maintain, as we did last week, that  
14 it's not for SoCalGas to be objecting about  
15 discovery on Blade unless SoCalGas, as they  
16 did last week, say that it's not for SED to  
17 be weighing in on this either.

18 The difference between the two of  
19 us, as instructed in the scoping memo, is  
20 that SED's opening testimony relies almost  
21 exclusively on the Blade report. We have a  
22 vested interest in being sure that the  
23 discovery relates to and supports our  
24 violations.

25 The other thing I'd note,  
26 Mr. Stoddard rightly noted that Blade has  
27 gone, that they've testified already, and the  
28 purpose of this discovery has nothing to do

1 with furthering cross-examination of Blade.  
2 We're well aware of that. We could have  
3 instead of cross-exam -- of doing discovery  
4 on Blade, done discovery of SoCalGas. But to  
5 be consistent with our requests, we tried not  
6 to do that.

7           What we would do, because our  
8 understanding is that all roads with regards  
9 to information really do lead back to  
10 SoCalGas is to get the response from Blade  
11 and use it in our cross-examination upcoming  
12 of SoCalGas' witnesses. This can be done  
13 procedurally appropriately and efficiently.  
14 There's no concern here.

15           We have an interest in making sure,  
16 however, that there is a complete record with  
17 regards to all of the information that Blade  
18 was able to review, and so this is an  
19 entirely appropriate thing. There's nothing  
20 that's being done that's inconsistent with  
21 our request, and we think it will help build  
22 a complete record.

23           Frankly, from that perspective, we  
24 would think that that would be in the best  
25 interest of everyone here, but we note  
26 SoCalGas' objection. We think that the  
27 request to have the data request of Blade  
28 should be an appropriate exception. I'll

1 stop there, your Honor.

2 ALJ HECHT: Thank you. Yes. I will go  
3 to Mr. Stoddard for a response to that and  
4 then I will in fact go to Ms. Bone.

5 MR. STODDARD: I'll be brief, your  
6 Honor. I would just note, you know,  
7 Mr. Gruen noted that their testimony is based  
8 on the Blade report. They've identified  
9 violations largely based on their  
10 understanding of the Blade report. The time  
11 for discovery in this proceeding with respect  
12 to Blade, which has been going on for years,  
13 should have been over prior to conclusion of  
14 these proceedings. Blade was on the stand.  
15 They were available for questioning at that  
16 time.

17 Again, the question that was served  
18 the other day is almost identical to the last  
19 line of questioning asked of the Blade  
20 witness where he agreed to go back overnight  
21 and double check and came back with an  
22 answer, and SED is now following up on that.  
23 This is something that could have been asked  
24 in the context of recross. If this is  
25 permitted, where and when does it end?  
26 That's the concern, your Honor. Again, the  
27 time for discovery of Blade is over.

28 ALJ HECHT: And, Ms. Bone?

1 MS. BONE: Thank you, your Honor. I  
2 just want to first respond to SoCalGas'  
3 request that written stays be permitted to  
4 move forward. We support SED's proposal that  
5 there be no written motions during this time.  
6 We don't see any immediacy to the motion  
7 to strike that SoCalGas is proposing.

8 Frankly, it sounds like a frivolous motion.

9 Continuing violations are easily  
10 briefed, and we don't understand why  
11 SoCalGas, if they need to make a motion,  
12 can't make it orally. But having to respond  
13 in writing during this period, when we have  
14 not only this case to work on but others, is  
15 simply -- it's unnecessary and not a good use  
16 of resources.

17 As to Mr. Stoddard's proposal that  
18 they continue to pursue discovery against Cal  
19 Advocates, you know, I'll note that we  
20 provided a full and complete response to  
21 their data request yesterday evening and  
22 there's basically nothing there to report.  
23 They've already done full testimony on our  
24 witnesses regarding their conversations with  
25 Blade, the witnesses have been very clear  
26 they don't remember much and that it didn't  
27 impact their testimony, so I'm not sure why  
28 he'd be bringing those witnesses back now.

1 All written communications that our  
2 people received from Blade were shared with  
3 SoCalGas at the time that they were provided  
4 by Blade. SoCalGas received those written  
5 communications. We've offered to resend them  
6 this time if they've misplaced them. So,  
7 again, I'm not sure what the big deal is  
8 here, but it doesn't seem like my further  
9 discovery is going to provide anything  
10 because we've given them everything we have  
11 and know on this issue. So I leave it there.

12 ALJ HECHT: And, Mr. Stoddard.

13 MR. STODDARD: Your Honor, I will do my  
14 best to keep it brief again. First, to  
15 respond to Cal Advocates' argument regarding  
16 the need for motions and a potential law  
17 motion, I believe Ms. Bone characterized the  
18 motion as frivolous potentially. In this  
19 case it's certainly not frivolous.

20 Again, I don't need to restate the  
21 testimony we heard from Ms. Felts. What  
22 we're trying to do here is proceed through  
23 motions practice to make these proceedings  
24 more efficient, more focused, help focus  
25 briefing, possibly enhance settlement, and  
26 promote judicial economy.

27 Doing this in an oral motion could  
28 certainly be done; however, I think it would

1 help your Honors to be able to consider this  
2 on paper to -- with -- with necessary  
3 authority and supporting facts to support our  
4 argument. To the degree that resource is a  
5 concern, of course, it may be appropriate to  
6 establish a page limit on the motion and  
7 response.

8 In this instance, just because there  
9 may be quoting from transcripts, not because  
10 it would be necessarily dense prose, we would  
11 request a page limit of 15 pages. But I do  
12 think that a page limit may be one way to  
13 address some of the resource concerns.

14 Separately on the discovery issue  
15 with respect to Blade, I definitely disagree  
16 with Ms. Bone's characterization as to  
17 whether there's something new here or not.  
18 We don't dispute that we were served with Cal  
19 Advocates' formal written data requests of  
20 Blade and Blade's responses. What we've  
21 discovered is that there were separate phone  
22 conferences that occurred in October of -- in  
23 October of last year that, again, SoCalGas  
24 wasn't a party to. It included the Blade  
25 witness, it included the SED -- the Cal  
26 Advocates' witnesses, and it appeared to  
27 include discussion of just generally what gas  
28 storage operators should do in these sorts of

1 instances. And we don't know what Blade's  
2 responses were to that question.

3 We do know that there may have been  
4 notes, according to Cal Advocates' data  
5 response on this, but those notes may have  
6 either been lost or destroyed or simply are  
7 not available because they're back at the  
8 Commission. So one follow-up question we may  
9 have on this is can you please confirm  
10 whether those notes exist, whether they're  
11 available, whether they can be provided to  
12 us, or have they been destroyed. If they've  
13 been destroyed, that would be a concern.

14 Separately on this, I think it's  
15 also important to note that, again, it would  
16 be up to your Honors' discretion, but we may  
17 ask for the witness to come back to better  
18 test their recollection now that we have  
19 e-mail communications about these meetings  
20 and about the communications.

21 While Ms. Bone notes that Cal  
22 Advocates has said their testimony didn't  
23 rely on these meetings with  
24 Mr. Krishnamurthy, it begs the question as to  
25 why not. We don't know the answer to that,  
26 but it's possible it's because what he told  
27 them didn't align with their view of the case  
28 or was contradictory. We can't know that

1 unless we can see the notes or we can get a  
2 better understanding of what was discussed.

3           Again, it's not to say that there's  
4 definitely an issue here. It's to say that  
5 this warrants further discovery and the fact  
6 that we weren't made aware of this, in light  
7 of what the scoping ruling directed, is  
8 concerning to SoCalGas, and we would hope it  
9 would be concerning to the Commission as  
10 well.

11           ALJ HECHT: Yes, Mr. Gruen.

12           MR. GRUEN: Your Honor, if I may just  
13 speak to the motions, the issue of written  
14 motions -- and Ms. Bone caught it and my  
15 apologies for not saying it earlier -- this  
16 is following up on Mr. Stoddard's point of  
17 urgency where there was none when he  
18 initially made the surprise motion. There  
19 still remains no urgency to get this motion  
20 done.

21           What would happen, however, if we  
22 followed the motions practices, SoCalGas gets  
23 it in when they see fit. Let's assume it's  
24 tomorrow. We then spend 15 days of what  
25 would be our preparation for cross time,  
26 instead taking our limited resources to  
27 respond to that. SoCalGas then responds to  
28 that as well and suddenly we're into May

1 hearings right as SoCalGas -- right as the  
2 motions come to a conclusion.

3 My sense is because of that, your  
4 Honors would be no more informed by written  
5 motions, written motions practice, than if we  
6 had oral motions discussed during hearings or  
7 if this was merely briefed. What would  
8 happen is this would, just as motions  
9 happened right before hearings on an  
10 extensive basis, SED's time would be occupied  
11 with its limited staff resources and  
12 attorneys, your Honor.

13 The other thing I'd say with regards  
14 to narrowing settlement, I'm sorry, but what  
15 we're talking about -- your Honors have  
16 already excused us from participating in  
17 settlement during hearings. This does not  
18 hone the issues in the ways that Mr. Stoddard  
19 is claiming.

