

Wen
5-27-16

ORIGINAL

1 PAMELA NAUGHTON (Bar No. 97369)
2 REBECCA ROBERTS (Bar No. 225757)
3 **DLA PIPER LLP (US)**
4 401 B Street, Suite 1700
5 San Diego, California 92101-4297
6 Tel: 619.699.2700
7 Fax: 619.699.2701

8 Attorneys for Movant
9 California Public Utilities Commission

FILED
Superior Court of California
County of Los Angeles

MAY 20 2016

SHERRIE CARTER, EXPLORING OFFICER/CLERK
BY *[Signature]* Deputy
Stipendiary Number

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 In re June 5, 2015 Search Warrant issued to
13 California Public Utilities Commission

14 CASE NO. SW-70763 BY FAX
15 CPUC PRIVILEGE LOG

16 FILED UNDER SEAL PURSUANT TO
17 COURT ORDER MARCH 24, 2016

18 *Vol I*

19 The CPUC is herein producing a privilege log which identifies the documents withheld
20 from its production in response to the Attorney General's June 5, 2015/ March 9, 2016 search
21 warrants on privileged grounds. This production represents the vast majority of privileged entries
22 however, the CPUC is producing this log on a rolling basis and will provide an updated log once
23 completed. This pleading and the log are filed under seal.

24 Dated: May 25, 2016

25 DLA PIPER LLP (US)

26 By *[Signature]*
27 PAMELA NAUGHTON
28 REBECCA ROBERTS
Attorneys for Movant
California Public Utilities Commission

1 I, Bonnie K. Lott, declare:

2 I am a citizen of the United States and employed in San Diego County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address
4 is DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297. On
5 May 25, 2016, I served a copy of the within document(s):

6 **CPUC PRIVILEGE LOG**

- 7 by transmitting via facsimile the document(s) listed above to the fax number(s) set
8 forth below on this date before 5:00 p.m.
- 9 by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, the United States mail at San Diego, California addressed as set forth
11 below.
- 12 by placing the document(s) listed above in a sealed Delivery Service envelope and
13 affixing a pre-paid air bill, and causing the envelope to be delivered to a Delivery
14 Service agent for delivery.
- 15 by personally delivering the document(s) listed above to the person(s) at the
16 address(es) set forth below.
- 17 by transmitting via e-mail or electronic transmission the document(s) listed above
18 to the person(s) at the e-mail address(es) set forth below.

19 Persons Served

20 Amanda Plisner, Esq.
21 Deputy Attorney General
22 Office of Attorney General
23 300 South Spring Street, Suite 1702
24 Los Angeles, CA 90013-1230
25 Tel: 213.897.2000
26 amanda.plisner@doj.ca.gov

Maggy Krell, Esq.
Office of Attorney General
Deputy Attorney General
1300 I Street
Sacramento, CA 95814
Tel: 916.445.0896
maggy.krell@doj.ca.gov

James Root, Esq.
Deputy Attorney General
Office of Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Tel: 213.897.2000
jim.root@doj.ca.gov

1 I am readily familiar with the firm's practice of collection and processing correspondence
2 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
3 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
4 motion of the party served, service is presumed invalid if postal cancellation date or postage
5 meter date is more than one day after date of deposit for mailing in affidavit.

6 I declare under penalty of perjury under the laws of the State of California that the above
7 is true and correct.

8 Executed on May 25, 2016, at San Diego, California.

9 
10 _____
11 Bonnie K. Lott

1 PAMELA NAUGHTON (Bar No. 97369)
 2 REBECCA ROBERTS (Bar No. 225757)
 3 **DLA PIPER LLP (US)**
 401 B Street, Suite 1700
 3 San Diego, California 92101-4297
 Tel: 619.699.2700
 4 Fax: 619.699.2701

5 Attorneys for Movant
 6 California Public Utilities Commission

FILED
 Superior Court of California
 County of Los Angeles

APR 11 2016

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK
 BY *Sherryl Ritchey Humber* Deputy
 Sherryl Ritchey Humber

8 SUPERIOR COURT OF CALIFORNIA
 9 COUNTY OF LOS ANGELES

10 In Re June 5, 2015 Search Warrant No.
 11 70763 issued to California Public Utilities
 Commission

CASE NO. SW-70763

**DECLARATION OF REBECCA ROBERTS
 IN SUPPORT OF CPUC OPPOSITION FOR
 AN ORDER COMPELLING CALIFORNIA
 PUBLIC UTILITIES COMMISSION TO
 COMPLY WITH SEARCH WARRANT**

Date: April 18, 2016
 Time: 10:00 a.m.
 Place: Department 56
 Judge: Hon. William C. Ryan

**FILED UNDER SEAL PURSUANT TO
 COURT ORDER MARCH 24, 2016**

19 I, Rebecca S. Roberts, declare as follows:

20 1. I am an attorney at DLA Piper LLP, which represents the California Public
 21 Utilities Commission ("CPUC") in the government investigations. I have personal knowledge of
 22 the facts I state below except where they are stated on information and belief. If called upon by
 23 this Court, I could competently testify as follows:

24 2. Attached as Exhibit 1 is a true and correct copy of the November 5, 2014 search
 25 warrant which issued out of San Francisco Superior Court. Attached as Exhibit 2 is a true and
 26 correct of a grand jury subpoena issued by the Attorney General on February 5, 2015. Attached
 27 as Exhibit 3 is the second grand jury subpoena issued by the Attorney General on February 5,
 28 2015. Attached as Exhibit 4 is the third grand subpoena issued by the Attorney General on

ORIGINAL

BY FAX

1 February 18, 2015. Attached as Exhibit 5 is the second search warrant executed by this Court on
2 June 5, 2015 ("SONGS Search Warrant.") Attached as Exhibit 6 is the third search warrant
3 executed by this Court on March 9, 2016, which sought to correct the misstatements the CPUC
4 previously pointed out.

5 3. In addition to the six demands from the Attorney General's office, the CPUC
6 received five grand subpoenas from the Department of Justice ("DOJ"). Specifically, the DOJ
7 issued grand jury subpoenas on October 7, 2014, October 17, 2014, November 13, 2014,
8 November 20, 2014, and June 5, 2015.

9 4. Attached as Exhibit 7 is a true and correct copy of January 15, 2015 email
10 correspondence between CPUC counsel and the Attorney General's office concerning the agreed
11 upon filter terms and initial time frame for production. Attached as Exhibit 8 is a true and correct
12 copy of February 4, 2015 email correspondence between the CPUC and the Attorney General's
13 office concerning the production of approximately 845,000 documents to it on January 20, 2015
14 and further review. Attached as Exhibit 9 is a true and correct copy of March 2015
15 correspondence between CPUC counsel and the Attorney General's office.

16 5. It is my understanding that the CPUC produced tens of thousands of documents in
17 response to the Attorney General's grand jury subpoenas in March and April 2015. It is also my
18 understanding that the CPUC produced nearly 34,000 documents in May 2015 and over 42,000
19 documents in July 2015 in response to the first search warrant. Meanwhile, it is my
20 understanding that since January 2015, the CPUC's review team has been processing, reviewing
21 and producing hundreds of thousands of documents on a monthly basis to the DOJ.

22 6. Attached as Exhibit 10 is a true and correct copy of June 21, 2015 email
23 correspondence between CPUC counsel and the Attorney General providing an update on the
24 production and the SONGS search warrant. Attached as Exhibit 11 is a copy of a search warrant
25 return filed by Special Agent Diaz.

26 7. Attached as Exhibit 12 is a true and correct copy of the August 27, 2015 letter
27 which accompanied a production by the CPUC to the Attorney General in response to the first
28 and second grand jury subpoenas it issued.

1 8. Attached as Exhibit 13 is a true and correct copy of a September 8, 2015 letter
2 from DLA Piper to the Attorney General which accompanied a production of over 19,000
3 documents in response to the SONGS Search Warrant. Attached as Exhibit 14 is a true and
4 correct copy of a September 24, 2015 letter from DLA Piper to the Attorney General which
5 accompanied a production of nearly 55,000 documents in response to the first search warrant.
6 Attached as Exhibit 15 is a true and correct copy of a September 29, 2015 letter from DLA Piper
7 to the Attorney General providing an update of all document productions, expressing concern
8 about the vagueness of the SONGS Search Warrant, and describing in detail how the production
9 in response to this search warrant was being conducted.

10 9. In early October 2015, my colleague, Pamela Naughton, and I had a telephone
11 conference with Deputy Attorney General Deborah Halberstadt and Special Agent Reye Diaz
12 during which we discussed ways to streamline the remaining documents to be reviewed, the
13 CPUC's vast production to date, and the substantial financial and personnel burden imposed on
14 the CPUC by the Attorney General's demands. We also discussed, and Ms. Halberstadt
15 acknowledged, that the SONGS Search Warrant was vague. Ms. Halberstadt represented that
16 further instruction concerning how the SONGS Search Warrant should be interpreted would be
17 forthcoming. However, to date, we have not received any further instruction from the Attorney
18 General's office. We also discussed and the Attorney General agreed, that we could further limit
19 the documents remaining to be reviewed, using search terms. We circulated the proposed search
20 terms in an October 16, 2015 letter, a true and correct copy of which is attached as Exhibit 16.
21 Attached as Exhibit 17 is a true and correct copy of the Attorney General's October 22, 2015
22 response to our letter. This letter did not provide any additional search terms for further filtering.
23 However, the Attorney General demanded that the CPUC complete production in response to the
24 first search warrant issued in November 2014 by December 28, 2015. Attached as Exhibit 18 is a
25 true and correct copy of our November 12, 2015 response letter further detailing the CPUC's
26 production to date.

27 10. Attached as Exhibit 19 is a true and correct copy of a December 11, 2015 letter
28 DLA Piper sent to the Attorney General which accompanied another production in response to

1 the SONGS search warrant of over 6,700 documents. Attached as Exhibit 20 is a true and correct
2 copy of a December 18, 2015 letter DLA Piper sent to the Attorney General which accompanied
3 reproduction of over 25,000 documents in response to the SONGS Search Warrant. The CPUC
4 had already produced these documents to the Attorney General in response to the first search
5 warrant and had identified them by Bates number for the Attorney General. However, the
6 Attorney General requested that the CPUC produce these documents yet again. Attached is
7 Exhibit 21 is a true and correct copy of another December 18, 2015 letter DLA Piper sent to the
8 Attorney General which accompanied what we had anticipated was the remaining documents to
9 be produced in response to the November 2014 Search Warrant, approximately 13,720
10 documents.

11 11. Attached as Exhibit 22 is a true and correct copy of a December 22, 2015 letter
12 from the Attorney General's office to DLA Piper. In this letter, the Attorney General proposed
13 14 additional search terms to be used to identify documents to be reviewed in response to the
14 SONGS Search Warrant. Several of the proposed terms triggered results of tens of thousands of
15 documents which are not likely relevant to the SONGS Search Warrant. While the Attorney
16 General agreed the CPUC could somewhat limit the documents to be reviewed, searches
17 generated on our document review platform indicate that our review team will need to review an
18 additional 160,000 documents, approximately 74,000 of which are attributable to the newly-
19 broadened scope of the SONGS Search Warrant.

20 12. Attached as Exhibit 23 is a true and correct copy of a February 24, 2016 letter
21 from DLA Piper to the Attorney General's office which accompanied the last production in
22 response to the SONGS Search Warrant. Attached as Exhibit 24 is a true and correct copy of a
23 March 3, 2016 letter from DLA Piper to the Attorney General which accompanied the final
24 production in response to the second grand jury subpoena. The CPUC has completed production
25 in response to all three grand jury subpoenas issued by the Attorney General. Attached as
26 Exhibit 25 is a true and correct copy of a March 7, 2016 letter from DLA Piper to the Attorney
27 General which accompanied the entire production of the filtered Recovered Documents.

