



Shivani Sidhar  
Regulatory Case Manager  
San Diego Gas and Electric Company  
8330 Century Park Court  
San Diego, CA 92123-1530

July 13, 2016

**Sent Via Electronic Mail**

A.15-09-010  
Wildfire Expense Memorandum Account

Mr. Don Kelly  
Utility Consumers' Action Network  
3405 Kenyon Street Suite 401  
San Diego, CA 92110

**Re: SDG&E Response to UCAN Data Request 01 - WEMA**

Dear Mr. Kelly:

Attached please find SDG&E's response to UCAN Data Request 01 dated June 29, 2016. SDG&E's response includes general objections and narrative responses. As discussed in the meet and confer on July 13, 2016, the immediately available documents are stored on the WEMA SharePoint site and instructions are provided within the narrative of our response.

Prior to access, please execute the Non-disclosure Agreement (NDA) which will be sent to you following this submittal. Once you've executed the NDA and returned it to Chris Lyons and myself, I will activate your access rights to the WEMA SharePoint.

The remainder of data will be sent on a removable harddrive as soon as possible.

Directions for access to SDG&E's SharePoint Office 365 document repository: Please use the link sent to you on July 13, 2016. This link will direct you to a main login page where you will need to create a Microsoft 365 account using your [don@ucan.org](mailto:don@ucan.org) email address. Once this account is created and you have signed the NDA, you will have access to the documents identified in the narrative response.

If you have any questions or require additional information, please feel free to contact me by phone at (858) 637-7914 or e-mail: [SSidhar@semprautilities.com](mailto:SSidhar@semprautilities.com).

Sincerely,

**Signed**

Shivani Sidhar  
Regulatory Case Manager

Enclosures

cc: Chris Lyons – SDG&E  
Stacie Atkinson – SDG&

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**I. GENERAL OBJECTIONS**

1. SDG&E objects generally to each request to the extent that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, statutory mediation confidentiality (see Cal. Evid. Code §§ 1115-28) or any other applicable privilege or evidentiary doctrine. No information protected by such privileges will be knowingly disclosed.
2. SDG&E objects generally to each request that is overly broad and unduly burdensome. As part of this objection, SDG&E objects to discovery requests that seek “all documents” or “each and every document” and similarly worded requests on the grounds that such requests are unreasonably cumulative and duplicative, fail to identify with specificity the information or material sought, and create an unreasonable burden compared to the likelihood of such requests leading to the discovery of admissible evidence. Notwithstanding this objection, SDG&E will produce all relevant, non-privileged information not otherwise objected to that it is able to locate after reasonable inquiry.
3. SDG&E objects generally to each request to the extent that the request is vague, unintelligible, or fails to identify with sufficient particularity the information or documents requested and, thus, is not susceptible to response at this time.
4. SDG&E objects generally to each request that: (1) asks for a legal conclusion to be drawn or legal research to be conducted on the grounds that such requests are not designed to elicit facts and, thus, violate the principles underlying discovery; (2) requires SDG&E to do legal research or perform additional analyses to respond to the request; or (3) seeks access to counsel’s legal research, analyses or theories.
5. SDG&E objects generally to each request to the extent it seeks information or documents that are not reasonably calculated to lead to the discovery of admissible evidence.
6. SDG&E objects generally to each request to the extent that it is unreasonably duplicative or cumulative of other requests.
7. SDG&E objects generally to each request to the extent that it would require SDG&E to search its files for matters of public record such as filings, testimony, transcripts, decisions, orders, reports or other information, whether available in the public domain or through FERC or CPUC sources.
8. SDG&E objects generally to each request to the extent that it seeks information or documents that are not in the possession, custody or control of SDG&E.

**UCAN DATA REQUEST  
UCAN-SDG&E DR-01, Q1-11  
SDG&E WEMA PROCEEDING - A.15-09-010  
SDG&E RESPONSE  
DATE RECEIVED: June 29, 2016  
DATE RESPONDED: July 13, 2016**

9. SDG&E objects generally to each request to the extent that the request would impose an undue burden on SDG&E by requiring it to perform studies, analyses or calculations or to create documents that do not currently exist.