20 To the extent that parties do want  
21 to have settlement, and we'll see, but that's  
22 after hearing, parties can hone settlement  
23 the way they see fit, and they can brief the  
24 issues the way they see fit. There is no  
25 urgency here as Mr. Stoddard is suggesting.

26 The other thing I'd say is just with  
27 regards to the actual issues in the motion,  
28 the violations, Mr. Stoddard talked about

1 certain violations taking decades. The ones  
2 that he's talking about are on the order of  
3 weeks or months. We're not talking about the  
4 decades-long motions that would hone  
5 settlement in the way he's discussing.

6 So, your Honor, in short, that's  
7 just -- it's not an accurate  
8 characterization. There's no urgency or need  
9 for the motions practice that SoCalGas is  
10 claiming.

11 The other thing I'd just note, if I  
12 can -- and I appreciate Ms. -- I see Ms. Bone  
13 has her hand -- your Honor, Mr. Stoddard is  
14 emphasizing with regards to discovery of Cal  
15 Advocates that there's a certain urgency or  
16 need to probe discovery there, yet then he's  
17 claiming on the other hand that somehow  
18 there's not that same urgency or need when we  
19 talk about discovery of Blade in order to see  
20 if SoCalGas has provided all the information  
21 to Blade that Blade needed to do its root  
22 cause analysis. They can't have it both  
23 ways, your Honor.

24 Either they're going to say --  
25 they're going to have discovery for everyone  
26 or they're going to claim that discovery is  
27 right for no one. We think it's appropriate,  
28 frankly, to do discovery on Blade in a

1     discreet way. There is no "Where does it  
2     end?" here. We've got one data request out  
3     to them. We're ready to move forward with  
4     that. Thank you, your Honor. I appreciate  
5     that.

6             ALJ HECHT: Thank you. Before I call  
7     on the two people that I know want to speak,  
8     I will say in acknowledging that last point  
9     that the discovery is all or nothing, I would  
10    note that there is one difference. That  
11    difference is whether that information has  
12    been available and discovery has been  
13    possible on that for a long time or not.

14            The distinction that I'm hearing  
15    from Mr. Stoddard is that he believes that  
16    there's new information, and I believe that  
17    SED is making a similar distinction in asking  
18    to be able to continue discovery on the  
19    realtime reporting incident.

20            So I'm not convinced that all  
21    discovery is the same discovery. There's  
22    discovery that could have been done before  
23    and arguably should have been over before the  
24    hearings and new things that are raised since  
25    the hearings. So that's just a preliminary  
26    thing that I would say.

27            With that, I will move to Ms. Bone  
28    and then Mr. Stoddard.

1 MS. BONE: Yeah, and your Honor, we did  
2 note to SoCalGas in our response that there  
3 might be notes that our individual witnesses  
4 took that are still existing at the  
5 Commission headquarters. I was not  
6 comfortable asking the witnesses to go look  
7 for notes that may or may not exist in their  
8 cubicles, and I don't think that it's  
9 appropriate.

10 The witnesses were cross-examined  
11 about this meeting, these two meetings, with  
12 Blade, and they were all very clear on that  
13 issue there. I really don't think that  
14 there's any there there and that it's not  
15 worth having people come in to look for  
16 things.

17 But if your Honors disagree, then we  
18 should probably get a ruling on that now and  
19 we'll instruct each of them to go and try and  
20 see if there's anything at their cubicles on  
21 this issue.

22 ALJ HECHT: Thank you. I'm not saying  
23 that I disagree with that necessarily. I'm  
24 just pointing out what I think is one  
25 distinction that might be relevant. I don't  
26 know where we will come down and my  
27 co-assigned judge and I will confer and then  
28 we will come back and talk about it.

1           I know that there are two other  
2 issues that we want to discuss after we  
3 finish this that I would like to discuss  
4 before lunch, but first I have been making  
5 Mr. Stoddard wait to make his point.

6           MR. STODDARD: Thank you, your Honor.  
7 Briefly again, Mr. Gruen questioned the  
8 urgency of the motion here with respect to  
9 the motion to strike. Again -- and I would,  
10 you know -- I can just reiterate -- first of  
11 all, consistent with the Commission's Rules,  
12 a motion can be brought at any time.

13           Second of all, the urgency here  
14 relates to the scope of issues that are being  
15 litigated in this proceeding, the number of  
16 violations. It is absolutely the case that  
17 if we were to prevail on this motion -- and  
18 I'm not asking for a decision on that today.  
19 This is why we want to bring the motion -- it  
20 would absolutely have bearing on a potential  
21 settlement and the possibility for settlement  
22 in this case because it would go absolutely  
23 to the total possible figure at issue. That  
24 would be beyond dispute at this point.

25           The other reason for the urgency of  
26 the motion is in terms of what needs to be  
27 addressed in briefing, to simply argue this  
28 in briefing would require a lot more time, a

1 lot more pages, a lot more work by your  
2 Honors potentially in simply dealing with it  
3 in a discreet motion. And this is  
4 particularly important because SED, again, as  
5 your Honor noted a few weeks ago, bears the  
6 burden in this case as to these violations.

7 To the degree that they haven't met  
8 the burden or that their testimony can't be  
9 supported as testimony, it is in this case,  
10 you know, because of the latter, which is it  
11 can't be phrased as testimony, is subject to  
12 a motion to strike, and it would eliminate  
13 the need to brief these issues at a later  
14 date.

15 Separately as to the discovery issue  
16 with Cal Advocates that Ms. Bone mentioned --  
17 and I believe she said she doesn't believe  
18 there's any there there -- again, that  
19 remains to be seen. All we know right now is  
20 that there was a conversation that we were  
21 not previous -- two conversations that we  
22 were not previously aware of that appear to  
23 be discovery that occurred with the Blade  
24 witness and the Cal Advocates personnel.

25 We don't know what was discussed  
26 beyond a general topic area, and we do know  
27 from -- you know, we absolutely discovered  
28 this fact initially through questioning of

1 Cal Advocates' witnesses. We didn't have the  
2 benefit of the information we now have, which  
3 were e-mails that we probably would have used  
4 in that cross-examination had we had them,  
5 but it confirms what we heard, which is it  
6 was a few hours of discussion. And depending  
7 on what was talked about, it may be very  
8 relevant to Cal Advocates' testimony and to  
9 other issues in this case.

10 So I would just say it's important  
11 to keep in mind here that just because we may  
12 have been served with a few discovery  
13 requests and just because the witness  
14 generally recalled that these conversations  
15 occurred is not the same thing as knowing  
16 what was discussed. We believe we have a  
17 right to that information.

18 In terms of the risk that I believe  
19 Ms. Bone was referring to of having Cal  
20 Advocates personnel go back to the Commission  
21 during COVID and asking them to go back to  
22 their desks, this isn't a risk we would take  
23 lightly either, and I think we would not  
24 necessarily say that this has to be done  
25 tomorrow or that it needs to be done in  
26 haste. But SoCalGas has itself sent people  
27 back to the facility to collect information  
28 and records and, you know, and sent personnel

1 into the office to deal with various  
2 discovery requests and we would only be  
3 asking for the same here.

4 ALJ HECHT: I will turn one last time  
5 to Mr. Gruen. Do you have a brief response?  
6 And you are on mute.

7 MR. GRUEN: Sorry, your Honor. Thank  
8 you for turning to us. We appreciate the  
9 opportunity.

10 Your Honor, we did hear Blade talk  
11 about whether certain reports related to the  
12 leaks on well SS-25 exist. What we've been  
13 trying to do is prove a negative. It's been  
14 very difficult on discovery. It was very  
15 difficult for me to do as I was trying to  
16 convey certain information and may have done  
17 it not precisely in a way that Blade  
18 understood.

19 For that, I was doing my best, but  
20 we have a case of a lawyer talking to a very  
21 highly specialized engineer and would like to  
22 have -- be sure that we have the correct  
23 ability to prove that negative. I will say  
24 we've tried to do it with SoCalGas as well to  
25 determine whether or not they have provided  
26 certain documents and we have had trouble.  
27 We've had obfuscation, your Honor, and we'd  
28 like to be able to explore this in order to

1 determine whether or not SoCalGas has turned  
2 over certain reports both to Blade and to  
3 SED. That's the basis for it. That's the  
4 crux of the matter.

5 We also think that this will enable  
6 us frankly -- keeping the motion on the table  
7 may be relevant for future hearings and for  
8 our ability to cross-examine other witnesses.  
9 It may be important to keep that motion on  
10 the table. Difficult to tell for certain  
11 yet, but, again, rushing this would  
12 potentially preclude our ability to  
13 cross-examine certain witnesses and fully  
14 explore the merits of what Mr. Stoddard was  
15 talking about.

16 ALJ HECHT: I remembered to take myself  
17 off of mute. I would say that I think a lot  
18 of what we are seeing has to do with lawyers  
19 talking to very specialized engineers. I  
20 think that's pretty much what we're doing  
21 here, so we just all have to get through that  
22 as best we can.