28

1 13. Since approximately August 2015, I have been overseeing the CPUC's document
 2 production to the Attorney General. It is my understanding that since approximately January
 3 2015, on average, 9 contract attorneys have been reviewing documents 7 days week, 8-12 hours a
 4 day. As of this date, I estimate the CPUC has produced over 1.1 million documents to the
 5 Attorney General and nearly 60,000 documents in response to the SONGS Search Warrant. I
 6 also estimate that the CPUC review team has produced over 1.7 million documents in total to
 7 government entities.

8 I declare under penalty of perjury of the laws of the State of California that the foregoing
 9 is true and correct.

10 Executed this 11th day of April 2016 in San Diego, California.

11
 12 By 
 13 REBECCA ROBERTS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 100

Date: March 01, 2016

Honorable James R. Brandlin,
None

Judge
Bailiff

M. Seals
None

Judicial Assist
Reporter

(Parties and Counsel checked if present)

THE PEOPLE OF THE STATE OF
CALIFORNIA

VS

Counsel for Petitioner:

Counsel for Respondent:

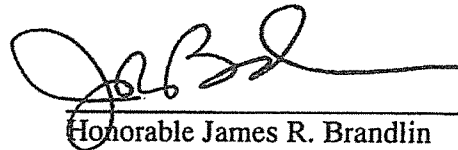
UNKNOWN

CASE NO. (unknown)

NATURE OF PROCEEDING:

Request for SEALED / HOBBS Search Warrant # SW-70763

It is hereby ordered by Supervising Judge James R. Brandlin in Department 100 of the Criminal Justice Center that the original Search Warrant #70763 be transported to Department 100. The search warrant will be reviewed by the Court as it relates to a MOTION TO VIEW SEARCH WARRANT AFFIDAVIT *IN CAMERA* on calendar in Department 100 on March 24, 2016 at 8:30 a.m.


Honorable James R. Brandlin

Date: 3/1/16



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: 3/24/16

Honorable: WILLIAM C. RYAN
D. PALAU

Judge
Bailiff

S. HUMBER #282371
A. BLANCO, CSR #10775

J.A.
Reporter

(Parties and Counsel checked if present)

SW-70763
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

Counsel for People: NOT PRESENT

Counsel for Defendant: NOT PRESENT

NO LEGAL FILE

Nature of Proceedings: (1) MOTION TO VIEW SEARCH WARRANT AFFIDAVIT IN CAMERA,

(2) MOTION TO SEAL PLEADINGS AND RECORDS (FILED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION)

NO LEGAL FILE-RED JACKET ONLY

MATTER IS CALLED FOR HEARING IN A CLOSED PROCEEDING.

PAMELA NAUGHTON AND REBECCA S. ROBERTS ARE PRESENT ON BEHALF OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION.

DEPUTY ATTORNEY GENERAL, AMANDA PLISNER IS PRESENT ON BEHALF OF THE DEPARTMENT OF JUSTICE.

- 1) THE MATTER IS OFF CALENDAR AS MOOT.
- 2) MOTION IS GRANTED AS PRAYED.

COUNSEL ARE DIRECTED TO WORK OUT DISLOSURE.

MS. NAUGHTON INFORMS THE COURT THAT SHE INTENDS TO FILE A MOTION. SUCH MOTION WILL BE HEARD ON 4/18/16 IN THIS DEPARTMENT. COUNSEL FOR THE ATTORNEY GENERAL AGREES TO ACCEPT SERVICE VIA ELECTRONIC MAIL.

THE PETITION FOR ORDER COMPELLING COMPLIANCE WITH THE SEARCH WARRANT, FILED BY THE ATTORNEY GENERAL IS SET FOR HEARING ON APRIL 18, 2016 AT 11:00 A.M. IN THIS DEPARTMENT.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: 3/24/16

Honorable: WILLIAM C. RYAN
D. PALAU

Judge
Bailiff

S. HUMBER #282371
A.BLANCO, CSR #10775

J.A.
Reporter

(Parties and Counsel checked if present)

SW-70763
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

Counsel for People: NOT PRESENT

Counsel for Defendant: NOT PRESENT

NO LEGAL FILE

**ADDITIONALLY, THE SEALED SEARCH WARRANT IN THIS MATTER REMAINS UNOPENED
AND IS ORDERED TO RETURNED TO THE CLERK'S OFFICE.**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56

Date: 04/27/16

Honorable: WILLIAM C. RYAN
PALAU

Judge D.CALLICOATTE,
Bailiff A. BLANCO, 10075

Clerk
Reporter

(Parties and Counsel checked if present)

IN RE,
SEARCH WARRANT #70763

DAG:AMANDA PILSNER
DAG: MAGGY KRELL

CALIFORNIA PUBLIC
UTILITIES COMMISSION

PVT: PAMELA NAUGHTON AND REBECCA
ROBERTS APPEARING FOR CPUC

AROCLES AGUILAR, GENERAL COUNSEL FOR
THE CPUC ALSO PRESENT IN COURT.

ADDITIONALLY, THE SEAL SEARCH WARRANT DATED 6/5/16 IS UNSEALED THIS DATE AND VIEWED BY THE COURT.

SUCH SEARCH WARRANT IS ORDERED RE-SEALED BY THE COURT AND RETURNED TO THE CLERK'S OFFICE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56

Date: 04/27/16

Honorable: WILLIAM C. RYAN
PALAU

Judge D. CALLICOATTE,
Bailiff A. BLANCO, 10075

Clerk
Reporter

(Parties and Counsel checked if present)

IN RE,
SEARCH WARRANT #70763

DAG: AMANDA PILSNER
DAG: MAGGY KRELL

CALIFORNIA PUBLIC
UTILITIES COMMISSION

PVT: PAMELA NAUGHTON AND REBECCA
ROBERTS APPEARING FOR CPUC

AROCLES AGUILAR, GENERAL COUNSEL FOR
THE CPUC ALSO PRESENT IN COURT.

Nature of Proceedings: SPECIAL MASTER SEARCH WARRANT (NO LEGAL FILE)
CLOSED SESSION

THE MATTER IS CALLED FOR HEARING. THE COURT NOTES THE MATTER IS ASSIGNED TO JUDGE WILLIAM C. RYAN.

THE MATTER OF CALIFORNIA PUBLIC UTILITIES COMMISSION'S (CPUC) MOTION TO QUASH SUBPOENA COMES BEFORE THE COURT. THE COURT HEARS ARGUMENT FROM BOTH SIDES. PARTIES SUBMIT. THE COURT TAKES THE MATTER UNDER SUBMISSION.

THE MATTER OF THE ATTORNEY GENERAL'S MOTION TO COMPEL COMPLIANCE WITH SUBPEONA COMES BEFORE THE COURT. THE COURT HAS READ AND CONSIDERED MOVING AND OPPOSITION PAPPERS AND HEARS ARGUMENT. COUNSEL FOR CPUC WILL PREPARE PRIVILEGE LOGS FOR DOCUMENTS UNDER "SONGS WARRANT" AND PROVIDE THEM TO THE ATTORNEY GENERAL'S OFFICE WITHIN 4 WEEKS.

THE COURT WILL DEFER RULING ON THE MOTION TO COMPEL UNTIL PRIVILEGE LOGS HAVE BEEN PROVIDED AND REVIEWED.

COURT ORDERS AN ORIGINAL TRANSCRIPT PLUS TWO COPIES OF THESE PROCEEDINGS. OFFICIAL COURT REPORTER, ANNETTE BLANCO, CSR 10075, PROVIDED WITH A COPY OF THESE MINUTES.

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

Rollback
70763

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No. 70763

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

FILED
2015 AUG 7 AM 9 28
LOS ANGELES COUNTY

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

On June 24, 2015, your affiant reported to the court: Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

As of August 7, 2015, after multiple requests, and two months after the search warrant was served on CPUC, no records have been produced to your affiant as required by California law. No extension has been requested and no indication has been given as to when the records will be produced to your affiant. Your affiant will update the Court with a filing of an additional search warrant return.

I declare under penalty of perjury that the foregoing is true.

Date: 8/7/2015



[Signature]
Special Agent Reye Diaz AG#10
Affiant

[Signature]
Judge of the Court
MICHAEL E. PASTOR

SUPERIOR COURT OF CALIFORNIA

P 70763

County of Los Angeles

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No.

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

I declare under penalty of perjury that the foregoing is true.

Date: 6/24/2015

Reye Diaz AG #10
Special Agent Reye Diaz AG#10
Affiant

David R. Fields
Judge of the Court

FILED
2015 JUN 24 AM 9 16
GENERAL COUNSEL
LOS ANGELES COUNTY SUPERIOR COURT

Penal Code § 1537

DAVID R. FIELDS



70763

Reviewed by: Deputy Attorney General Maggy Krell

SW No. 70763

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Special Agent Reye Diaz, California Department of Justice, swears under oath that the facts expressed by him/her in this Search Warrant, and in the attached and incorporated statement of probable cause consisting of 20 pages, are true and that based thereon he/she has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: YES [] NO [X] - Justification on page(s) _____

[Signature]
(Signature of Affiant) 6/5/15

FILED
JUN 24 AM 9 16
CLERK OF SUPERIOR COURT
LOS ANGELES

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by Special Agent Reye Diaz, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

- _____ it was stolen or embezzled
- it was used as the means of committing a felony
- it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery
- it tends to show that a felony has been committed or that a particular person has committed a felony
- _____ it tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring
- _____ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:

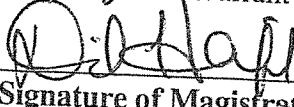
See attached Exhibit "A"

FOR THE FOLLOWING PROPERTY:

See attached Exhibit "A"

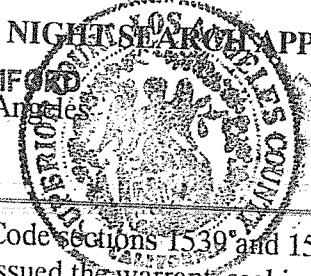
SEARCH WARRANT (Page 2)

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 5th day of June, 2015, at 10:57 A.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.



(Signature of Magistrate)

DAVID V. HERRIFORD
Judge of the Superior Court – County of Los Angeles



NIGHT SEARCH APPROVED: YES [] NO [X]

(Magistrate's Initials)

Be advised that pursuant to California Penal Code sections 1539 and 1540, you may file a written motion in the court of the above-mentioned judge who issued the warrant, seeking return of the property seized pursuant to this warrant.

For further information concerning this search warrant, contact the officer whose name appears on the warrant, Special Agent Reye Diaz at (916) 916-322-2686 or at reye.diaz@doj.ca.gov

EXHIBIT "A"

California Public Utilities Commission
San Francisco Office (Headquarters)
Or Legal Representatives of CPUC
505 Van Ness Avenue
San Francisco, CA 94102
MAY BE SERVED VIA EMAIL or FAX

FOR THE FOLLOWING PROPERTY:

Any and all records from January 31, 2012 until January 31, 2015, involving the San Onofre Nuclear Generating Station (SONGS) closure settlement agreement, the 2013 meeting between Stephen PICKETT and Michael PEEVEY in Poland, communication(s) pertaining to the determination of when and why SONGS would be closed, commitment of monies for research as a result of the closure of SONGS, and communication(s) pertaining to the settlement of the SONGS Order Instituting Investigation (OII). These records are to include:

1. CPUC will search emails to or from the following individuals:
 - a. Robert Adler – General Counsel, Edison International (now retired)
 - b. Ted Craver – Chairman, President, and Chief Executive Officer, Edison International
 - c. Laura Genao – Director, Regulatory Affairs, SCE
 - d. Michael Hoover – Senior Director of State Energy Regulation, SCE
 - e. Ron Litzinger – President, SCE (now President of Edison Energy)
 - f. R.O. Nichols – Senior Vice President for Regulatory Affairs, SCE
 - g. Stephen Pickett – Executive Vice President, External Relations, SCE (now retired)
 - h. Gary Schoonyan – Director, Strategic Policy Analysis, SCE (now retired)
 - i. Jim Scilacci – Chief Financial Officer, Edison International
 - j. Les Starck – Senior Vice President Regulatory Policy & Affairs, SCE (now retired)
 - k. Bert Valdman – Senior Vice President, Strategic Planning, Edison International (no longer employed)
 - l. Gaddi Vasquez – Senior Vice President, Government Affairs, Edison International
 - m. Russ Worden – Director of External Relations, SCE
 - n. Ron Olson, former Board member, Edison and Edison International
 - o. Michael Peevey (former President of CPUC)
 - p. Michel Florio (Commissioner, CPUC)
 - q. Melanie Darling (ALJ, CPUC)
 - r. Sepideh Khosrowjah (Chief of Staff, Commissioner Florio)
 - s. Paul Clanon (Executive Director, CPUC)
 - t. Carol Brown (former Chief of Staff to President Peevey)
 - u. Audrey Lee (former Advisor to President Peevey)
 - v. Edward Randolph (Director of Energy, CPUC)
2. CPUC will identify employees who were involved in the implementation of the greenhouse gas research provisions of the SONGS OII settlement, specifically with respect to CPUC's understandings or intentions with regard to directing funding to UICIA CPUC

SEARCH WARRANT (Page 4)

Attorney General's Office additional employees whose email they will collect for this purpose.