10. SDG&E objects generally to each request that calls for information that contains trade secrets, is privileged or otherwise entitled to confidential protection by reference to statutory protection. SDG&E objects to providing such information absent an appropriate protective order or non-disclosure agreement.

**II. EXPRESS RESERVATIONS**

1. No response, objection, limitation or lack thereof, set forth in these responses and objections shall be deemed an admission or representation by SDG&E as to the existence or nonexistence of the requested information or that any such information is relevant or admissible.

2. SDG&E reserves the right to modify or supplement its responses and objections to each request, and the provision of any information pursuant to any request is not a waiver of that right.

3. SDG&E reserves the right to rely, at any time, upon subsequently discovered information.

4. These responses are made solely for the purpose of this proceeding (A.15-09-010) and for no other purpose.

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #1:**

Please provide all work papers for each SDG&E witnesses who offered testimony for this application.

**Response:** These materials are being made available to UCAN through SDG&E's WEMA SharePoint website. To access the work papers follow this path once in the WEMA SharePoint: Discovery – NDA Access Only > UCAN > UCAN DR01 > Workpapers in Response to Request 1

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #2:**

Please provide all data requests and SDG&E responses that have been given to all other parties in this proceeding.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objection 10. Subject to the foregoing objection, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objection, these materials are being made available to UCAN through SDG&E's WEMA SharePoint website, with the exception of the hard drive discussed below. Please note that SDG&E is not producing at this time its response to one of the five sets of ORA data requests to which it has responded to date (ORA-SDG&E DR-01) on the grounds that those requests, to which SDG&E responded prior to the prehearing conference and issuance of the Scoping Memo, concerned Phase 2 issues.

As discussed during our July 13, 2016 meet and confer, in response to an ORA data request (ORA-SDG&E DR-02), SDG&E produced its document production and relevant discovery responses, as well as deposition transcripts, from the civil litigation associated with the Witch, Rice and Guejito Fires of 2007 on a removable harddrive. As noted in SDG&E's April 29, 2016 objections and responses to ORA-SDG&E DR-02, Requests 2-3, certain materials on the harddrive were marked as "confidential" in the course of the civil litigation under the applicable protective order. SDG&E further noted that in the interest of providing those materials as promptly as possible to ORA, SDG&E did not separately mark those materials as "Confidential Pursuant to P.U. Code § 583 and General Order 66-C" but produced them on the understanding that they would be treated as confidential pursuant to those provisions. SDG&E also indicated that it would be willing to further examine and discuss the appropriateness of any confidentiality designation with ORA.

SDG&E is preparing a copy of this harddrive for UCAN and will provide it to you as soon as possible. As discussed during our July 13, 2016 meet and confer, SDG&E will need to enter into a Non-disclosure Agreement with UCAN due to the confidentiality of certain of these materials prior to providing them and is producing these materials with the understanding that documents or files marked "Confidential" will be deemed "Protected Materials" under the Non-disclosure Agreement. As was also discussed during that meet and confer, SDG&E is willing to further examine and discuss with UCAN the appropriateness of any such designations of confidentiality (*i.e.*, Protected Materials). Please also note that there is a log of the confidential documents in excel format that was produced to ORA on April 29, 2016 in connection with these responses and which will be

**UCAN DATA REQUEST  
UCAN-SDG&E DR-01, Q1-11  
SDG&E WEMA PROCEEDING - A.15-09-010  
SDG&E RESPONSE  
DATE RECEIVED: June 29, 2016  
DATE RESPONDED: July 13, 2016**

available on the SharePoint website referenced above following this path: Discovery – NDA Access  
Only > ORA > ORA02

**UCAN DATA REQUEST  
UCAN-SDG&E DR-01, Q1-11  
SDG&E WEMA PROCEEDING - A.15-09-010  
SDG&E RESPONSE  
DATE RECEIVED: June 29, 2016  
DATE RESPONDED: July 13, 2016**

**Request #3:**

On page 3 of SDG&E's application it states:

“More than 2,500 lawsuits were filed against SDG&E by property owners and governmental entities who claimed damages resulting from the Witch, Guejito and Rice Fires (“2007 Wildfire Litigation”).”