23 I believe Mr. Stoddard wanted to  
24 give a brief response. I am going to say  
25 nobody needs to give the last word. The last  
26 person who speaks isn't necessarily right,  
27 and we are hearing what you're saying and  
28 getting transcripts. With that, I will give

1 Mr. Stoddard a brief opportunity and then we  
2 will turn to our second issue.

3 MR. STODDARD: Your Honor, you said  
4 what I was going to say about lawyers  
5 speaking with engineers. I don't need to say  
6 anything else.

7 ALJ HECHT: Okay. Thank you. So with  
8 that, we had the issue. I believe the second  
9 issue had to do with the subpoena for the  
10 Boots & Coots witnesses. So who would like  
11 to take the lead on explaining that?

12 Mr. Stoddard.

13 MR. STODDARD: Yes, your Honor. As  
14 I've mentioned previously, we've been working  
15 on securing the cooperation of the Boots and  
16 Coots witnesses to appear for  
17 cross-examination. We've met with some  
18 resistance on the part of -- in particular  
19 the Hallilburton witness, Arash Haghshenas,  
20 who provided direct testimony in this  
21 proceeding.

22 Mr. Walzel has since moved on to a  
23 new employer and so we've been able to secure  
24 likely his voluntary cooperation. But given  
25 that they are a third-party witness and for  
26 the sake of simplicity and making sure that  
27 hopefully we have both witnesses available at  
28 a specific time, we would like to request

1 issuance of a subpoena, which we can send  
2 over today for execution, if appropriate, for  
3 issuance by the Commission.

4 And then it would require us going  
5 through the Commissioning process in Texas, I  
6 believe, for a trial deposition effectively,  
7 which would end up being the same thing  
8 because it would be conducted remotely with  
9 the agreement of the parties that your Honors  
10 could be present and that it would be folded  
11 into these proceedings.

12 There are some procedural details  
13 that we would need to kind of flesh out,  
14 given that this is -- you know, we're kind of  
15 in the midst of doing these things remotely  
16 because of the pandemic and that's not what  
17 the Code of Civil Procedure or the Public  
18 Utilities Code is written for, but it is a  
19 process that we think could work here  
20 provided that we get a subpoena very soon.

21 ALJ HECHT: Thank you. Do we have any  
22 comments from the other parties on this?  
23 Yes, Mr. Gruen. I believe you are on mute.

24 MR. GRUEN: Thank you, your Honor.  
25 Pardon me.

26 ALJ HECHT: Sure. It is. Thank you.

27 MR. GRUEN: Yeah. Your Honor, this is  
28 the first time I'm hearing this discussion.

1 I believe I'm understanding that SoCalGas now  
2 wants to produce Dr. Haghshenas, which is I  
3 think a different -- it's a change in course  
4 from what I had understood SoCalGas to be  
5 stating earlier. Not suggesting it's a  
6 mislead. It's just to be sure that I'm  
7 clear. It sounds like there's just been a  
8 change of thinking on SoCalGas' part as to  
9 its attempt to produce the witness. So I  
10 just wanted to ask for clarification, be sure  
11 I was understanding.

12 The other point I'd make, if I  
13 could, is that if a trial deposition type of  
14 situation is done in Texas, with regards to  
15 the procedural details that Mr. Stoddard  
16 noted, I wanted to clarify whether it would  
17 be understood that the Commission's Rules of  
18 Practice and Procedure, all the other rules  
19 that the Commission has would be the only  
20 ones that apply in that situation and that  
21 Dr. Haghshenas would be subject to them and  
22 only them, not the rules that apply in Texas  
23 with regards to that.

24 And then the third question that I'd  
25 have is who would be representing Boots &  
26 Coots? Would it be SoCalGas' counsel, would  
27 it be Boots & Coots' own counsel? I think  
28 that would help.

1 ALJ HECHT: I am going to try to head  
2 off that first part and say I also understand  
3 that SoCalGas is suggesting that they do want  
4 the Boots & Coots' witnesses to appear. I do  
5 not know or at this moment care whether that  
6 is a change in posture, but that is what I am  
7 understanding. And if that is not correct,  
8 Mr. Stoddard should correct me.

9 MR. STODDARD: That's correct. And  
10 this was simply in response to what we'd  
11 heard from SED about wanting to have  
12 witnesses available on this testimony.

13 ALJ HECHT: Great. Thank you. So with  
14 that made clear, I also heard the issue of  
15 the Rules of Practice and Procedure and what  
16 would apply if the subpoena was issued. That  
17 is something that we will have to consult  
18 about within the Commission as well as with  
19 our advisory attorneys. So that's something  
20 that's not going to get answered today one  
21 way or another.

22 Was there another point that I have  
23 missed? I believe that there was but my  
24 notes do not reflect it.

25 MR. GRUEN: Yes, your Honor. The other  
26 point is just who would represent  
27 Dr. Haghshenas and Dr. Walzel.

28 ALJ HECHT: And that is a good

1 question.

2 Mr. Stoddard?

3 MR. STODDARD: Yeah, it's a good  
4 question. There are certain details here  
5 that remain to be worked out. I'm not sure  
6 if whatever our expectation of that is now  
7 may be different once they receive a  
8 subpoena. That's all I can say.

9 ALJ HECHT: Okay. Thank you. I think  
10 that that's enough information to go on with  
11 for us to make a decision about it and we  
12 will consult, so we will take this under  
13 advisement.

14 Are there any comments from Public  
15 Advocates Office? I'm assuming that there's  
16 nothing to add. I'm taking the head-shaking  
17 to mean no, there's nothing to add. All  
18 right.

19 So then we had a third issue that we  
20 were supposed to address before we take a  
21 break. I'm going to say what I envision  
22 happening today, and this could change, but  
23 just so people know, I am envisioning that we  
24 will discuss this third issue that was raised  
25 by SED and Public Advocates Office of  
26 sanctions. We would then take a lunch break  
27 and we would actually probably come back and  
28 see if any of these issues are things that

1 can be resolved.

2 An alternative to that would be to  
3 not coming back and getting instructions from  
4 us, the ALJs, at a later time after we have  
5 been able to resolve some or all of these  
6 issues. So if any of you have a strong  
7 feeling about doing that one way or another,  
8 let me know. But in the meantime, we should  
9 hear about that third issue.

10 Does SED or Public Advocates Office  
11 want to take the lead on that?

12 MS. BONE: Your Honor, Traci Bone will  
13 take the lead for both SED and Public  
14 Advocates Office. As I mentioned, we'd like  
15 to address some issues regarding SoCalGas'  
16 secret use of a private court reporter in  
17 these proceedings. It was discovered by your  
18 Honor on March 24, 2021.

19 However, before we do that, Cal  
20 Advocates and SED would like to know if your  
21 Honors have given any further thought to the  
22 incident, how it should be addressed, and  
23 whether you can share those thoughts with  
24 us. ]

25 ALJ HECHT: Thank you. We have given  
26 it some thought. We have not come to a  
27 conclusion, and there is not anything that we  
28 can share.

1 MS. BONE: Okay. So thank you for  
2 that.

3 And so I'm going to go ahead and  
4 provide our motion for specific sanctions and  
5 the reasons for that. We note that while Cal  
6 Advocates and SED are expecting SoCalGas to  
7 provide us with additional information  
8 regarding this incident in the next few days,  
9 there are a number of things that are clear  
10 based on what we already know.

11 First, it is clear that SoCalGas's  
12 attorneys used a private reporting service  
13 without authorization from the Commission to  
14 make a record of these proceedings that  
15 would, at a minimum, assist them in  
16 cross-examination of the SED and Cal  
17 Advocates' witnesses.

18 In this manner SoCalGas, which has  
19 nearly unlimited resources to litigate this  
20 case, sought to further benefit itself at the  
21 expense of SED and Cal Advocates by being the  
22 only one to see the record in this proceeding  
23 in a realtime fashion.

24 Second, SoCalGas's attorneys'  
25 undisclosed use of a reporter was in  
26 violation of your Honors' prohibition on  
27 recording these proceedings and the  
28 attorneys' attestations given at the start of

1 these proceedings that they would not record  
2 the proceedings.

3 Third, SoCalGas's attorneys could  
4 have asked your Honors for permission to have  
5 a reporter present. But the fact is that  
6 they did not do so. It appears they decided  
7 to ask for forgiveness if they were caught  
8 rather than ask for permission. The latter  
9 being what they easily should have done.

10 Fourth, because SoCalGas and Morgan  
11 Lewis have been unclear in their responses  
12 thus far to our data requests, Cal Advocates  
13 and SED intend to pursue additional discovery  
14 regarding whether the Morgan Lewis court  
15 reporter was transcribing confidential and  
16 off-the-record conversations thereby giving  
17 SoCalGas's attorneys a unique advantage to  
18 record discussions that no one else was ever  
19 going to see.