3. CPUC will collect and review emails from the above 22 custodians, plus any other custodians identified pursuant to paragraph 2, that are dated from January 31, 2012 through January 31, 2015.
4. Handwritten notes, documents saved to a hard drive or to a network location, and data on smart phones that is not believed to exist in other locations. CPUC will advise the Attorney General's Office of its progress and plan for collection and review of any such documents.
5. With respect to the categories of documents specified in the search warrant, CPUC will search for, review and produce responsive documents as follows:
 - a. As to documents involving the SONGS settlement, CPUC will produce (1) documents constituting or referring to communications with SCE about the OII prior to execution of the settlement on March 27, 2014 (excluding on-the-record communications such as SCE pleadings filed with the CPUC); and (2) documents constituting communications with TURN or ORA referencing communications from Peevey regarding SONGS or UC in the context of the settlement negotiations up to March 27, 2014.
 - b. As to documents pertaining to the Poland trip in March 2013, CPUC will produce documents constituting or referring to communications during that trip that relate to SONGS. These documents will include any communications or materials regarding SONGS made in anticipation of the trip, any documents or communications regarding SONGS that occurred during the trip, and any communications or materials regarding SONGS created after the trip ended.
 - c. As to the documents regarding funding of research in connection with the SONGS settlement, CPUC will produce documents and all communications that (1) constitute or refer to communications with SCE or UCLA regarding greenhouse gas research as part of the SONGS settlement (excluding on-the-record communications such as pleadings filed with the CPUC and drafts of same; (2) refer to SCE's contributing to the UCLA Luskin Institute at UCLA, the University of California, UCLA's Institute of the Environment and Sustainability, or the California Center for Sustainable Communities at UCLA, in connection with the SONGS settlement; and (3) constitute advocacy directed to the CPUC by local governmental agencies in support of greenhouse gas research as part of the SONGS settlement.

SUPERIOR COURT OF CALIFORNIA
County of Los Angeles

70763
Rollback -

**SEARCH WARRANT RETURN
and
INVENTORY**

Search Warrant No. 70763

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

FILED
2016 JUN 1 AM 9 25
CLERK OF SUPERIOR COURT
LOS ANGELES COUNTY

I, Special Agent Reve Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

As of July 1, 2016, full compliance to search warrant has not been made by CPUC. Additional records are still outstanding.

Your Affiant will update the court on this matter.

I declare under penalty of perjury that the foregoing is true.

Date: 07/01/2016

Special Agent Supervisor Reve Diaz AG#10
Affiant

William C. Ryan
Judge of the Court

WILLIAM C. RYAN

Penal Code § 1537



ROLLBACK 70763

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No. 70763

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

2015 JUN 22 09 11 38
711503
M

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

On November 12, 2015, CPUC legal representatives, DLA Piper US LLP, delineated 25,156 documents previously provided to the Office of the Attorney General which were responsive to this search warrant served on June 5, 2015.

On December 21, 2015 the Office of the Attorney General received numerous records related to: The San Onofre Nuclear Generating Station (SONGS) closure. The Office of the Attorney General continues to work with CPUC on obtaining all records until full compliance with the June 5, 2015 search warrant. Your affiant will continue to update the court on this matter.

I declare under penalty of perjury that the foregoing is true.

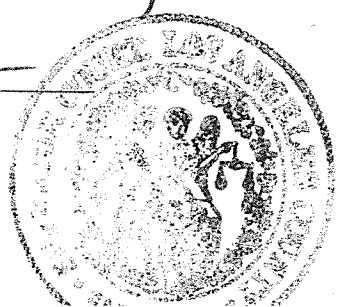
Date: 12/22/2015

[Signature]
Special Agent Reye Diaz AG#10
Affiant

[Signature]
Judge of the Court

Penal Code § 1537

MICHAEL TYNAN



8

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

ROLLBACK
70763

**SEARCH WARRANT RETURN
and
INVENTORY**

Search Warrant No. 70763

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

FILED
2015 SEP 25 AM 9 51
LOS ANGELES COURT

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

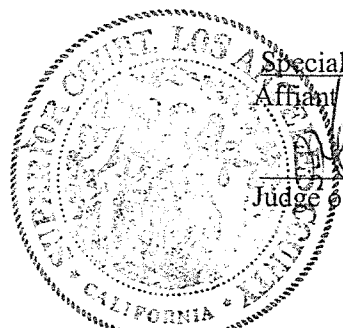
On June 24, 2015, your affiant reported to the court: Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

As of August 7, 2015, after multiple requests, and two months after the search warrant was served on CPUC, no records have been produced to your affiant as required by California law. No extension has been requested and no indication has been given as to when the records will be produced to your affiant. Your affiant will update the Court with a filing of an additional search warrant return.

On September 10, 2015, CPUC legal representatives, DLA Piper US LLP, in response to this search warrant, submitted documents and records to the California Attorney General's Office. As more documents are received, your affiant will update the Court with a filing of an additional search warrant return.

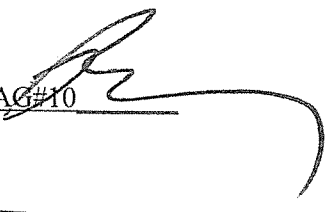
I declare under penalty of perjury that the foregoing is true.

Date: 9/24/2015



Special Agent Reye Diaz AG#10
Affiant

Judge of the Court



Rollback
70763

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

**SEARCH WARRANT RETURN
and
INVENTORY**

Search Warrant No. 70763

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

FILED
2015 JUN 7 AM 9:28
LOS ANGELES COUNTY CLERK'S OFFICE

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

On June 24, 2015, your affiant reported to the court: Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

As of August 7, 2015, after multiple requests, and two months after the search warrant was served on CPUC, no records have been produced to your affiant as required by California law. No extension has been requested and no indication has been given as to when the records will be produced to your affiant. Your affiant will update the Court with a filing of an additional search warrant return.

I declare under penalty of perjury that the foregoing is true.

Date: 8/7/2015



[Signature]
Special Agent Reye Diaz AG#10
Affiant

[Signature]
Judge of the Court
MICHAEL E. PASTOR

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

70763

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No.

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

I declare under penalty of perjury that the foregoing is true.

Date: 6/24/2015

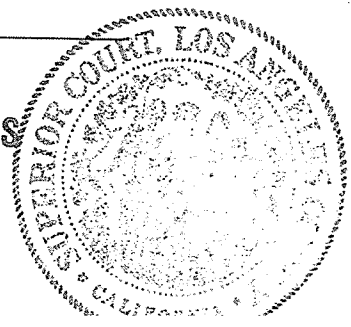
Reye Diaz AG #10
Special Agent Reye Diaz AG#10
Affiant

David R. Fields
Judge of the Court

FILED
2015 JUN 24 AM 9 16
LOS ANGELES COUNTY SUPERIOR COURT

Penal Code § 1537

DAVID R. FIELDS



Reviewed by: Deputy Attorney General Maggy Krell

SW No. 70763

STATE OF CALIFORNIA – COUNTY OF LOS ANGELES

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Special Agent Reye Diaz, California Department of Justice, swears under oath that the facts expressed by him/her in this Search Warrant, and in the attached and incorporated statement of probable cause consisting of 20 pages, are true and that based thereon he/she has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: YES [] NO [X] - Justification on page(s) 6/5/15

[Signature]
(Signature of Affiant)

FILED
JUN 24 PM 9 16
CLERK OF SUPERIOR COURT
LOS ANGELES

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by Special Agent Reye Diaz, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

- it was stolen or embezzled
- it was used as the means of committing a felony
- it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery
- it tends to show that a felony has been committed or that a particular person has committed a felony
- it tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring
- there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:

See attached Exhibit "A"

FOR THE FOLLOWING PROPERTY:

See attached Exhibit "A"

SEARCH WARRANT (Page 2)

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 5th day of June, 2015, at 10:57 A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

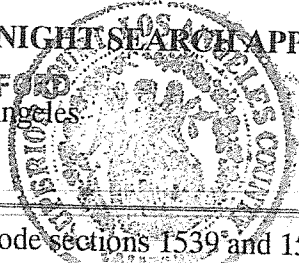


(Signature of Magistrate)

Judge of the Superior Court – County of Los Angeles

NIGHT SEARCH APPROVED: YES [] NO [X]

(Magistrate's Initials)



Be advised that pursuant to California Penal Code sections 1539 and 1540, you may file a written motion in the court of the above-mentioned judge who issued the warrant, seeking return of the property seized pursuant to this warrant.

For further information concerning this search warrant, contact the officer whose name appears on the warrant, Special Agent Reye Diaz at (916) 916-322-2686 or at reye.diaz@doj.ca.gov

SEARCH WARRANT (Page 3)

EXHIBIT "A"

**California Public Utilities Commission
San Francisco Office (Headquarters)
Or Legal Representatives of CPUC
505 Van Ness Avenue
San Francisco, CA 94102
MAY BE SERVED VIA EMAIL or FAX**

FOR THE FOLLOWING PROPERTY:

Any and all records from January 31, 2012 until January 31, 2015, involving the San Onofre Nuclear Generating Station (SONGS) closure settlement agreement, the 2013 meeting between Stephen PICKETT and Michael PEEVEY in Poland, communication(s) pertaining to the determination of when and why SONGS would be closed, commitment of monies for research as a result of the closure of SONGS, and communication(s) pertaining to the settlement of the SONGS Order Instituting Investigation (OII). These records are to include:

1. CPUC will search emails to or from the following individuals:
 - a. Robert Adler – General Counsel, Edison International (now retired)
 - b. Ted Craver – Chairman, President, and Chief Executive Officer, Edison International
 - c. Laura Genao – Director, Regulatory Affairs, SCE
 - d. Michael Hoover – Senior Director of State Energy Regulation, SCE
 - e. Ron Litzinger – President, SCE (now President of Edison Energy)
 - f. R.O. Nichols – Senior Vice President for Regulatory Affairs, SCE
 - g. Stephen Pickett – Executive Vice President, External Relations, SCE (now retired)
 - h. Gary Schoonyan – Director, Strategic Policy Analysis, SCE (now retired)
 - i. Jim Scilacci – Chief Financial Officer, Edison International
 - j. Les Starck – Senior Vice President Regulatory Policy & Affairs, SCE (now retired)
 - k. Bert Valdman – Senior Vice President, Strategic Planning, Edison International (no longer employed)
 - l. Gaddi Vasquez – Senior Vice President, Government Affairs, Edison International
 - m. Russ Worden – Director of External Relations, SCE
 - n. Ron Olson, former Board member, Edison and Edison International
 - o. Michael Peevey (former President of CPUC)
 - p. Michel Florio (Commissioner, CPUC)
 - q. Melanie Darling (ALJ, CPUC)
 - r. Sepideh Khosrowjah (Chief of Staff, Commissioner Florio)
 - s. Paul Clanon (Executive Director, CPUC)
 - t. Carol Brown (former Chief of Staff to President Peevey)
 - u. Audrey Lee (former Advisor to President Peevey)
 - v. Edward Randolph (Director of Energy, CPUC)
2. CPUC will identify employees who were involved in the implementation of the greenhouse gas research provisions of the SONGS OII settlement, specifically with respect to CPUC's understandings or intentions with regard to directing funding to UCLA. CPUC will propose to the

SEARCH WARRANT (Page 4)

Attorney General's Office additional employees whose email they will collect for this purpose.