Given that the 2,500 lawsuits that were filed against SDG&E have settled, have not been appealed and are final such that SDG&E is seeking cost recovery for litigation costs incurred, does SDG&E claim that there presently exists any privilege regarding any document, opinion or analysis related to these settled claims? If so, please describe what document, opinion or analysis that SDG&E claims a privilege still exists for regarding the settled cases that SDG&E has put in issue in this proceeding. If any legal analysis was performed examining whether SDG&E may withhold documents or information due to an existing privilege for the 2,500 settled cases regarding any document, analysis or opinion, please provide that analysis as well.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 2, 3, 4, 8 and 10. SDG&E further objects to this request on the grounds that it seeks discovery of information that has been deferred until Phase 2 of this proceeding.



**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #4:**

Regarding the cause, severity, wind impacts or negligence of SDG&E for the Witch, Guejito and Rice wildfires, is SDG&E aware of or in possession of any document, opinion or report produced by experts hired by any of the 2,500 plaintiffs that sued SDG&E for damages resulting from the wildfires?

- a. If so, please explain.
- b. If SDG&E obtained any report, analysis or documents (including interrogatories and/or deposition transcripts) from Plaintiff experts, please provide them.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 3 and 8. Subject to the foregoing objections, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objection, SDG&E responds as follows. The civil lawsuits filed against SDG&E in connection with the Witch, Rice and Guejito Fires were settled or dismissed. These cases never proceeded to the expert discovery phase. Thus, no non-privileged expert opinions or reports were exchanged.

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #5:**

Did SDG&E or its attorneys in any of the 2,500 settled lawsuits related to the Witch, Guejito or Rice 2007 wildfires obtain any report or document during the course of litigating the 2,500 claims mentioned above that contains an evaluation on whether SDG&E was negligent, failed to perform a duty, or deviated from the minimum standard of care necessary for the safe and prudent operation of its utility such that it led to the ignition and/or contributed to the severity of the 2007 Witch, Guejito and/or Rice wildfires?

- a. If so, please explain.
- b. If SDG&E obtained any report or documents (including interrogatories and/or deposition transcripts) from Plaintiff experts, please provide those as well.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 2, 3, 4 and 8. Subject to the foregoing objections, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objections, SDG&E responds as follows. The only non-privileged reports or documents of which SDG&E is aware are the California Department of Forestry and Fire Protection Investigation Reports into each of the three fires, and the materials prepared by the CPUC Consumer Protection and Safety Division materials from I.08-11-006 and I.08-11-007 previously made available by SDG&E to all parties in this proceeding.

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #6:**

Did SDG&E or its attorneys in any of the 2,500 settled lawsuits related to the Witch, Guejito or Rice 2007 wildfires employ any experts who provided evaluations and/or opinions on the issue of causation or severity of the Witch, Guejito and/or Rice wildfires, including wind speed analysis, whether they are experts in this proceeding or not?

- a. If so, please explain and provide a copy of any writing (email, formal report, notes etc.. .) that documents those experts' evaluations and/or opinions.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 2, 3, 4 and 8. Subject to the foregoing objection, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objection, SDG&E responds as follows. Yes. SDG&E's attorneys hired experts who performed work or analyses at the lawyers' direction in conjunction with the lawsuits and mediations. None of these experts were designated to testify in the lawsuits and, as such, their analysis and even their identities (to the extent not previously disclosed, for example, in connection with joint evidence protocols) are protected attorney work product.. *See, e.g., Scotsman Mfg. Co. v. Superior Court In and For Orange County*, 242 Cal. App. 2d 527, 530 (1966); *Schreiber v. Estate of Kiser*, 22 Cal. 4th 31, 37 (1999). Further, all expert work done in connection with mediations is subject to statutory mediation confidentiality under California law. *See California Evidence Code Sections 1115 et. seq.* Accordingly, SDG&E will not produce any such expert analysis in response to this request. SDG&E has produced expert analysis in its opening testimony.