20 If this was happening, this is not  
21 just an unfair advantage, it is a violation  
22 of the ALJs' and other parties' understanding  
23 when they were making off-the-record  
24 comments.

25 Unfortunately, this is precisely the  
26 type of behavior that brings us here today.  
27 With the largest gas leak in the history of  
28 the country just as the rule against

1 recording these proceedings did not  
2 specifically say, "No private reporters can  
3 report these proceedings," SoCalGas relies on  
4 the fact that the rules did not specifically  
5 require them to have an integrity management  
6 plan for its gas storage wells to examine the  
7 structural integrity of its wells.

8 In both instances, SoCalGas's  
9 defense would substitute wordsmithing and  
10 self interest for reason and responsibility.

11 We have seen similar behavior from  
12 SoCalGas and its attorneys in nearly every  
13 other proceeding SoCalGas is involved in  
14 before this Commission as well as before the  
15 Los Angeles Court in the Aliso Canyon civil  
16 litigation.

17 In that litigation, SoCalGas's  
18 attorneys claimed that requested attorney --  
19 that requested discovery was attorney-client  
20 privilege until pressed by the Court, which  
21 then found upwards of 94 percent of its  
22 attorney-client claim had no merit. The  
23 record of these discovery abuses is well  
24 documented in that case. And those superior  
25 court orders are on Cal Advocate's website.

26 Here at the Commission, the  
27 utility's behavior is no different. It is  
28 currently under investigation for using

1 ratepayer money to fund energy efficiency  
2 activities that did not benefit ratepayers.  
3 It is also under investigation for booking  
4 political lobbying costs to ratepayers. And  
5 while simultaneously claiming that those  
6 costs have been booked to shareholder  
7 accounts, it has refused to allow Cal  
8 Advocates to perform an audit of those  
9 accounts when required to do so by a  
10 Commission subpoena, and then fail to answer  
11 a number of basic discovery requests.

12 This utility and its attorneys have  
13 engaged in a pattern and practice of gaming  
14 litigation and ignoring the trier of fact.  
15 And they attempt to do so once again here.

16 For these reasons, Cal Advocates and  
17 SED believe that a swift and decisive initial  
18 action is required to dissuade SoCalGas's  
19 continuing disregard for court rulings and to  
20 address the unfair advantage counsel for  
21 SoCalGas has gained through its shameful  
22 behavior.

23 There are far too many SoCalGas  
24 violations pending before this Commission for  
25 the present violation to be wholly shuttled  
26 off and addressed after this proceeding is  
27 resolved. Such delay and inaction only  
28 emboldens this utility.

1           Instead Cal Advocates and SED ask  
2 your Honors to address this incident during  
3 the break and before the May hearings in this  
4 proceeding in a decision for the Commission's  
5 near term considerations.

6           Cal Advocates urges two specific  
7 actions at this time with potentially more to  
8 follow later. First, that the Commission  
9 proactively report the attorneys responsible  
10 for this conduct to the California Bar  
11 Association.

12           And second that your Honors impose  
13 the highest monetary sanctions possible on  
14 each of the attorneys working for SoCalGas in  
15 this proceeding. Reporting to the Bar and  
16 attorney-specific sanctions are more than  
17 appropriate here.

18           We note that you asked each attorney  
19 to individually attest to the rules of this  
20 proceeding. Among other things, you required  
21 that they agreed not to coach witnesses and  
22 directed that they not make any recording of  
23 the proceeding. And made clear that the  
24 prohibition on recording extended to any  
25 recording of the proceeding including Webex,  
26 teleconference, screen shots, or any other  
27 copying.

28           You also requested that each

1 attorney confirm that they understood that a  
2 violation of these prohibitions could result  
3 in sanctions, restricted entry to future  
4 hearings, denial of future entry to further  
5 hearings, or any other sanctions deemed  
6 necessary by the Commission.

7 This is all in the record from the  
8 March 16th, 2021, transcript of the first day  
9 of the proceeding at pages 6 to 10. And each  
10 attorney individually swore under oath that  
11 they agreed to these attestations.

12 Based on this last attestation, your  
13 Honors could order that all SoCalGas  
14 attorneys be replaced for the remainder of  
15 this proceeding. However, we do not believe  
16 that such an option should be pursued here.  
17 Not because it is unduly punitive, because it  
18 isn't. But because it would likely result in  
19 the continuation of these proceedings for  
20 several months to permit SoCalGas to hire and  
21 bring new counsel up to speed. A delay that  
22 Cal Advocates and SED do not support.

23 However, Cal Advocates and SED do  
24 reserve the right to request this and  
25 additional remedies once there is a complete  
26 record on this issue and once the proceeding  
27 is over.

28 At this time, we believe that the

1 appropriate sanction where attorneys  
2 unreasonably interpret -- unreasonably  
3 interpret, disregard, or otherwise attempt to  
4 circumvent the Court's direction is what we  
5 have asked for here. Personal sanctions that  
6 do not allow the attorneys to profit from  
7 their acts.

8 In addition we note that SoCalGas's  
9 attorneys' intentional violation of a very  
10 clear attestation against recording these  
11 proceedings puts in question all of the  
12 representations they have made.

13 They are due a lower level of trust  
14 in this and other Commission proceedings.  
15 And both the utility's attorneys and its  
16 executives should be expressly on the hook  
17 with regard to going forward with discovery.

18 In sum, the facts regarding what  
19 occurred in this proceeding should be public  
20 before both this Commission and the Bar and  
21 will affirm that the Commission expect the  
22 highest level of candor from the attorneys  
23 practicing before the Commission.

24 Waiting for months or even a year to  
25 begin to provide remedies will send another  
26 signal entirely to the other utilities who  
27 are watching this proceeding.

28 However, Cal Advocates and SED have

1 purposefully waited to raise this issue until  
2 now in order to comply with ALJ Poirier's  
3 instructions that we wait until the  
4 transcripts showing SoCalGas's behavior were  
5 released.

6 We ask that your Honors give serious  
7 consideration to our proposal to act swiftly  
8 and decisively to sanction those who have  
9 made the decisions to violate the rules for  
10 this proceeding and to implement going  
11 forward remedies and accountability for all  
12 SoCalGas discovery before this Commission.

13 Thank you for your attention on this  
14 matter.

15 ALJ HECHT: Thank you.

16 Before we continue, I'm going to  
17 note that obviously we're not going to be  
18 resolving this today. So just be aware that  
19 we won't be resolving it today.

20 I will also note that my focus is on  
21 this proceeding, and not on other proceedings  
22 going on at the Commission. So that is  
23 little bit beyond my scope.

24 With that does anybody else want to  
25 make a statement on this?

26 Yes, Mr. Stoddard.

27 MR. STODDARD: Thank you, your Honor.  
28 And before I get started, I would just note

1 that to the degree that this motion for  
2 sanctions is going to be entertained in a  
3 point-by-point fashion, we would request an  
4 opportunity to brief this issue in full.  
5 There were a lot of statements, allegations,  
6 and requests packed in there, which we  
7 certainly view as both excessive and not  
8 justified in this instance. And we would  
9 want to respond to those point-by-point,  
10 which I'm not going to be able to do here  
11 today.

12 Separately I'd also like to note  
13 that at the outset we, SoCalGas and Morgan  
14 Lewis and I myself, take your Honors'  
15 comments on this issue very seriously, and we  
16 acknowledge and are aware that this is an  
17 issue that you identified and that you  
18 raised. And that, you know, in this instance  
19 it was something that, you know, consistent  
20 with the statement we made at the time, you  
21 know, we didn't view this as being clearly  
22 prohibited by the attestations. But we did  
23 acknowledge -- and as we stated in our  
24 comments, we may understand if your Honors  
25 see it otherwise.

26 That said to take this -- to address  
27 a few of the things that were raised by  
28 Ms. Bone the first important point I would

1 make here is that, again, and as your Honors  
2 have noted that these are public hearings.  
3 And we didn't engage in any audio or visual  
4 recording here that may have constituted an  
5 invasion of privacy of individuals who were  
6 involved in these hearings.

7 We understand that people are  
8 participating in these hearings from home.  
9 And that video of individuals at home would  
10 be potentially an invasion of privacy. The  
11 types of records that were created here and  
12 the reporting that was done here and the  
13 transcripts that were created in which we  
14 described in our prior statement are not in  
15 any way significantly different from what was  
16 prepared by the Commission. And in that way,  
17 they're now frankly moot. Again, we haven't  
18 accessed them. We haven't reviewed those  
19 transcripts.

20 As for the realtime transcription  
21 specifically which Ms. Bone addressed and  
22 which we -- again, which I described in  
23 greater detail I believe last week. But it  
24 might have been the week before. Again, I  
25 think one important point here is that we've  
26 offered the same service to other parties  
27 just to the degree they believe it provides  
28 them an advantage or to the degree that it

1 provides us with an advantage. And to date  
2 they haven't asked us. They haven't taken us  
3 up on that offer. The offer still stands to  
4 the degree that they believe it is  
5 advantageous to use it. It's being made  
6 available to them.