3. CPUC will collect and review emails from the above 22 custodians, plus any other custodians identified pursuant to paragraph 2, that are dated from January 31, 2012 through January 31, 2015.
4. Handwritten notes, documents saved to a hard drive or to a network location, and data on smart phones that is not believed to exist in other locations. CPUC will advise the Attorney General's Office of its progress and plan for collection and review of any such documents.
5. With respect to the categories of documents specified in the search warrant, CPUC will search for, review and produce responsive documents as follows:
 - a. As to documents involving the SONGS settlement, CPUC will produce (1) documents constituting or referring to communications with SCE about the OII prior to execution of the settlement on March 27, 2014 (excluding on-the-record communications such as SCE pleadings filed with the CPUC); and (2) documents constituting communications with TURN or ORA referencing communications from Peevey regarding SONGS or UC in the context of the settlement negotiations up to March 27, 2014.
 - b. As to documents pertaining to the Poland trip in March 2013, CPUC will produce documents constituting or referring to communications during that trip that relate to SONGS. These documents will include any communications or materials regarding SONGS made in anticipation of the trip, any documents or communications regarding SONGS that occurred during the trip, and any communications or materials regarding SONGS created after the trip ended.
 - c. As to the documents regarding funding of research in connection with the SONGS settlement, CPUC will produce documents and all communications that (1) constitute or refer to communications with SCE or UCLA regarding greenhouse gas research as part of the SONGS settlement (excluding on-the-record communications such as pleadings filed with the CPUC and drafts of same; (2) refer to SCE's contributing to the UCLA Luskin Institute at UCLA, the University of California, UCLA's Institute of the Environment and Sustainability, or the California Center for Sustainable Communities at UCLA, in connection with the SONGS settlement; and (3) constitute advocacy directed to the CPUC by local governmental agencies in support of greenhouse gas research as part of the SONGS settlement.

L
o
s
a
u

l
o
s
a
u

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: DECEMBER 09, 2016

Honorable: WILLIAM C. RYAN
D. PALAU

Judge
Bailiff

S. HUMBER #282371
NONE

J.A.
Reporter

(Parties and Counsel checked if present)

SW-70763
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

Counsel for People: NONE

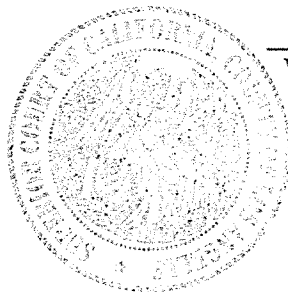
Counsel for Defendant: NONE

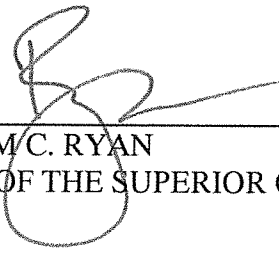
NO LEGAL FILE: SEALED/HOBBS SEARCH WARRANT #70763

IT IS HEREBY ORDERED THAT THE ORIGINAL SEARCH WARRANT #70763, IS RETURNED TO THE CLERK'S OFFICE WITH THE CASE FILE CONTAINING ALL PROCEEDINGS RELATED TO THIS MATTER.

SUCH FILE IS ORDERED SEALED AND SHALL NOT BE MADE AVAILABLE FOR VIEWING OR COPYING BY THE PUBLIC.

DATED: 12-9-16





WILLIAM C. RYAN
JUDGE OF THE SUPERIOR COURT

"KB"

SUPERIOR COURT OF CALIFORNIA
County of Los Angeles

**SEARCH WARRANT RETURN
and
INVENTORY**

Search Warrant No. 70763

Issuing Magistrate: **David V. Herriford**

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

FILED
2017 MAR 24 AM 9 20
OFFICE OF THE CLERK
SUPERIOR COURT
LOS ANGELES COUNTY

I, Special Agent Reye Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

As of December 2016, all records have been provided by CPUC.

I declare under penalty of perjury that the foregoing is true.

Date: 03/23/2017



[Signature] 3/24/17
Special Agent Supervisor Reye Diaz AG#10
Affiant

[Signature]
Judge of the Court
MICHAEL GARCIA

Penal Code § 1537

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: November 17, 2017

Honorable: William C. Ryan

D. Palau

Judge

S. Humber #282371

Bailiff

None

J.A.

Reporter

(Parties and Counsel checked if present)

BH011315

IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

SW70603, SW70763, SW71801

Counsel for Petitioner: NONE

Counsel for Defendant: NONE

NO LEGAL FILE

Nature of Proceedings: SEARCH WARRANT UNSEALING

(IN CHAMBERS)

Pursuant to the Memorandum of Decision issued on 10/20/17 and in the presence of Judicial Assistant, Sheryl Humber, the sealed box containing Search Warrant 70763 and the related file are unsealed by Judge William C. Ryan.

Such document is ordered permanently unsealed. The purchase of copies can be made through the Los Angeles Superior Court, Public Information Office.

Counsel are notified this date via electronic mail.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: November 7, 2017

Honorable: WILLIAM C. RYAN
D. PALAU

Judge S. HUMBER
Bailiff NONE

J.A.
Reporter

(Parties and Counsel checked if present)

IN RE: SW70603, SW70763 AND
SW71801
X-REF BH011315
CALIFORNIA PUBLIC UTILITIES
COMMISSION

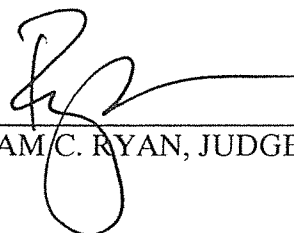
Counsel for People: NONE

Counsel for Defendant: NONE

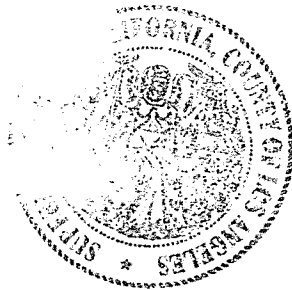
Nature of Proceedings: (IN CHAMBERS)

The Court orders that sealed Search Warrants, SW70603, SW70763 and SW71801 be released to Department 56W for the purpose of permanent unsealing.

Dated: 11-07-2017



WILLIAM C. RYAN, JUDGE



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56

Date: 04/27/16

Honorable: WILLIAM C. RYAN
PALAU

Judge D.CALLICOATTE,
Bailiff A. BLANCO, 10075

Clerk
Reporter

(Parties and Counsel checked if present)

IN RE,
SEARCH WARRANT #70763

DAG:AMANDA PILSNER
DAG: MAGGY KRELL

CALIFORNIA PUBLIC
UTILITIES COMMISSION

PVT: PAMELA NAUGHTON AND REBECCA
ROBERTS APPEARING FOR CPUC

AROCLES AGUILAR, GENERAL COUNSEL FOR
THE CPUC ALSO PRESENT IN COURT.

ADDITIONALLY, THE SEAL SEARCH WARRANT DATED 6/5/16 IS UNSEALED THIS DATE AND VIEWED BY THE COURT.

SUCH SEARCH WARRANT IS ORDERED RE-SEALED BY THE COURT AND RETURNED TO THE CLERK'S OFFICE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56

Date: 04/27/16

Honorable: WILLIAM C. RYAN
PALAU

Judge D.CALLICOATTE,
Bailiff A. BLANCO, 10075

Clerk
Reporter

(Parties and Counsel checked if present)

IN RE,
SEARCH WARRANT #70763

DAG:AMANDA PILSNER
DAG: MAGGY KRELL

CALIFORNIA PUBLIC
UTILITIES COMMISSION

PVT: PAMELA NAUGHTON AND REBECCA
ROBERTS APPEARING FOR CPUC

AROCLES AGUILAR, GENERAL COUNSEL FOR
THE CPUC ALSO PRESENT IN COURT.

Nature of Proceedings: SPECIAL MASTER SEARCH WARRANT (NO LEGAL FILE)
CLOSED SESSION

THE MATTER IS CALLED FOR HEARING. THE COURT NOTES THE MATTER IS ASSIGNED TO JUDGE WILLIAM C. RYAN.

THE MATTER OF CALIFORNIA PUBLIC UTILITIES COMMISSION'S (CPUC) MOTION TO QUASH SUBPOENA COMES BEFORE THE COURT. THE COURT HEARS ARGUMENT FROM BOTH SIDES. PARTIES SUBMIT. THE COURT TAKES THE MATTER UNDER SUBMISION.

THE MATTER OF THE ATTORNEY GENERAL'S MOTION TO COMPEL COMPLIANCE WITH SUBPEONA COMES BEFORE THE COURT. THE COURT HAS READ AND CONSIDERED MOVING AND OPPOSITION PAPPERS AND HEARS ARGUMENT. COUNSEL FOR CPUC WILL PREPARE PRIVILEGE LOGS FOR DOCUMENTS UNDER "SONGS WARRANT" AND PROVIDE THEM TO THE ATTORNEY GENERAL'S OFFICE WITHIN 4 WEEKS.

THE COURT WILL DEFER RULING ON THE MOTION TO COMPEL UNTIL PRIVILEGE LOGS HAVE BEEN PROVIDED AND REVIEWED.

COURT ORDERS AN ORIGINAL TRANSCRIPT PLUS TWO COPIES OF THESE PROCEEDINGS. OFFICIAL COURT REPORTER, ANNETTE BLANCO, CSR 10075, PROVIDED WITH A COPY OF THESE MINUTES.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: 3/24/16

Honorable: WILLIAM C. RYAN
D. PALAU

Judge
Bailiff

S. HUMBER #282371
A.BLANCO, CSR #10775

J.A.
Reporter

(Parties and Counsel checked if present)

SW-70763
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

Counsel for People: NOT PRESENT

Counsel for Defendant: NOT PRESENT

NO LEGAL FILE

ADDITIONALLY, THE SEALED SEARCH WARRANT IN THIS MATTER REMAINS UNOPENED AND IS ORDERED TO RETURNED TO THE CLERK'S OFFICE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: 3/24/16

Honorable: WILLIAM C. RYAN
D. PALAU

Judge S. HUMBER #282371
Bailiff A. BLANCO, CSR #10775

J.A.
Reporter

(Parties and Counsel checked if present)

SW-70763
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION

Counsel for People: NOT PRESENT

Counsel for Defendant: NOT PRESENT

NO LEGAL FILE

Nature of Proceedings: (1) MOTION TO VIEW SEARCH WARRANT AFFIDAVIT IN CAMERA,
(2) MOTION TO SEAL PLEADINGS AND RECORDS (FILED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION)

NO LEGAL FILE-RED JACKET ONLY

MATTER IS CALLED FOR HEARING IN A CLOSED PROCEEDING.

PAMELA NAUGHTON AND REBECCA S. ROBERTS ARE PRESENT ON BEHALF OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION.

DEPUTY ATTORNEY GENERAL, AMANDA PLISNER IS PRESENT ON BEHALF OF THE DEPARTMENT OF JUSTICE.

- 1) THE MATTER IS OFF CALENDAR AS MOOT.
- 2) MOTION IS GRANTED AS PRAYED.

COUNSEL ARE DIRECTED TO WORK OUT DISCLOSURE.

MS. NAUGHTON INFORMS THE COURT THAT SHE INTENDS TO FILE A MOTION. SUCH MOTION WILL BE HEARD ON 4/18/16 IN THIS DEPARTMENT. COUNSEL FOR THE ATTORNEY GENERAL AGREES TO ACCEPT SERVICE VIA ELECTRONIC MAIL.