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #7:**

On page 7 of the application SDG&E writes:

“The WEMA Costs (approximately \$379 million) represent approximately one-sixth of the total Wildfire Costs (\$2.4 billion) SDG&E has incurred through its process of resolving claims asserted in the 2007 Wildfire Litigation. . . . First, SDG&E had \$1.1 billion liability insurance coverage in place at the time of the 2007 wildfires. Second, SDG&E obtained settlement payments from third parties (Cox Communications and three contractors) totaling \$824 million.”

- a. When seeking insurance coverage of 1.1 billion dollars for damages caused by the Witch, Guejito and Rice wildfires from its insurance carriers did SDG&E produce any statement, policy analysis or coverage memoranda for any individual, or group on the issues of liability including negligence and inverse condemnation, or on the issues of damages?

If so, please provide those statements, policy analysis or coverage memoranda

- b. When SDG&E obtained a settlement with Cox Communications (or any other contractor such as Davey Tree) did SDG&E provide any statement, policy analysis, memoranda or release of liability for any individual or group?

If so, please explain and provide those statements and release.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 4 and 8. SDG&E further objects to this request on the grounds that it seeks discovery of information that has been deferred until Phase 2 of this proceeding.

**Response:** Subject to the foregoing objection, SDG&E respond as follows. SDG&E did not attribute liability in any settlement agreement with its contractors. Any discussions of or statements regarding liability of contractors are covered by statutory mediation confidentiality. *See California Evidence Code Sections 1115 et. seq.*

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #8:**

Did any SDG&E witness in any of the 2,500 lawsuits filed against SDG&E for damages due to the 2007 wildfires (whether they are a witness in this proceeding or not) get deposed or respond to interrogatories on either the cause of the wildfires or whether SDG&E's negligence contributed to either the ignition or the severity of the 2007 wildfires? If so, please provide those interrogatories and deposition transcripts.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1 and 4. Subject to the foregoing objection, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objection, SDG&E responds as follows. See the materials on the harddrive referenced above in response to Request #2.

**UCAN DATA REQUEST**  
**UCAN-SDG&E DR-01, Q1-11**  
**SDG&E WEMA PROCEEDING - A.15-09-010**  
**SDG&E RESPONSE**  
**DATE RECEIVED: June 29, 2016**  
**DATE RESPONDED: July 13, 2016**

**Request #9:**

In any of the 2,500 lawsuits filed against SDG&E did any SDG&E witness get deposed or respond to interrogatories (whether they are a witness in this proceeding or not) related to any wind analysis related to the witch, Guejito or Rice wildfires? If so, please provide those interrogatories and deposition transcripts.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1 and 4. Subject to the foregoing objection, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** Subject to the foregoing objection, SDG&E responds as follows. SDG&E is not aware of any such materials, but if they exist, they are on the harddrive referenced above in response to Request #2.

**UCAN DATA REQUEST  
UCAN-SDG&E DR-01, Q1-11  
SDG&E WEMA PROCEEDING - A.15-09-010  
SDG&E RESPONSE  
DATE RECEIVED: June 29, 2016  
DATE RESPONDED: July 13, 2016**

**Request #10:**

In the 2,500 lawsuits filed against SDG&E did any attorney for SDG&E propound interrogatories and/or depose any of the Plaintiff's expert or obtain any discovery from an expert hired by any plaintiff on either the cause of the wildfires or whether SDG&E's negligence contributed to either the ignition or the severity of the 2007 wildfires? If so, please provide those interrogatories and/or deposition transcripts.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1 and 4. Subject to the foregoing objection, SDG&E will respond to this request by July 13, 2016 or will indicate on that date when it expects to be able to provide a response.

**Response:** No.

**UCAN DATA REQUEST  
UCAN-SDG&E DR-01, Q1-11  
SDG&E WEMA PROCEEDING - A.15-09-010  
SDG&E RESPONSE  
DATE RECEIVED: June 29, 2016  
DATE RESPONDED: July 13, 2016**

**Request #11:**

Please provide all legal analysis by all lawyers for SDG&E provided in any of the 2,500 lawsuits which analyzed the issue of inverse condemnation, including any opinion on whether if the cases were litigated whether SDG&E would prevail on this issue on appeal.

**Objection:** SDG&E objects to this request on the grounds set forth in General Objections 1, 2, 3, 4, 5 and 8.