7 Ms. Bone also, kind of, described a  
8 -- what she characterized as a pattern and  
9 practice of conduct by SoCalGas, which I'd  
10 like to address. And it appears here that by  
11 referencing these other, you know, quote  
12 unquote "conduct" by SoCalGas with respect to  
13 privilege or with respect to other  
14 proceedings, the Cal Advocates and SED are  
15 trying to imbue this incident with greater  
16 significance based on conduct elsewhere.  
17 Again, this is something that we would need  
18 to address in full in writing.

19 But I just want to note that we  
20 absolutely dispute that this has anything to  
21 do with those other events. Those will be  
22 addressed in the appropriate proceedings on  
23 the merit. This event can be addressed on  
24 the merits in this proceeding related  
25 specifically to the realtime transcription  
26 issue that we've been discussing.

27 As for the -- Ms. Bone also  
28 referenced coaching witnesses. I'm not

1 exactly sure what's being suggested there.  
2 There hasn't been any allegation that I'm  
3 aware of that there was -- and certainly no  
4 evidence that there was any coaching of  
5 witnesses going on. I'm not exactly sure how  
6 realtime transcription during a  
7 cross-examination by SoCalGas could have had  
8 anything to do with coaching of witnesses.

9 We're aware that we've received some  
10 data requests that seem to be asking  
11 questions about witness's access to this  
12 information. That data response is due to  
13 Cal Advocates tomorrow. And we will be  
14 providing a response.

15 We have also provided a prior data  
16 response, which Ms. Bone referenced. She  
17 seemed to view it as not being clear. I  
18 would only note that it's entirely consistent  
19 with the prior statement we made on this  
20 issue that was both very forthcoming and I  
21 believe absolutely clear. To the degree that  
22 there are any further questions on those  
23 issues, we can provide answers to them.

24 But I would note again not only is  
25 there no allegation, there's no evidence of  
26 coaching witnesses in this instance. This is  
27 simply about access to a realtime  
28 transcription feed and nothing more.

1           One note though I would like to  
2 frankly close on before we go to lunch, with  
3 respect to the specific, I guess, remedies  
4 that have been requested here, the sanctions  
5 that have been requested here including  
6 reporting to the Bar Association as well as  
7 the highest monetary penalties that would be  
8 supported. We don't believe that it's either  
9 appropriate or reasonable or remotely  
10 justified in this instance. I don't believe  
11 that anything I heard from Ms. Bone specific  
12 to the realtime transcription issue would  
13 support it.

14           Again, we would need to brief this  
15 fully. But we haven't heard anything to date  
16 that would justify that here. Again, we  
17 described what happened. We have been  
18 forthcoming in our response. We've  
19 terminated the practice and offered to make  
20 it available to other parties.

21           We understand that your Honors may  
22 see things differently and may have a  
23 different view in this instance. But as the  
24 specific requests of Cal Advocates, they are  
25 not supported and they are unjustified.

26           Finally, I would note that one item  
27 I would agree with that Ms. Bone said is  
28 that, you know, I believe she, kind of,

1 numbered her initial comments. And my notes  
2 indicate that No. 3 was that SoCalGas could  
3 have asked but didn't ask for clarification  
4 on this issue. And your Honors also made  
5 comments to that effect last week.

6 I think that that is frankly a point  
7 well taken and in retrospect clarification  
8 could have been sought. However, it is not  
9 remotely -- that fact alone does not warrant  
10 imposition of sanctions of any sort. But  
11 specifically the sanctions that are sought by  
12 Cal Advocates in this instance.

13 ALJ HECHT: All right. Thank you.

14 I see Mr. Gruen, and I will call on  
15 him in a moment.

16 I will once again repeat as I said  
17 after I heard Ms. Bone that my focus is on  
18 this proceeding and what is happening in this  
19 proceeding. So just so that is out there.

20 With that Mr. Gruen.

21 MR. GRUEN: Understood, your Honor.  
22 Crystal clear. We'll do our best to keep it  
23 in the confines of that guidance.

24 First of all just to make clear for  
25 the record, SED joins Cal Advocates in the  
26 statements that were made. Including the  
27 requests and the remedies notwithstanding  
28 SoCalGas's opinion -- which seems to be

1 unsupported -- that these remedies are not  
2 merited.

3 We understand SoCalGas's point. We  
4 understand their desire to brief the issue.  
5 We maintain and support Cal Advocates that  
6 they certainly are. And that we've laid out  
7 in a high level fashion. And we can  
8 certainly brief the issue as well at a later  
9 time perhaps after hearings that this is  
10 certainly an appropriate set of remedies and  
11 an initial one.

12 The concern that SoCalGas did not  
13 check with your Honors. Mr. Stoddard asked  
14 specific questions about the attestations,  
15 but not the one that was with regards to the  
16 court reporter. Okay. There was an  
17 understanding -- it seems there was an  
18 understanding of what was going on and a  
19 choice not to ask made at the outset of  
20 hearings or at the status conference leading  
21 up to it. That is egregious, your Honor.  
22 That is a real concern from SED's perspective  
23 as well.

24 Your Honor, with regards to SoCalGas  
25 -- to counsel making the point that degrees  
26 that SoCalGas continues to offer the realtime  
27 reporting service, it remains on offer. Your  
28 Honor, SED -- and I don't want to speak for

1 Cal Advocates but I believe it's the case for  
2 them as well. We've understood from the get  
3 go when attestations that using a service  
4 like this was not appropriate because it was  
5 a form of recording. Just because it's on  
6 offer doesn't make it any more appropriate to  
7 suddenly start using it now. We don't intend  
8 to accept SoCalGas's offer to use that  
9 service. So I wanted to make that point as  
10 well.

11 With regard to the coaching and  
12 violations here, the concern remains that we  
13 see a violation of the recording, the  
14 attestation not to record. And given that  
15 there is a violation of one attestation,  
16 there remains a concern that there is a  
17 violation of others well. That's the point  
18 we're trying to make here. To put it as  
19 clearly as we can, we're not sure whether  
20 there's a forthright disclosure of all of the  
21 things that are going on despite the  
22 attestations that the attorneys have made.  
23 We've discovered one.

24 Just to keep it brief, I think those  
25 are the critical points that we'd like to  
26 make at this time, your Honor. Thank you.  
27 We do support the statements that Cal  
28 Advocates made.

1 ALJ HECHT: Yes, Mr. Stoddard.

2 MR. STODDARD: Thank you, your Honor.  
3 On the first item that Mr. Gruen mentioned  
4 regarding their reason for not accepting  
5 realtime, it was our expectation that to the  
6 degree parties accepted, it would be with a  
7 blessing of your Honors. We didn't expect  
8 them to do it without that at this point.

9 And so I would just note that if  
10 that's their basis for not accepting it, I'm  
11 confident that we could probably reach a  
12 resolution subject to the approval of your  
13 Honors.

14 Separately, in terms of the second  
15 point, which is that the coaching issue was  
16 raised because the alleged violation here  
17 suggests that SoCalGas would violate other  
18 things. Again, this is, kind of, indicative  
19 of what appears to be -- again, not to  
20 minimize the issue. Again, I understand that  
21 this is an issue of concern for your Honors.  
22 But it appears to be that SED and Cal  
23 Advocates are attempting to link this issue  
24 to other issues that are more egregious as a  
25 way to view it with greater significance  
26 because in and of itself they are not able to  
27 articulate why this is an issue of concern  
28 beyond the simple statement they view it as a

1 violation of the attestations and that they  
2 view it potentially as an advantage. If  
3 that's their case, that can be stated as the  
4 case.

5 But there's no evidence of coaching.  
6 And there's no relationship between the  
7 realtime transcription issue and the other  
8 issues that have been described by Ms. Bone  
9 and Mr. Gruen with respect to coaching, with  
10 respect to privilege, with respect to issues  
11 that SoCalGas has been addressing in other  
12 proceedings.

13 ALJ HECHT: Thank you.

14 Are there any other responses before  
15 I wrap up and we take a lunch break?

16 (No response.)

17 ALJ HECHT: I am not seeing any. I'm  
18 inclined to actually take an hour lunch break  
19 and to come back after that. And we can  
20 discuss the schedule for the next set of  
21 hearings in May. And we can discuss any  
22 resolution that Judge Poirier and I come to  
23 on any of these three issues that we have  
24 addressed.

25 I understand in particular that the  
26 issue of the subpoena is one that should be  
27 addressed quickly if that is something that  
28 is going to happen. And it's largely for

1 that reason that I'm suggesting that we come  
2 back after lunch. So I apologize for keeping  
3 you for the afternoon.

4 Mr. Stoddard and then Mr. Gruen.

5 MR. STODDARD: One quick question that  
6 I'm only raising to complete the informed  
7 discussion over lunch. Procedurally when we  
8 -- if you decide to issue the subpoena as  
9 requested, just procedurally I believe --  
10 just to clarify the process for that, I think  
11 we would be e-mailing it to the service list  
12 including your Honors. But just in case it  
13 requires further discussion, I wanted ask  
14 that prior to lunch.