THE PETITION FOR ORDER COMPELLING COMPLIANCE WITH THE SEARCH WARRANT, FILED BY THE ATTORNEY GENERAL IS SET FOR HEARING ON APRIL 18, 2016 AT 11:00 A.M. IN THIS DEPARTMENT.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
DEPT 100

Date: March 01, 2016

Honorable James R. Brandlin,
None

Judge
Bailiff

M. Seals
None

Judicial Assist
Reporter

(Parties and Counsel checked if present)

THE PEOPLE OF THE STATE OF
CALIFORNIA

VS

Counsel for Petitioner:

Counsel for Respondent:


UNKNOWN

CASE NO. (unknown)

NATURE OF PROCEEDING:

Request for SEALED / HOBBS Search Warrant # SW-70763

It is hereby ordered by Supervising Judge James R. Brandlin in Department 100 of the Criminal Justice Center that the original Search Warrant #70763 be transported to Department 100. The search warrant will be reviewed by the Court as it relates to a MOTION TO VIEW SEARCH WARRANT AFFIDAVIT *IN CAMERA* on calendar in Department 100 on March 24, 2016 at 8:30 a.m.



 Honorable James R. Brandlin

Date: 3/1/16



70763

SUPERIOR COURT OF CALIFORNIA

County of LOS ANGELES

Search Warrant
Sealing Order

FILED
2015 JUN 24 AM 9 16
LOS ANGELES COUNTY CLERK

Warrant No. _____

Place to be searched: CALIFORNIA PUBLIC UTILITIES COMMISSION
505 VAN NESS AVE. SF, CA 94102

Application for Sealing Order: I hereby request that the following document(s) submitted in support of the requested search warrant be sealed pending further order of the court:

Affidavit

Grounds for order: I believe that the sealing of the above document(s) is warranted for the following reasons:

PUBLIC INTEREST: Sealing serves the following public interest:

- Protect a confidential informant (Evid. Code § 1041)
- Conceal official information: (Evid. Code § 1040)

PREJUDICE TO PUBLIC INTEREST: There exists a substantial probability that this public interest would be prejudiced if the information contained in this document(s) is not sealed.

NARROWLY TAILORED: I do not believe it would be possible to release any of the sealed information without prejudicing this public interest.

Declaration: I declare under penalty of perjury that the above information is true.

6/15/15
Date

[Signature]
Affiant

Order: Pursuant to Rule 2.550 of the California Rules of Court, the document(s) identified above shall be sealed and retained in the following manner pending further order of the court:

- (1) The document(s) shall be sealed in an envelope with a copy of this Order affixed to the front of the envelope; and
- (2) The Clerk of the Court shall retain custody of the envelope in a secure place and shall not permit it to be opened by anyone except as authorized by written order of the Court.

**AFFIDAVIT OF REYE EUGENE DIAZ
IN SUPPORT OF SEARCH WARRANT**

That your affiant, Reye Eugene Diaz, has been employed by the Department of Justice since 1997.

I am currently a Special Agent and "investigative or law enforcement officer" of the State of California within the meaning of 830.1 of the California Penal Code who is empowered by law to conduct investigations and make arrests for offenses committed within the State of California.

From November 1999 until January of 2003, I was assigned to the California Department of Justice, Bureau of Narcotic Enforcement, San Francisco Regional Office. During this time, my primary assignment was to conduct narcotic investigations which routinely required me to work in an undercover capacity, conduct surveillance on suspects, develop and handle informants, as well as author and serve search warrants. During this time, I also served as case agent on mid level narcotic investigations and assisted with numerous high level narcotic investigations.

From February 2003 until November 2014, I was assigned to the California Department of Justice, Bureau of Gambling Control and Bureau of Investigation. During my time with both the Gambling Control and Bureau of Investigation, I served as case agent on numerous investigations pertaining to the following crimes: Pimping, Human Trafficking, prostitution, violent loan sharks/extortion, murder for hire, corruption, embezzlement, grand theft, burglary, illegal lottery, counterfeiting, identity theft, forgery, fraud, embezzlement, and political corruption. I routinely worked with the Federal Bureau of Investigation, the United States Secret Service, the Internal Revenue Service,

the Department of Homeland Security, and local law enforcement personnel on numerous major investigations. During these aforementioned investigations, I have conducted numerous hours of surveillance, routinely utilized sophisticated investigative equipment, conducted numerous interviews and interrogations, conducted numerous undercover operations, arrested hundreds of suspects, routinely worked with informants, written numerous search warrants, and have routinely testified in court.

I am cross designated as a task force agent with the FBI and have received the California Attorney General Peace Officer Award for my work as a criminal investigator.

I am currently assigned to the California Attorney General's Financial Fraud Section and Special Prosecutions Unit where I am tasked by the California Attorney General's Office to combat human trafficking, sex trafficking related crimes, as well as conduct financial fraud investigations.

I. Introduction

This affidavit is submitted in support of a request for a search warrant to be executed at the headquarters of the California Public Utilities Commission (CPUC), in San Francisco, California. Your affiant believes there is probable cause to conduct this search warrant for the following reasons:

1) There is probable cause to believe Stephen PICKETT, former Executive President of External Relations at SCE and Michael PEEVEY, former President of the California Public Utilities Commission, knowingly engaged in and conspired to engage in prohibited *ex parte* communications regarding the closure of a nuclear facility, to the advantage of SCE and to the disadvantage of other interested parties. And there is probable cause to believe that evidence showing that PICKETT knowingly engaged in prohibited *ex parte* communications with PEEVEY will be found with PICKETT's former employer, SCE.

2) There is probable cause to believe that PEEVEY utilized his position to influence SCE's commitment of millions of dollars to UCLA to fund a research program. And there is probable cause to believe that evidence documenting the commitment of research money to UCLA or the University of California as part of settlement negotiations associated with the closure of the nuclear facility will be found at SCE headquarters.

3) There is probable cause to believe CPUC would maintain general records, internal communications, communications with SCE, records of meetings,

correspondence, and other relevant documents related to a secret, undisclosed meeting between PICKETT and PEEVEY, communications and negotiations pertaining to the potential and actual closure of the San Onofre Nuclear Generating Station (SONGS), the commitment of research money to UCLA or the University of California, and other issues related to the settlement of SONGS.

II. BACKGROUND

In **January 2012**, Southern California Edison (SCE) announced that a radiation leak likely occurred in a steam generator at the San Onofre Nuclear Generating Station (SONGS). As a result, SONGS' two reactor units, referred to as Unit 2 and Unit 3, remained offline until it could be determined whether the issues with the steam generators could be corrected. SONGS has not been operational since.

On **November 1, 2012**, the CPUC initiated a proceeding through an Order Instituting Investigation (OII) in order to determine, among other issues, how to allocate the financial burden associated with the closure between rate payers and SCE shareholders.

On **June 7, 2013**, SCE announced the permanent shut-down of SONGS. SCE participated in settlement negotiations with rate payer advocacy groups including The Utility Reform Network (TURN) and the California Office of Ratepayer Advocates (ORA). SCE negotiated on behalf of SDG&E. Any agreed upon settlement was required to be submitted to CPUC for approval.

On **April 4, 2014**, the settling parties filed their proposed settlement with CPUC for approval. CPUC Commissioner Michel FLORIO and Administrative Law Judge (ALJ) Melanie DARLING were assigned oversight of the proceedings.

On **September 5, 2014**, Commissioner FLORIO and ALJ DARLING issued a ruling that the proposed settlement could not be accepted unless amended to include a \$25 million dollar commitment by SCE to the University of California over five years to address environmental offsets and greenhouse gas mitigation.

On **November 25, 2014**, after the settling parties agreed to the amendments, CPUC issued a decision approving the settlement.

II. LEGAL FRAMEWORK

A. The California Public Utilities Commission

The California Public Utilities Commission (CPUC) is a state regulatory agency. According to its website, CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The CPUC's mission is to serve the public interest by protecting consumers and ensuring the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy California economy. The CPUC is located in San Francisco, CA.

B. Public Utilities Code Prohibitions on *Ex Parte* Communications

Ex parte communications are defined in the Public Utilities Code as “any oral or written communication between a decision maker and a person with an interest in a matter before the commission concerning substantive, but not procedural issues, that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter.” (Pub. Util. Code §1701.1(c)(4).) *Ex parte* communications are prohibited in adjudicatory cases. (Pub. Util. Code . § 1701.2.) The SONGS OII and associated settlement discussions are considered

adjudicatory. Violation of this prohibition is a misdemeanor. (Public Util. Code § 2110.)

C. Obstruction of Justice and Conspiracy to Obstruct Justice

Under California law, "every judicial officer, court commissioner, or referee who commits any act that he or she knows perverts or obstructs justice, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year." (Cal. Penal Code § 96.5). Penal Code section 182 (a) (5) further criminalizes a conspiracy to "commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws." Conspiracy to commit a misdemeanor offense can also be charged as a felony, pursuant to Penal Code Section 182 (a) (1).

III. FACTUAL EVIDENCE IN SUPPORT OF SEARCH WARRANT

A. PEEVEY and PICKETT Secretly Discussed Specific Terms of SONGS Settlement at Hotel Bristol in Poland.

1. PEEVEY and PICKETT *ex parte* conversation

On **March 26, 2013**, while SONGS was still offline and CPUC OII proceedings were still ongoing, Stephen PICKETT, then the Executive Vice President of External Relations at SCE, met with Michael PEEVEY, then the President of the CPUC, at an unrelated fact finding mission in Warsaw, Poland. According to handwritten notes memorialized on stationery from Warsaw's Bristol Hotel, PICKETT and PEEVEY discussed settlement terms related to the closure of SONGS which included, among other things, decommissioning costs, investment recoveries, shutdown procedures, employee severance packages, rate payer costs, and a \$25 million dollar donation to an agreed upon greenhouse gas or environmental academic research fund. Your affiant obtained these notes in a home-office desk while executing a search warrant at PEEVEY's residence in La Canada, California, on January 27, 2015.

PICKETT reported back to his management at SCE within one week of his meeting with PEEVEY in Poland, and subsequently provided his management with his own version of the notes based on his recollection of the meeting with PEEVEY.

The notes seized from PEEVEY's residence address the following nine topics with additional information pertaining to each topic:

1. Pre-RSG Investment;
2. RSG and post – RSG investment;
3. Replacement Power Responsibility;
4. Neil Insurance Recoveries;
5. MHI Recovery;
6. Decommissioning Costs;
7. O&M;
8. Environmental Offset;
9. Process.

PICKETT's typed notes, entitled "Elements of a SONGS Deal," contain the same nine topics, in almost the exact same order, as the Hotel Bristol notes. PICKETT's notes also contain one additional topic entitled "Other Notes." Copies of both notes are included as Attachment #1.

2. SCE Filed a Notice of Ex Parte Communications Two Years Late, Only After the Poland Meeting was Publicly Disclosed.

On **January 27, 2015** your affiant executed a search warrant at PEEVEY's residence in La Canada, California, at which time your affiant seized the handwritten notes on Hotel Bristol stationery associated with the SONGS closure. Your affiant subsequently filed a search warrant return with the San Francisco County Superior Court and attached a copy of the property receipt. The Superior Court ordered the declaration sealed, but the property receipt remained publicly available.

On **January 30, 2015**, as a result of the search warrant return, the *San Diego Union-Tribune* reported the details of the search warrant and emphasized that law enforcement had seized "RSG notes on Hotel Bristol stationery."

On **February 9, 2015**, nine days after the *San Diego Union-Tribune* reported the seizure of the notes, and approximately two years after the actual meeting took place between PICKETT (SCE) and PEEVEY (CPUC), SCE belatedly disclosed that PICKETT met privately with PEEVEY in Poland on March 26, 2013, and that SCE failed to disclose the *ex parte* communication. According to the late-filed notice of *ex parte* communication, PEEVEY initiated the communication on a framework for a possible resolution of the pending OII regarding the closure of SONGS. SCE also reported that PICKETT took notes during the meeting, and PEEVEY kept the notes. According to SCE, it did not originally report the *ex parte* communication based on an understanding that "the substantive communication on a framework for a possible resolution of the OII was made by Mr. PEEVEY to Mr. PICKETT, and not from Mr. PICKETT to Mr. PEEVEY." SCE further stated, "However, based on further information received from Mr. PICKETT last week, while Mr. PICKETT does not recall exactly what he communicated to Mr. PEEVEY, it now appears that he may have crossed into a substantive communication."