15 ALJ HECHT: Okay. Thank you. We will  
16 have to look into that more when we discuss  
17 it at lunch, which we will do.

18 Mr. Gruen.

19 MR. GRUEN: Your Honor, one other  
20 clarification. We don't have a concern with  
21 serving it on the service list. Serving the  
22 subpoena if that's your Honors' druthers.

23 One thing we did want to clarify  
24 though is there's the issuance of the  
25 subpoena, but that's only part of the  
26 process. There's also the question of: Even  
27 if the Commission authorizes it, if your  
28 Honors deem that -- if that's what your

1 Honors wish to do, whether Dr. Haghshenas  
2 would in fact comply with the subpoena and  
3 actually appear? That's another question.

4 And so for purposes of SED's  
5 preparation on cross-examination, is there --  
6 perhaps one thing to tee up for consideration  
7 is when SED and when SoCalGas could make  
8 clear if we do go the subpoena route whether  
9 in fact Mr. Haghshenas -- Dr. Haghshenas will  
10 appear?

11 If there could be some advance  
12 notice as to whether in fact we're going to  
13 see his appearance, that would be helpful for  
14 purposes of preparation.

15 ALJ HECHT: That seems like something  
16 that is unlikely would be answered today.  
17 And I think that we should stick to the  
18 question of the subpoena first. But I  
19 understand what you are saying. If we get to  
20 that point, if we decide to issue a subpoena  
21 and if this is something that goes through,  
22 then we will deal with those logistics.

23 Any other housekeeping matters  
24 before we take a break for lunch?

25 (No response.)

26 ALJ HECHT: Okay. We will take -- I'm  
27 actually going to give us an hour and  
28 15 minutes and come back at 1:45. I am sorry

1 for extending all of your day. Hopefully our  
2 discussion after that will be brief with just  
3 some scheduling and possible rulings, if any,  
4 on some of these issues.

5 Thank you very much. We'll be off  
6 the record.

7 (Off the record.)

8 (Whereupon, at the hour of 12:31  
9 p.m. a recess was taken until 1:45) ]

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AFTERNOON SESSION - 1:45 P.M.

\* \* \* \* \*

ALJ POIRIER: We'll be back on the record.

We are returning from a lunch break. Before the break, we had a long discussion about several issues or several requests by the parties in this proceeding. We're going to address some of those today and we're going to provide guidance on the others.

As I said off the record, we're not going to entertain further argument, but we may have some clarification questions.

I am going to go through things in part. It's not going to be in the same order, but we'll take things in part.

First off, I wanted to start out with a couple of the requests by SED. It looks like the -- in terms of the witness, finalizing the witness hearing order and the request for SED to handle the cross schedule where uncontested, so we'll be granting that. SED asks for three days' notice. That seems again uncontested and reasonable, but we'd ask if you know news prior to the three days, let everybody know before that, as soon as possible, especially if there's going to be a

1 change, because it's going to affect the  
2 schedule. In terms of the supplementation of  
3 data responses, we are also going to grant  
4 that request. Generally I think it should be  
5 done. We're going to grant that, you know,  
6 during this break.

7 Third, in terms of the data  
8 requests, there was a request made for no new  
9 data requests during this break until  
10 hearings. We are going to grant that in part  
11 with several exceptions.

12 First exception is discovery  
13 regarding the realtime transcription issue.  
14 That can continue. We know that there's some  
15 coming in tomorrow and there may be further  
16 discovery on that issue. So that's going to  
17 continue.

18 We're also going to allow data  
19 requests on third-party witnesses to move  
20 forward by any party. So that includes Blade  
21 and Boots and Coots.

22 And, third, this one will be a  
23 little bit more complex. It sounds like for  
24 the data requests of Cal Advocates by  
25 SoCalGas, they're seeking some written notes.  
26 It does seem like those notes are relevant.  
27 But, again, we're sensitive to the health  
28 concerns that are going on now. So what I am

1 going to ask Ms. Bone to do is to see if they  
2 can make -- she can make arrangements to get  
3 those notes, but barring that and if there's  
4 issues that arise with those individuals from  
5 a comfort level, to let us know about that.  
6 And I am proposing that maybe you get back to  
7 us on the 23rd of April. If there's any  
8 issues, then we'll try to address how to  
9 proceed at that point.

10 Does that sound reasonable,  
11 Ms. Bone?

12 MS. BONE: Yes, your Honor. I do want  
13 to clarify. As far as I can tell, only one  
14 witness thinks that there might be notes at  
15 the office. The other two have said they  
16 don't have any. And he has mentioned that  
17 they are -- if they are there, they are  
18 locked in a cabinet which he has lost the key  
19 to. So there's that issue as well.

20 ALJ POIRIER: Okay. Well, let's try to  
21 see if you can follow up on that. And then,  
22 again, I think it's the 23rd, if you can get  
23 back to us then or sooner if you have a  
24 resolution, we'll figure it out from then.

25 MS. BONE: Should I do that -- sorry,  
26 your Honor, by e-mail to the service list?

27 ALJ POIRIER: Yes. That would be good.  
28 Okay.

1           So we have handled the data request  
2 questions.

3           Mr. Stoddard.

4           MR. STODDARD: Yes, your Honor. One  
5 item just on this data request. It wasn't  
6 just limited to the notes. Our request was  
7 for further discovery generally on this  
8 issue, because there are other statements  
9 made with respect to the conversations with  
10 Blade, which we would ask for further  
11 information on, especially if notes aren't  
12 available. So if the notes are unavailable,  
13 we would want to just know at what, to the  
14 degree they have a recollection, there's an  
15 e-mail that describes the topic generally as  
16 -- and I'm paraphrasing here based on memory,  
17 but they were asking -- (inaudible) was  
18 asking Ravi Krishnamurthy what a good gas  
19 storage operation should have been doing  
20 under similar circumstances. Again, if  
21 there's any recollection or information about  
22 how those -- what sort of information was  
23 provided in response to that, whether it's  
24 reflected in notes or not, that information  
25 will be relevant and we would like to have  
26 the ability to conduct discovery on that  
27 issue.

28           ALJ POIRIER: Ms. Bone, do you have

1 anything to add before I clarify?

2 MS. BONE: Yeah, I'll note this issue  
3 of the conference call with Blade, first of  
4 all, there is nothing that I see in the  
5 scoping memo that requires us to notice  
6 people that we're talking to other entities.  
7 We're only required to provide discovery  
8 requests and our discovery responses. But I  
9 am not as familiar with all the different  
10 scoping memos that were issued. I am relying  
11 on the ones from 2019.

12 So, number one, we are in full  
13 compliance with the scoping memo. Number  
14 two, you know, this issue of what our  
15 witnesses remember, has been addressed very  
16 extensively on the record already in this  
17 proceeding in Volume No. 7 at pages 10, 17  
18 and 18, pages 1026 to 28; in Volume 8, at  
19 1231 to 1234 and again at pages 1272 to 73,  
20 and then in Volume 9 at 1311 through 1319.  
21 Every one of the witnesses, I believe, states  
22 that it had no impact on their testimony.

23 So I just want to be clear about  
24 this. You know, we're -- if the additional  
25 discovery is not too onerous or voluminous,  
26 we are willing to respond to it. But really  
27 we're -- I am perplexed about this issue.

28 ALJ POIRIER: Mr. Stoddard, I think

1 I've heard enough.

2 We're going to allow additional  
3 discovery, again, I think within the bounds  
4 of very specifically to the issue that you  
5 have targeted. And, again, I think a  
6 guidance of not making it -- you know,  
7 reasonable discovery at this point.

8 So I think we're going to allow it  
9 on that issue, but targeted to the very  
10 specific issue about those conversations and  
11 in a reasonable manner. Okay. Okay.

12 We're going to move on to the  
13 request for moratorium on written motions  
14 until hearings commence during this period of  
15 time. We are going to grant that request.  
16 We understand SoCalGas' position. To some  
17 extent, we think that a quiet time during  
18 this interval between hearings makes sense  
19 for -- to allow SED to prepare and frankly  
20 for us to be able to prepare and deal with  
21 this. I don't think -- we just think that's  
22 the best way to move forward. So we're going  
23 to include that moratorium on motions moving  
24 forward for -- until hearings start. At that  
25 point, they can be oral motions or they can  
26 be written motions.

27 Okay. We're going to jump to the  
28 issue of the oral motion for sanctions. As I

1 noted before, there are outstanding discovery  
2 requests going on for that and there may be  
3 more follow up. You know, I think as we've  
4 said before, this is a serious issue to us  
5 and I think that we take it very seriously.  
6 And, frankly, the sanctions that were  
7 proposed are serious as well and we just -- I  
8 and ALJ Hecht think this is an issue that  
9 needs to be briefed. We need to have more  
10 information. We need to have it written  
11 down, given the complexity of the issue and  
12 the numerous issues that were raised. So we  
13 really want to see that briefed. We  
14 understand that there's a desire to have a  
15 quicker result on this. You know, having it  
16 included in the post-hearing briefs doesn't  
17 preclude an interim decision or including in  
18 a later decision, so we recognize that, but  
19 given the seriousness of the allegation, and  
20 the seriousness of the proposed sanctions, we  
21 think this has to be done in a written manner  
22 that we can have a detailed understanding of.

23 Okay.

24 ALJ Hecht, do you have any --  
25 Mr. Stoddard?

26 MR. STODDARD: I have a question on  
27 that last item. In terms of procedure, to  
28 the degree that this motion is brought in

1 written form, would there be an instruction  
2 consistent with Your Honors' comments prior  
3 to the break that it be limited to the  
4 specific issue present here regarding  
5 realtime transcription and not the other  
6 issues that SED and Cal Advocates raised  
7 regarding other proceedings, whether civil or  
8 regulatory?

9 ALJ POIRIER: ALJ Hecht, do you have  
10 any guidance on that?

11 ALJ HECHT: As I said before, our focus  
12 as the ALJs in this proceeding is on this  
13 proceeding. And I understand that patterns  
14 and other things that may happen can be  
15 informative, but I am most interested in  
16 hearing about this proceeding and the  
17 implications here. So I am not going to rule  
18 out other stuff, but I discourage it.

19 ALJ POIRIER: And I will provide some  
20 additional guidances. We have had a data  
21 response already. I expect we'll have  
22 another one and maybe others, and my  
23 expectation is that we'll move those into the  
24 record as Commission exhibits. So we'll have  
25 that on the record, in addition to the  
26 transcripts. That is something that we'll  
27 handle at a later date.

28 Are there any clarification

1 questions on that? It looks like Mr. Gruen  
2 might have one. I'm not sure.

3 MR. GRUEN: Potentially, your Honor. I  
4 think I'm hearing since data responses  
5 related to the recording attestations can be  
6 moved into the record at a later date, that  
7 this preserves the potential to articulate  
8 violations that relate to the record at a  
9 later date as well. Am I tracking that  
10 correctly?

11 ALJ POIRIER: That would be my  
12 anticipation that this argument be made in  
13 the briefs.

14 MR. GRUEN: Okay. Thank you, your  
15 Honor. Understood.

16 ALJ POIRIER: I mean to the extent we  
17 are still gathering facts on this, too.

18 Ms. Bone.

19 MS. BONE: So, your Honor, you  
20 mentioned something I thought I heard about  
21 that we aren't precluded by -- from taking  
22 action prior to the briefing on this. And so  
23 I wondered if you could elaborate any more on  
24 that.

25 ALJ POIRIER: Well, I think my  
26 understanding, and I can have ALJ Hecht weigh  
27 in on this, too, is that this issue would  
28 become part of the scope of what is addressed

1 in the briefs and in the proceeding. So, is  
2 that consistent with what you think, ALJ  
3 Hecht?

4 ALJ HECHT: Yes. What is being thought  
5 here, it sounds like it was an interim  
6 decision by the full Commission. That is  
7 something that takes time and process to  
8 prepare, and we simply don't have that  
9 information yet. I don't even quite know how  
10 to refer to this incident. I don't know if  
11 it's recording or realtime reporting or  
12 something else. And there's still a lot of  
13 information out there. So, we will get more  
14 information through the briefing if there is  
15 something that you feel you want to add as  
16 far as evidence, we can address that in our  
17 next set of hearings which I will be  
18 discussing soon.

19 But let's be clear that the  
20 seriousness of what you're asking for and  
21 that it can only be granted through a full  
22 Commission decision is something that we take  
23 seriously and will approach thoughtfully.

24 ALJ POIRIER: Ms. Bone, does that  
25 address your question?

26 MS. BONE: Yes, it does. Thank you.

27 ALJ POIRIER: Okay. And I think the  
28 other issue that we had was the subpoena of

1 Boots and Coots. I think it does make sense  
2 for SoCalGas to go ahead and serve that  
3 subpoena on the service list. That will  
4 allow us to take a look and consult with our  
5 advisory counsel and will also allow the  
6 other parties to review it as well and weigh  
7 in.

8 You know, I think there's a lot of  
9 questions that we still have outstanding in  
10 terms of the rules and in terms of compliance  
11 by Boots & Coots. These are all concerning.  
12 But I think that we are going to have to get  
13 to that at a later date.

14 ALJ Hecht is going to talk about  
15 date certain for that. We have added some  
16 additional dates. So we'll target some  
17 specific dates in May that we will want for  
18 Boots and Coots and we'll provide more  
19 guidance on this, but I guess the expectation  
20 would be compliance with our rules for sure.

21 Are there any questions from  
22 parties? Go ahead, Mr. Stoddard.

23 MR. STODDARD: Yes, your Honor. Just a  
24 clarification on one comment.

25 You referenced compliance by Boots &  
26 Coots and I am just wondering if that was in  
27 reference to compliance with the subpoena.

28 ALJ POIRIER: Yes.

1 MR. STODDARD: Okay.

2 ALJ POIRIER: Mr. Gruen.

3 MR. GRUEN: Your Honor, clarification  
4 question about the signing of when motions  
5 can be brought again. I think I understand  
6 your point about the written motions'  
7 moratorium and it ends specifically by the  
8 opening date of hearings next in May. So, is  
9 -- are we tracking the beginning of May at  
10 the beginning of hearings; oral motions or  
11 written motions can be brought at that time?  
12 Is that part of the ruling?

13 ALJ POIRIER: Yes, it is. I will  
14 provide some guidance on the issue that  
15 Mr. Stoddard raised, too.

16 I understand the concerns that  
17 you've raised about the scope, Mr. Stoddard,  
18 but again my inclination is this is something  
19 that should be briefed and I don't know if it  
20 is something that we're going to be able to  
21 resolve easily through a ruling on a motion.  
22 So this is something we can take on later,  
23 but I understand this is going to be more  
24 effort in terms of briefing, but I think  
25 again this is a detailed issue that, at this  
26 point, I think our inclination that it can  
27 happen in briefs. And I don't know if  
28 there's been adequate showing that this has

1 to happen before a period of time and I am a  
2 little hesitant to have the parties' efforts  
3 distracted, even during those hearings. We  
4 really want to try to get to all of the  
5 witnesses during the time that we schedule.  
6 So with that, we can revisit at a later time  
7 but I wanted to provide -- we wanted to  
8 provide that guidance at this point.

9 MR. STODDARD: Thank you, your Honor.

10 ALJ POIRIER: Are there any further  
11 clarification questions on those areas?

12 MR. GRUEN: None from SED, your Honor.  
13 Thank you.

14 ALJ POIRIER: Thank you. With that, I  
15 am going to hand it off to ALJ Hecht to  
16 discuss schedule.

17 ALJ HECHT: Thank you. As we have  
18 referenced earlier in the hearings, we knew  
19 that more days would be required and we have  
20 been attempting to schedule those with the  
21 Commission. We have reserved, I believe it  
22 is now 11 more days in May on which we could  
23 have hearings. And we will expect to have  
24 hearings on those dates if that is what it  
25 takes to get through the remaining witnesses.

26 The remaining witnesses from what I  
27 can see are Neville, a panel of Hower and  
28 Stinson, Boots & Coots and Schwecke. I think

1 that's what we have left, but most of those  
2 are parties that are expected to have a lot  
3 of cross-examination. So we think they're  
4 going to take a while.

5 What we have done is we have  
6 reserved May 3rd through 7th, which is a  
7 week, and May 10 and 11, which are the Monday  
8 and Tuesday after that week for the bulk of  
9 continuance of the hearings. And our  
10 expectation is that we would get to whatever  
11 witnesses we can get to then, particularly  
12 Neville and the SoCalGas witnesses.

13 There was a request for a date  
14 certain for the Boots & Coots witnesses and  
15 we would like to accommodate that and we also  
16 understand that there may be issues with  
17 availability and other things beyond people's  
18 control. I hope there aren't issues with  
19 compliance, but if there are, we'll deal with  
20 those when we get there.

21 The second set of dates for hearings  
22 that we have reserved are May 18 through  
23 21st. There is a gap between these two sets  
24 of dates. What I would hope is that we could  
25 take the Boots & Coots' people with a date  
26 certain on the 18th and go from there for  
27 whatever time they need. It looks to me,  
28 looking at the schedule, like it is possible

1 we would be able to do that without having  
2 one of the other witnesses broken up,  
3 depending on how the cross-examination goes,  
4 just looking at the estimates, but I would  
5 like to get some of your thoughts on that.  
6 And I would like to get some thoughts on, if  
7 in fact we end up in a situation where that  
8 break from the 11th to the 18th does end up  
9 in the middle of a witness, how people would  
10 want to approach that. And if you have  
11 suggestions on a better way to fit it in that  
12 will accommodate the date certain and the  
13 long periods of cross and all of that, I am  
14 very open to that.