3. LITZINGER and PICKETT did not file *ex parte* report.

On March 20, 2015, your affiant interviewed Ron LITZINGER, President of SCE. According to LITZINGER, he told PICKETT after the Poland trip that PICKETT was not authorized to engage in negotiations with PEEVEY regarding the closure of SONGS. LITZINGER claimed that when PICKETT came back from the trip and notified him about

the conversation, LITZINGER wondered why there was a “conversation taking place” while there was an active proceeding. Nevertheless, LITZINGER did not file, nor did he request that PICKETT file, a notice of *ex parte* communication.

Although SCE did not decide to close SONGS until May 2013, LITZINGER said he had to reinforce to PICKETT on April 11th that he (PICKETT) was not going to be part of the settlement team and that the settlement process was going to be very tightly controlled. LITZINGER said that he had to remind PICKETT of this fact, as PICKETT was “still talking like he was going to be part of the settlement team.”

4. PEEVEY pressured LITZINGER to make commitment to UCLA as part of SONGS settlement agreement.

LITZINGER also stated that, in a conversation with PEEVEY on **May 2, 2014**, while SONGS settlement proceedings were ongoing, PEEVEY requested that SCE make a \$25 million commitment to UCLA as part of the settlement. According to LITZINGER, PEEVEY emphasized the fact that he had discussed the matter with PICKETT in Poland. LITZINGER told your affiant that PEEVEY waved hand written notes. LITZINGER stated that he told PEEVEY, “I was aware that conversation took place, but Steve [PICKETT] was not authorized to speak on behalf of the company.”

5. Edward RANDOLPH’s description of the Poland meeting

Your affiant also interviewed Edward RANDOLPH, the current Director of Energy at the CPUC. RANDOLPH advised your affiant that he was present during the discussion between PEEVEY and PICKETT in Poland. RANDOLPH told your affiant that there were “ground rules” as to what they could talk to SCE about on the trip. When asked if these ground rules would prohibit substantive discussion on “pending proceedings,” RANDOLPH stated yes. RANDOLPH stated that there was an “offline

discussion” between RANDOLPH, PEEVEY, and PICKETT at a bar at the Bristol Hotel in Poland. When asked what pending proceeding they discussed, RANDOLPH answered, “The prime point of the discussion was to discuss the timing of a determination of if Southern California Edison was going to permanently shut down the San Onofre Nuclear Generation Facility.” RANDOLPH said that the discussion, in itself, did not relate to a proceeding in his opinion. According to RANDOLPH, the reason they were discussing the permanent shut down of SONGS is that it was already heading into a second summer in which the plant had been shut down, and SCE had not made a long term determination of what they would do if the plant closed permanently.

RANDOLPH said CPUC wanted SCE to do a long term determination so it could do long term planning and not short term “patchwork” which would be more expensive for the rate payers.

When RANDOLPH was asked if there was a more specific conversation about a settlement agreement, RANDOLPH answered, “Sort of, after we finished the discussion about making a determination about the plant closing, which was probably about a ten minute conversation, the conversation did drift into a conversation on what the financials on closing a plant would look like.” When asked who was led the conversation, RANDOLPH stated that the first part of the conversation, regarding a determination being needed on if the plant was going to be permanently closed, was led by PEEVEY. According to RANDOLPH, the second part of the conversation, regarding the financials of a plant closure, was led by PICKETT. RANDOLPH’s recollection of events contradicts PICKETT’s assertion that the discussion with PEEVEY was just one-way.

RANDOLPH told your affiant that, in his opinion, the discussion in Poland was an *ex parte* communication, and SCE should have reported it.

5. Effects of Poland Conversation on Other Interested Parties

As a result of a recent public disclosure of the PEEVEY notes your affiant seized at PEEVEY's residence, both ratepayer settlement parties (ORA and TURN) that negotiated with SCE, without the advantage of being aware of the PICKETT meeting with PEEVEY in Poland, issued the following separate statements on April 17, 2015:

ORA STATEMENT:

"ORA has reviewed the Hotel Bristol Notes and has made a comparative analysis with the final SONGS settlement agreement. The Hotel Bristol Notes appear to set a framework for settlement that is similar to the elements of the settlement that was ultimately accepted by the CPUC. The Hotel Bristol Notes appear to demonstrate the degree to which Peevey and Pickett collaborated to orchestrate a settlement of the SONGS outage investigation. Based on ORA's analysis of the Hotel Bristol Notes and the final settlement agreement, customers still saved at least \$780 million more than the "deal" that Peevey and Pickett had described. However, ORA cannot honestly say that it got the best deal for ratepayers. Edison was likely able to use its knowledge of Peevey's position to steer the settlement in the direction it wanted. While ORA believes it worked to strike a good deal for ratepayers based on legal precedents, we are troubled by the possibility that we might have been able to strike a better deal."

TURN STATEMENT:

"The Warsaw meeting was a flagrant violation of CPUC rules governing ex parte contacts," said TURN staff attorney Matt Freedman. "The CPUC has properly ordered SCE to turn over all documents relating to communications with CPUC decision makers about the possible settlement of SONGS. Based on the responses to this ruling, TURN may seek a reopening of the case. At a minimum, TURN will urge the CPUC to assess the maximum sanction on SCE for its ex parte violations and apply any financial penalties toward reducing customer rates."

The Utilities and Commerce Committee of the California Assembly also formally requested that John GEESMAN, Attorney for Alliance for Nuclear Responsibility, analyze the PEEVEY notes and make an assessment of the differences between the terms outlined in the notes and the actual settlement proposal. According to

GEESMAN, *"Prompt disclosure of ex parte communications like that between Mr. PICKETT and Mr. PEEVEY is an essential prerequisite for a level playing field in a regulatory proceeding."*

In regards to the advantage SCE had going into the negotiations as a result of the PEEVEY and PICKETT meeting and SCE's failure to disclose the meeting as required by law, GEESMAN stated, *"It appears to me that SCE managed to improve its position by at least \$919 million, and arguable \$1.522 billion, from what CPUC President PEEVEY had identified at the Hotel Bristol as a framework for a possible resolution."*

B. PEEVEY's Request for UCLA Research Funds

The University of California, Los Angeles (UCLA), has recently disclosed that while the SONGS closure settlement negotiations were still ongoing, and prior to a proposal being submitted to CPUC, PEEVEY requested that Stephanie PINCETL, the Director of UCLA's California Center for Sustainable Communities and Professor-in-Residence at UCLA's Institute of the Environment and Sustainability, submit a proposal for exactly \$25 million dollars that would be available as a result of the closure of SONGS.

On **April 4, 2014**, the settlement parties filed their proposed settlement to CPUC for approval. CPUC Commissioner Michel FLORIO and ALJ Melanie DARLING oversaw the settlement proceedings. The initial settlement proposal did not include, as stated in PEEVEY's Hotel Bristol notes, \$25 million dollars towards greenhouse gas research.

As noted, LITZINGER advised your affiant that PEEVEY told him on **May 2, 2014**, right after the settlement proposal was submitted to CPUC, that SCE needed to make a \$25 million dollar commitment to UCLA. PEEVEY referenced the fact that he had discussed the matter with PICKETT in Poland and waved hand written notes. According to LITZINGER, Commissioner FLORIO, the CPUC commissioner presiding over the matter, was also present at this conversation. LITZINGER advised your affiant that he refused to engage in conversation with PEEVEY on this matter. According to a LITZINGER declaration, after this meeting, he called FLORIO to advise that SCE was considering filing an *ex parte* notice. LITZINGER claimed that Commissioner FLORIO later told him he had discussed the matter with PEEVEY's chief of staff, and they had concluded there was no reason to disclose that the two sides had met. According to LITZINGER, over the next several weeks, PEEVEY attempted multiple times to pressure SCE to make this financial commitment directly to UCLA. Ultimately, PEEVEY told LITZINGER that he was going to bypass him and go straight to his boss Ted CRAVER.

Your affiant subsequently interviewed Ted CRAVER who confirmed that PEEVEY "went at him hard," telling him that they (SCE) did not get the importance of combatting climate change and this was an opportunity to do something, and if they were smart, they would figure out how to "wrap this in a cloak" and it would be good for public relations. CRAVER told PEEVEY that he knew PEEVEY has already been told this, but he (CRAVER) could not talk to PEEVEY about this matter. SCE never agreed to formally commit money to research.

On **May 19, 2014**, in response to an email from Stephanie PINCETL (UCLA) asking about the status of project funding, PEEVEY stated that SCE had advised him that her request was “a lot of money” and would have to be taken to SCE’s board for approval. PEEVEY added in his response to PINCETL, “I am, of course, exploring another option.”

In addition to PEEVEY’s in-person lobbying efforts, PEEVEY appeared to be organizing a letter-writing campaign to support a UCLA research program. Your affiant has reviewed documents on PEEVEY’S personal computer drafted as letters from Los Angeles-area elected officials to the CPUC, dated in early June 2014. The letters urge, as part of the pending SONGS settlement, that CPUC fund a proposed UCLA research program (California Center for Sustainable Communities at UCLA) involving the creation of a “sophisticated energy data analysis” which would result in reduction of GHG emissions. Similar letters were also delivered to SCE executives during the same time period.

On **August 15, 2014**, while CPUC was still considering the proposed SONGS settlement, the Luskin Center for Innovation at UCLA’s Luskin School of Public Affairs invited PEEVEY to serve on its advisory board and become a member of the sustainable energy working group. The Luskin Center’s mission is “organized around initiatives that seek to conduct and translate world-class research and expertise into real-world policy solutions. Initiatives are linked by the themes of sustainability, energy and environmental health justice.” The Luskin Center asked PEEVEY to “advise the center on how its resources can be best directed to maximize impact, including helping to identify and prioritize research projects; help facilitate strategic partnerships.”

PEEVEY accepted the invitation. (According to publicly available information on its website, PEEVEY remains a Luskin Center advisory board member today.)

On **September 5, 2014**, Commissioner FLORIO and ALJ DARLING issued a ruling that the proposed SONGS closure settlement could not be supported without two amendments, including a \$25 million dollar commitment to the University of California over five years.

LITZINGER told your affiant that SCE was not surprised, based on what had happened since May 2014, that the commitment to fund a center at UCLA was a prerequisite to approval of the settlement. LITZINGER told your affiant that SCE internally debated the amendments and met with the Board of Directors to discuss the new terms. LITZINGER said SCE agreed to the terms because "our investors wanted the uncertainty of SONGS behind them." According to LITZINGER, "The benefit of eliminating the uncertainty associated with SONGS far outweighed agreeing to the \$5 million a year."

On October 2, 2014 Stephanie PINCETL (UCLA) emailed PEEVEY to request a language modification that would enhance UCLA's ability to get the funding. As a result, PEEVEY emailed FLORIO that same day asking for the proposed language to be modified in order to accommodate UCLA. FLORIO emailed PEEVEY back, stating that his Chief of Staff spoke to ALJ Darling and had a "fairly difficult conversation" with her. FLORIO further stated in the email, "*Melanie (DARLING) seems to be in a particularly sour mood! Bottom line, she said she used the language she got from Lester in her ordering paragraph. I think that is the same as what you handed me today. We will try to clean this up before the PD mails tomorrow, or worst case in the final decision. I*

don't sense any disagreement about the substance, just another ALJ resisting interference by those pesky commissioners. I am confident we will get there."

On **November 25, 2014**, the SONGS settlement was formally approved, including the \$25 million dollar research grant to the University of California.