15 So what are people's thoughts?

16 MR. GRUEN: Your Honor, thank you. May  
17 I?

18 ALJ HECHT: Yes.

19 MR. GRUEN: Thank you. I think the  
20 idea -- we are amenable certainly to the idea  
21 of having Boots & Coots start on May 18.  
22 Perhaps that would accord a certain -- some  
23 certainty. It may just be the nature of the  
24 beast that, you know, I appreciate the  
25 reservation of dates. What I believe could  
26 be if I am tracking, I think Neville is  
27 first, followed by Hower and Stinson and  
28 those would take the large majority of May

1 3rd through 7th and May 10th through 11th, if  
2 our estimates are accurate. And then if we  
3 do finish early and Boots & Coots is a date  
4 certain starting on May 18th, I suppose that  
5 would mean that Mr. Schwecke either could go  
6 at the end of the May 10th to 11th period or  
7 perhaps at the end of May 18th through 21st.

8 Your Honor, I get this may be a bit  
9 of a fluid thing because we can't know how  
10 cross will go, but tentatively we are  
11 certainly willing to work with that schedule.

12 If, you know -- what we haven't  
13 talked about is potentially if we finish with  
14 Neville and Hower and Stinson first and  
15 second and there's still a small amount of  
16 time, I suppose we could revisit the issue.  
17 One option would be to revisit the issue of  
18 whether Mr. Schwecke should be -- we should  
19 start on him or to avoid interruption just  
20 start on him after Boots & Coots goes in that  
21 period of the 18th. I'm inclined to suggest  
22 the latter that we, perhaps because of  
23 Mr. Schwecke's stature here, it may help to  
24 clarify certain issues for the record to have  
25 him go after Boots & Coots, but I am  
26 certainly open to feedback on that on the  
27 record for other parties.

28 But just in terms of the actual

1 dates, I hope that provides meaningful  
2 context. In terms of the dates that are  
3 reserved, we very much appreciate your Honors  
4 reserving them and we'll work with those.

5 ALJ HECHT: Yeah. This is likely to  
6 remain a little bit fluid by necessity  
7 because we don't know how long any of the  
8 cross will take as has been demonstrated over  
9 the last several weeks. This looks to me  
10 based on the dates we can get like a  
11 reasonable way of approaching it and  
12 most-likely the question would be whether to  
13 start witness Schwecke before Boots and Coots  
14 if we were to get there or whether to defer  
15 it until after.

16 This does raise the point that we  
17 really want to not be reserving further dates  
18 after this. So I will be asking that people  
19 give updated estimates about cross and that  
20 we can get those and we can have SED, since  
21 they're taking responsibility for the  
22 schedule, send out that schedule in advance  
23 of the hearings that we're having. And I am  
24 asking you all to meet and confer and just  
25 see if you can agree on those estimates. We  
26 can only control what we can control and  
27 there is always a possibility that we'll  
28 break at the wrong point, but I would like to

1 try to think through the contingencies and  
2 avoid that as much as possible.

3 Are there other comments,  
4 Mr. Stoddard?

5 MR. STODDARD: One other item only  
6 incidentally related is the current deadline  
7 for briefs. Will there be a revised schedule  
8 issued during the break?

9 ALJ HECHT: Yes. We will have to issue  
10 a revised schedule with the hearings  
11 continuing. The briefings obviously have to  
12 shift. We've also -- as Judge Poirier was  
13 saying, we've talked about the additional  
14 things that are going into the briefing. So  
15 I don't know exactly when you will get that,  
16 but my hope will be it will be before we  
17 resume the hearings on May 3rd. And, yeah,  
18 clearly we'll be trying to give you all the  
19 time that you would have had, had the  
20 hearings ended on time, to prepare the briefs  
21 after the hearing.

22 ALJ POIRIER: And if I could add, we'll  
23 try to get it during, but there's also the  
24 option we might (inaudible) for some  
25 discussion at hearings of the parties. But  
26 it's safe to say, yeah, that date is going to  
27 be shifted.

28 ALJ HECHT: I am not aware of a reason

1 that the original interval wouldn't still  
2 work. The difference, it appears to me, is  
3 the end of the hearings, but if other people  
4 have thoughts about that and think that more  
5 time is needed to deal with additional  
6 issues, then you should let us know.

7           Okay. I think that's most of what I  
8 have on the schedule. We are getting those  
9 dates on to the calendar. We have already  
10 reserved them with the Commission's internal  
11 hearing calendar. And my understanding is  
12 that they'll appear on the Commission's Daily  
13 Calendar when we get the connection  
14 information for the Webex. I think that has  
15 generally been a motivating factor in getting  
16 those listed.

17           The structure of hearings will be  
18 largely the same as what it's been now. I  
19 will be prepared to refresh the ground rules  
20 at the beginning of the next session. So  
21 they will not change, but it's always good to  
22 repeat them.

23           And with Boots & Coots, I recognize  
24 that there could be a problem either with  
25 compliance or with their being available on  
26 that specific date. So that is something  
27 that I would ask SoCalGas to let us know  
28 about by May 5th, if at all possible. If

1 there is a problem with the May 18th date, we  
2 would need to know that. If you feel that  
3 there is likely to be a problem with  
4 compliance, we'll be checking on what our  
5 instruments are for dealing with that, but  
6 more notice is probably better, to the extent  
7 possible.

8 So I think that that was all I had  
9 on schedule.

10 Yes, Mr. Gruen.

11 MR. GRUEN: Only unless your Honors  
12 want to continue, just a clarification  
13 question.

14 ALJ HECHT: Please.

15 MR. GRUEN: With regards to -- perhaps  
16 it's premature, but with regards to which  
17 requirements would apply, assuming that  
18 Dr. Haghshenas does testify from Texas, any  
19 further insights on that at this time, or do  
20 your Honors want to address that at another  
21 time?

22 ALJ HECHT: Mostly we'll address that  
23 at an another time. Judge Poirier and I  
24 believe that the Commission Rules of Practice  
25 and Procedure do apply, but that is something  
26 that we are going to speak with our advisory  
27 attorneys about and see if there are some  
28 ground rules that we can rely on when

1 something like this has happened in the past.

2 MR. GRUEN: Thank you, your Honor.  
3 Understood. And does -- is there any, your  
4 Honors, any insight from SoCalGas as to who  
5 would represent Boots and Coots, assuming  
6 that Dr. Haghshenas and Mr. Walzel appear?

7 ALJ HECHT: Do you have any insight on  
8 that?

9 MR. STODDARD: The same as what I said  
10 prior to the break, which is we don't yet, we  
11 haven't yet issued the subpoena. In fact,  
12 there's a possibility that affects that  
13 issue. So, no, we don't have any further  
14 insight.

15 ALJ HECHT: That's what I would expect.  
16 We are scheduling them for the 18th as the  
17 date certain or recommending that because  
18 that is the beginning of a long enough block  
19 we think to accommodate them and it gives  
20 them time to get through all of the  
21 logistical complications or any logistical  
22 complications that may come up.

23 So we will be back May 3rd and we  
24 will have an opportunity to talk then. If we  
25 can know before then whether we think they're  
26 (inaudible), that would certainly be ideal.

27 Are there any other questions? Any  
28 other housekeeping issues? I am seeing

1 shaking heads.

2 I do not see Ms. Bone on my screen.  
3 So I don't know if I lost her. There she is.  
4 Okay.

5 If there are no other housekeeping  
6 issues, I will wrap up. Okay. Thank you,  
7 everybody, for all of your time. This has  
8 been a lot of time and it will be almost as  
9 much time again if things go the way we  
10 expect them to go.

11 I appreciate everybody's patience.  
12 I know that this structure with the Verizon  
13 operator and the Webex is difficult to deal  
14 with and not ideal. But I think people have  
15 done pretty well with it. I am hopeful that  
16 we will come back in a few weeks and be able  
17 to finish these up.

18 I will just take the opportunity one  
19 more time to note that there is a lot of  
20 distrust among the parties. I don't think  
21 that that has been helpful to these hearings,  
22 and I think that is unfortunate and I would  
23 appreciate everybody's cooperation to the  
24 extent possible, at least on the logistics  
25 and keeping us on track and moving forward.  
26 And people have been pretty good about that,  
27 but that's just my request. All right. Any  
28 comments?

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(No response.)

ALJ HECHT: No. Okay. Then we are  
adjourned. We'll be off the record.

(Off the record.)

(Whereupon, at the hour of 2:17  
p.m., this matter having been  
continued to 10:00 a.m., May 3,  
2021, the Commission then  
adjourned.) ]

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING  
I, ANDREA L. ROSS, CERTIFIED SHORTHAND REPORTER  
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I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE  
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS APRIL 09, 2021.



ANDREA L. ROSS  
CSR NO. 7896

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BEFORE THE PUBLIC UTILITIES COMMISSION  
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EXECUTED THIS APRIL 09, 2021.

  
CAROL ANN MENDEZ  
CSR NO. 4330

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BEFORE THE PUBLIC UTILITIES COMMISSION  
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EXECUTED THIS APRIL 09, 2021.



JASON A. STACEY  
CSR NO. 14092

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