IV. SUMMARY

Based on the above evidence and facts, there is probable cause to believe that PICKETT knowingly engaged and conspired to engage in a reportable *ex parte* communication with PEEVEY in POLAND to the overall advantage of SCE in the subsequent settlement process pertaining to the closure of SONGS. It is also evident that PEEVEY utilized his position to influence SCE's commitment of millions of dollars to UCLA to fund a research program. The facts indicate that PEEVEY conspired to obstruct justice by illegally engaging in *ex parte* communications, concealed *ex parte* communications, and inappropriately interfered with the settlement process on behalf of California Center for Sustainable Communities at UCLA during the same time frame that he was accepting a position as an advisory board member at UCLA's Luskin Institute. PEEVEY executed this plan through back channel communications and exertion of pressure, in violation of CPUC *ex parte* rules, and in obstruction of the due administration of laws.

There is probable cause to believe that further evidence showing PICKETT knowingly engaged in a reportable *ex parte* communication with PEEVEY, will be found with the CPUC.

There is probable cause to believe that the CPUC would maintain general records, internal CPUC communications, CPUC communications with SCE executive

staff, decision maker(s), records of meeting, documents, board meeting minutes, sign in logs, and correspondence related to the meeting between PICKETT and PEEVEY, communications and negotiations pertaining to the potential closure and closure of SONGS, research money being committed to UCLA or the University of California, and the settlement of the SONGS OII.

Your affiant requests search warrant authorization from the Superior Court of Los Angeles County. Because SCE is headquartered in Rosemead, CA, there is probable cause to believe that at least a portion of the suspected criminal activity occurred in the County of Los Angeles.

Your affiant believes it is reasonable to request any and all records pertaining to the events surrounding the settlement of the SONGS closure, especially communications regarding the SONGS settlement from January 31, 2012 until January 31, 2015. It is reasonable to limit the search from January 31, 2012 to January 31, 2015 because that is when SONGS stopped being operational.

SEAL AFFIDAVIT AND WARRANT:

It is further requested by your affidavit, due to the high profile nature of the investigation and the suspects, as well as the ongoing investigation into the matter, and other potential suspects, that a sealing order be granted for this affidavit and search warrant.

Your affiant believes there is sufficient probable cause that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524.

LOCATION #1:

**California Public Utilities Commission
San Francisco Office (Headquarters)
Or Legal Representatives of CPUC
505 Van Ness Avenue
San Francisco, CA 94102
MAY BE SERVED VIA EMAIL or FAX**

FOR THE FOLLOWING PROPERTY:


Any and all records from January 31, 2012 until January 31, 2015, involving the San Onofre Nuclear Generating Station (SONGS) closure settlement agreement, the 2013 meeting between Stephen PICKETT and Michael PEEVEY in Poland, communication(s) pertaining to the determination of when and why SONGS would be closed, commitment of monies for research as a result of the closure of SONGS, and communication(s) pertaining to the settlement of the SONGS Order Instituting Investigation (OII). These records are to include:

1. CPUC will search emails to or from the following individuals:
 - a. Robert Adler – General Counsel, Edison International (now retired)
 - b. Ted Craver – Chairman, President, and Chief Executive Officer, Edison International
 - c. Laura Genao – Director, Regulatory Affairs, SCE
 - d. Michael Hoover – Senior Director of State Energy Regulation, SCE
 - e. Ron Litzinger – President, SCE (now President of Edison Energy)
 - f. R.O. Nichols – Senior Vice President for Regulatory Affairs, SCE
 - g. Stephen Pickett – Executive Vice President, External Relations, SCE (now retired)
 - h. Gary Schoonyan – Director, Strategic Policy Analysis, SCE (now retired)
 - i. Jim Scilacci – Chief Financial Officer, Edison International
 - j. Les Starck – Senior Vice President Regulatory Policy & Affairs, SCE (now retired)
 - k. Bert Valdman – Senior Vice President, Strategic Planning, Edison International (no longer employed)
 - l. Gaddi Vasquez – Senior Vice President, Government Affairs, Edison International
 - m. Russ Worden – Director of External Relations, SCE
 - n. Ron Olson, former Board member, Edison and Edison International
 - o. Michael Peevey (former President of CPUC)
 - p. Michel Florio (Commissioner, CPUC)
 - q. Melanie Darling (ALJ, CPUC)
 - r. Sepideh Khosrowjah (Chief of Staff, Commissioner Florio)
 - s. Paul Clanon (Executive Director, CPUC)
 - t. Carol Brown (former Chief of Staff to President Peevey)
 - u. Audrey Lee (former Advisor to President Peevey)

- v. Edward Randolph (Director of Energy, CPUC)
2. CPUC will identify employees who were involved in the implementation of the greenhouse gas research provisions of the SONGS OII settlement, specifically with respect to CPUC's understandings or intentions with regard to directing funding to UCLA. CPUC will propose to the Attorney General's Office additional employees whose email they will collect for this purpose.
 3. CPUC will collect and review emails from the above 22 custodians, plus any other custodians identified pursuant to paragraph 2, that are dated from January 31, 2012 through January 31, 2015.
 4. Handwritten notes, documents saved to a hard drive or to a network location, and data on smart phones that is not believed to exist in other locations. CPUC will advise the Attorney General's Office of its progress and plan for collection and review of any such documents.
 5. With respect to the categories of documents specified in the search warrant, CPUC will search for, review and produce responsive documents as follows:
 - a. As to documents involving the SONGS settlement, CPUC will produce (1) documents constituting or referring to communications with SCE about the OII prior to execution of the settlement on March 27, 2014 (excluding on-the-record communications such as SCE pleadings filed with the CPUC); and (2) documents constituting communications with TURN or ORA referencing communications from Peevey regarding SONGS or UC in the context of the settlement negotiations up to March 27, 2014.
 - b. As to documents pertaining to the Poland trip in March 2013, CPUC will produce documents constituting or referring to communications during that trip that relate to SONGS. These documents will include any communications or materials regarding SONGS made in anticipation of the trip, any documents or communications regarding SONGS that occurred during the trip, and any communications or materials regarding SONGS created after the trip ended.
 - c. As to the documents regarding funding of research in connection with the SONGS settlement, CPUC will produce documents and all communications that (1) constitute or refer to communications with SCE or UCLA about greenhouse gas research as part of the SONGS settlement (excluding on-the-record communications such as pleadings filed with the CPUC and drafts of same; (2) refer to SCE's contributing to the UCLA Luskin Institute at UCLA, the University of California, UCLA's Institute of the Environment and Sustainability, or the California Center for Sustainable Communities at UCLA, in connection with the SONGS settlement; and (3) constitute advocacy directed to the CPUC by local governmental agencies in support of greenhouse gas research as part of the SONGS settlement.

I declare under penalty of perjury, under the laws of the State of California, that foregoing facts are true and correct to the best of my knowledge and belief.

Reviewed by Deborah Halberstadt
Deputy Attorney General
California Department of Justice

 6/5/15
Special Agent Reye Eugene Diaz
Criminal Law Division
California Department of Justice

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: November 17, 2017

Honorable: William C. Ryan
D. Palau

Judge S. Humber #282371
Bailiff None

J.A.
Reporter

(Parties and Counsel checked if present)

BH011315
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION
SW70603, SW70763, SW71801

Counsel for Petitioner: NONE

Counsel for Defendant: NONE

NO LEGAL FILE

Nature of Proceedings: SEARCH WARRANT UNSEALING

(IN CHAMBERS)

Pursuant to the Memorandum of Decision issued on 10/20/17 and in the presence of Judicial Assistant, Sheryl Humber, the sealed envelope containing Search Warrant 71801 is unsealed by Judge William C. Ryan.

Such document is ordered permanently unsealed. The purchase of copies can be made through the Los Angeles Superior Court, Public Information Office.

Counsel are notified this date via electronic mail.

71801

EXHIBIT "B"
&
ATTACHMENT "B"

Microsoft Corporations
Attn: Online Services Custodian of Records
One Microsoft Way
Redmond, WA 98052
Fax: 425-708-0096

Or any email provider managing/servicing StephenPickettSEPickett@outlook.com

And/or email accounts belonging to:

Stephen Evan Pickett, DOB: 08/07/1950, [REDACTED]
Residence: 389 Flintridge Oaks Dr., LA Canada, CA.

ATTACHMENT "B"

Microsoft Corporations
Attn: Online Services Custodian of Records
One Microsoft Way
Redmond, WA 98052
FAX: 425-708-0096

Or any email provider managing StephenPickettSEPickett@outlook.com

and/or email accounts belonging to:

Stephen Evan Pickett, DOB: 08/07/1950, SSN: 546-72-4033
Residence: 389 Flintridge Oaks Dr., LA Canada, CA.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 56W

Date: November 17, 2017
Honorable: William C. Ryan
D. Palau

Judge S. Humber #282371
Bailiff None

J.A.
Reporter

(Parties and Counsel checked if present)

BH011315
IN RE SEARCH WARRANT FOR
CALIFORNIA PUBLIC UTILITIES
COMMISSION
SW70603, SW70763, SW71801

Counsel for Petitioner: NONE

Counsel for Defendant: NONE

NO LEGAL FILE

Nature of Proceedings: SEARCH WARRANT UNSEALING

(IN CHAMBERS)

Pursuant to the Memorandum of Decision issued on 10/20/17 and in the presence of Judicial Assistant, Sheryl Humber, the sealed envelope containing Search Warrant 70603 is unsealed by Judge William C. Ryan.

Such document is ordered permanently unsealed. The purchase of copies can be made through the Los Angeles Superior Court, Public Information Office.

Counsel are notified this date via electronic mail.

70603

**AFFIDAVIT OF REYE EUGENE DIAZ
IN SUPPORT OF SEARCH WARRANT**

That your affiant, Reye Eugene Diaz, has been employed by the Department of Justice since 1997.

I am currently a Special Agent and "investigative or law enforcement officer" of the State of California within the meaning of 830.1 of the California Penal Code who is empowered by law to conduct investigations and make arrests for offenses committed within the State of California.

From November 1999 until January of 2003, I was assigned to the California Department of Justice, Bureau of Narcotic Enforcement, San Francisco Regional Office. During this time, my primary assignment was to conduct narcotic investigations which routinely required me to work in an undercover capacity, conduct surveillance on suspects, develop and handle informants, as well as author and serve search warrants. During this time, I also served as case agent on mid level narcotic investigations and assisted with numerous high level narcotic investigations.

From February 2003 until November 2014, I was assigned to the California Department of Justice, Bureau of Gambling Control and Bureau of Investigation. During my time with both the Gambling Control and Bureau of Investigation, I served as case agent on numerous investigations pertaining to the following crimes: Pimping, Human Trafficking, prostitution, violent loan sharks/extortion, murder for hire, corruption, embezzlement, grand theft, burglary, illegal lottery, counterfeiting, identity theft, forgery, fraud, embezzlement, and political corruption. I routinely worked with the Federal Bureau of Investigation, the United States Secret Service, the Internal Revenue Service,

122

the Department of Homeland Security, and local law enforcement personnel on numerous major investigations. During these aforementioned investigations, I have conducted numerous hours of surveillance, routinely utilized sophisticated investigative equipment, conducted numerous interviews and interrogations, conducted numerous undercover operations, arrested hundreds of suspects, routinely worked with informants, written numerous search warrants, and have routinely testified in court.

I have worked as a task force agent with the FBI since 2008, and I received the California Attorney General Peace Officer Award for my work as a criminal investigator.

I am currently assigned to the California Attorney General's Financial Fraud Section and Special Prosecutions Unit where I am tasked by the California Attorney General's Office to combat human trafficking, sex trafficking related crimes, as well as conduct financial fraud investigations.

I. Introduction

This affidavit is submitted in support of a request for a search warrant to be executed at the headquarters of Southern California Edison (SCE) in Rosemead, California. Your affiant believes there is probable cause to conduct this search warrant for the following reasons:

1) There is probable cause to believe Stephen PICKETT, former Executive President of External Relations at SCE and Michael PEEVEY, former President of the California Public Utilities Commission, knowingly engaged in and conspired to engage in prohibited *ex parte* communications regarding the closure of a nuclear facility, to the advantage of SCE and to the disadvantage of other interested parties. And there is probable cause to believe that evidence showing that PICKETT knowingly engaged in prohibited *ex parte* communications with PEEVEY will be found with PICKETT's former employer, SCE.

2) There is probable cause to believe that PEEVEY utilized his position to influence SCE's commitment of millions of dollars to UCLA to fund a research program. And there is probable cause to believe that evidence documenting the commitment of research money to UCLA or the University of California as part of settlement negotiations associated with the closure of the nuclear facility will be found at SCE headquarters.

3) There is probable cause to believe SCE would maintain general records, internal communications, communications with CPUC, records of meetings,

correspondence, and other relevant documents related to a secret, undisclosed meeting between PICKETT and PEEVEY, communications and negotiations pertaining to the potential and actual closure of the San Onofre Nuclear Generating Station (SONGS), the commitment of research money to UCLA or the University of California, and other issues related to the settlement of SONGS.

II. BACKGROUND

In **January 2012**, Southern California Edison (SCE) announced that a radiation leak likely occurred in a steam generator at the San Onofre Nuclear Generating Station (SONGS). As a result, SONGS' two reactor units, referred to as Unit 2 and Unit 3, remained offline until it could be determined whether the issues with the steam generators could be corrected. SONGS has not been operational since.

On **November 1, 2012**, the CPUC initiated a proceeding through an Order Instituting Investigation (OII) in order to determine, among other issues, how to allocate the financial burden associated with the closure between rate payers and SCE shareholders.

On **June 7, 2013**, SCE announced the permanent shut-down of SONGS. SCE participated in settlement negotiations with rate payer advocacy groups including The Utility Reform Network (TURN) and the California Office of Ratepayer Advocates (ORA). SCE negotiated on behalf of SDG&E. Any agreed upon settlement was required to be submitted to CPUC for approval.

On **April 4, 2014**, the settling parties filed their proposed settlement with CPUC for approval. CPUC Commissioner Michel FLORIO and Administrative Law Judge (ALJ) Melanie DARLING were assigned oversight of the proceedings.

On **September 5, 2014**, Commissioner FLORIO and ALJ DARLING issued a ruling that the proposed settlement could not be accepted unless amended to include a \$25 million dollar commitment by SCE to the University of California over five years to address environmental offsets and greenhouse gas mitigation.

On **November 25, 2014**, after the settling parties agreed to the amendments, CPUC issued a decision approving the settlement.

II. LEGAL FRAMEWORK

A. The California Public Utilities Commission

The California Public Utilities Commission (CPUC) is a state regulatory agency. According to its website, CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The CPUC's mission is to serve the public interest by protecting consumers and ensuring the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy California economy. The CPUC is located in San Francisco, CA.

B. Public Utilities Code Prohibitions on Ex Parte Communications

Ex parte communications are defined in the Public Utilities Code as “any oral or written communication between a decision maker and a person with an interest in a matter before the commission concerning substantive, but not procedural issues, that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter.” (Pub. Util. Code §1701.1(c)(4).) *Ex parte* communications are prohibited in adjudicatory cases. (Pub. Util. Code . § 1701.2.) The SONGS OII and associated settlement discussions are considered

NEP

adjudicatory. Violation of this prohibition is a misdemeanor. (Public Util. Code § 2110.)

C. Obstruction of Justice and Conspiracy to Obstruct Justice

Under California law, “every judicial officer, court commissioner, or referee who commits any act that he or she knows perverts or obstructs justice, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year.” (Cal. Penal Code § 96.5). Penal Code section 182 (a) (5) further criminalizes a conspiracy to “commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.” Conspiracy to commit a misdemeanor offense can also be charged as a felony, pursuant to Penal Code Section 182 (a) (1).

III. FACTUAL EVIDENCE IN SUPPORT OF SEARCH WARRANT

A. PEEVEY and PICKETT Secretly Discussed Specific Terms of SONGS Settlement at Hotel Bristol in Poland.

1. PEEVEY and PICKETT *ex parte* conversation

On **March 26, 2013**, while SONGS was still offline and CPUC OII proceedings were still ongoing, Stephen PICKETT, then the Executive Vice President of External Relations at SCE, met with Michael PEEVEY, then the President of the CPUC, at an unrelated fact finding mission in Warsaw, Poland. According to handwritten notes memorialized on stationery from Warsaw’s Bristol Hotel, PICKETT and PEEVEY discussed settlement terms related to the closure of SONGS which included, among other things, decommissioning costs, investment recoveries, shutdown procedures, employee severance packages, rate payer costs, and a \$25 million dollar donation to an agreed upon greenhouse gas or environmental academic research fund. Your affiant obtained these notes in a home-office desk while executing a search warrant at PEEVEY’s residence in La Canada, California, on January 27, 2015.

MAJ

PICKETT reported back to his management at SCE within one week of his meeting with PEEVEY in Poland, and subsequently provided his management with his own version of the notes based on his recollection of the meeting with PEEVEY.

The notes seized from PEEVEY's residence address the following nine topics with additional information pertaining to each topic:

1. Pre-RSG Investment;
2. RSG and post – RSG investment;
3. Replacement Power Responsibility;
4. Neil Insurance Recoveries;
5. MHI Recovery;
6. Decommissioning Costs;
7. O&M;
8. Environmental Offset;
9. Process.

PICKETT's typed notes, entitled "Elements of a SONGS Deal," contain the same nine topics, in almost the exact same order, as the Hotel Bristol notes. PICKETT's notes also contain one additional topic entitled "Other Notes." Copies of both notes are included as Attachment #1.

2. SCE Filed a Notice of Ex Parte Communications Two Years Late, Only After the Poland Meeting was Publicly Disclosed.

On **January 27, 2015** your affiant executed a search warrant at PEEVEY's residence in La Canada, California, at which time your affiant seized the handwritten notes on Hotel Bristol stationery associated with the SONGS closure. Your affiant subsequently filed a search warrant return with the San Francisco County Superior Court and attached a copy of the property receipt. The Superior Court ordered the declaration sealed, but the property receipt remained publicly available.

On **January 30, 2015**, as a result of the search warrant return, the *San Diego Union-Tribune* reported the details of the search warrant and emphasized that law enforcement had seized "RSG notes on Hotel Bristol stationery."

On **February 9, 2015**, nine days after the *San Diego Union-Tribune* reported the seizure of the notes, and approximately two years after the actual meeting took place between PICKETT (SCE) and PEEVEY (CPUC), SCE belatedly disclosed that PICKETT met privately with PEEVEY in Poland on March 26, 2013, and that SCE failed to disclose the *ex parte* communication. According to the late-filed notice of *ex parte* communication, PEEVEY initiated the communication on a framework for a possible resolution of the pending OII regarding the closure of SONGS. SCE also reported that PICKETT took notes during the meeting, and PEEVEY kept the notes. According to SCE, it did not originally report the *ex parte* communication based on an understanding that "the substantive communication on a framework for a possible resolution of the OII was made by Mr. PEEVEY to Mr. PICKETT, and not from Mr. PICKETT to Mr. PEEVEY." SCE further stated, "However, based on further information received from Mr. PICKETT last week, while Mr. PICKETT does not recall exactly what he communicated to Mr. PEEVEY, it now appears that he may have crossed into a substantive communication."

3. LITZINGER and PICKETT did not file *ex parte* report.

On March 20, 2015, your affiant interviewed Ron LITZINGER, President of SCE. According to LITZINGER, he told PICKETT after the Poland trip that PICKETT was not authorized to engage in negotiations with PEEVEY regarding the closure of SONGS. LITZINGER claimed that when PICKETT came back from the trip and notified him about

the conversation, LITZINGER wondered why there was a “conversation taking place” while there was an active proceeding. Nevertheless, LITZINGER did not file, nor did he request that PICKETT file, a notice of *ex parte* communication.

Although SCE did not decide to close SONGS until May 2013, LITZINGER said he had to reinforce to PICKETT on April 11th that he (PICKETT) was not going to be part of the settlement team and that the settlement process was going to be very tightly controlled. LITZINGER said that he had to remind PICKETT of this fact, as PICKETT was “still talking like he was going to be part of the settlement team.”

4. PEEVEY pressured LITZINGER to make commitment to UCLA as part of SONGS settlement agreement.

LITZINGER also stated that, in a conversation with PEEVEY on **May 2, 2014**, while SONGS settlement proceedings were ongoing, PEEVEY requested that SCE make a \$25 million commitment to UCLA as part of the settlement. According to LITZINGER, PEEVEY emphasized the fact that he had discussed the matter with PICKETT in Poland. LITZINGER told your affiant that PEEVEY waved hand written notes. LITZINGER stated that he told PEEVEY, “I was aware that conversation took place, but Steve [PICKETT] was not authorized to speak on behalf of the company.”

5. Edward RANDOLPH’s description of the Poland meeting

Your affiant also interviewed Edward RANDOLPH, the current Director of Energy at the CPUC. RANDOLPH advised your affiant that he was present during the discussion between PEEVEY and PICKETT in Poland. RANDOLPH told your affiant that there were “ground rules” as to what they could talk to SCE about on the trip. When asked if these ground rules would prohibit substantive discussion on “pending proceedings,” RANDOLPH stated yes. RANDOLPH stated that there was an “offline

discussion” between RANDOLPH, PEEVEY, and PICKETT at a bar at the Bristol Hotel in Poland. When asked what pending proceeding they discussed, RANDOLPH answered, “The prime point of the discussion was to discuss the timing of a determination of if Southern California Edison was going to permanently shut down the San Onofre Nuclear Generation Facility.” RANDOLPH said that the discussion, in itself, did not relate to a proceeding in his opinion. According to RANDOLPH, the reason they were discussing the permanent shut down of SONGS is that it was already heading into a second summer in which the plant had been shut down, and SCE had not made a long term determination of what they would do if the plant closed permanently.

RANDOLPH said CPUC wanted SCE to do a long term determination so it could do long term planning and not short term “patchwork” which would be more expensive for the rate payers.

When RANDOLPH was asked if there was a more specific conversation about a settlement agreement, RANDOLPH answered, “Sort of, after we finished the discussion about making a determination about the plant closing, which was probably about a ten minute conversation, the conversation did drift into a conversation on what the financials on closing a plant would look like.” When asked who was led the conversation, RANDOLPH stated that the first part of the conversation, regarding a determination being needed on if the plant was going to be permanently closed, was led by PEEVEY. According to RANDOLPH, the second part of the conversation, regarding the financials of a plant closure, was led by PICKETT. RANDOLPH's recollection of events contradicts PICKETT's assertion that the discussion with PEEVEY was just one-way.

RANDOLPH told your affiant that, in his opinion, the discussion in Poland was an *ex parte* communication, and SCE should have reported it.

5. Effects of Poland Conversation on Other Interested Parties

As a result of a recent public disclosure of the PEEVEY notes your affiant seized at PEEVEY's residence, both ratepayer settlement parties (ORA and TURN) that negotiated with SCE, without the advantage of being aware of the PICKETT meeting with PEEVEY in Poland, issued the following separate statements on April 17, 2015:

ORA STATEMENT:

"ORA has reviewed the Hotel Bristol Notes and has made a comparative analysis with the final SONGS settlement agreement. The Hotel Bristol Notes appear to set a framework for settlement that is similar to the elements of the settlement that was ultimately accepted by the CPUC. The Hotel Bristol Notes appear to demonstrate the degree to which Peevey and Pickett collaborated to orchestrate a settlement of the SONGS outage investigation. Based on ORA's analysis of the Hotel Bristol Notes and the final settlement agreement, customers still saved at least \$780 million more than the "deal" that Peevey and Pickett had described. However, ORA cannot honestly say that it got the best deal for ratepayers. Edison was likely able to use its knowledge of Peevey's position to steer the settlement in the direction it wanted. While ORA believes it worked to strike a good deal for ratepayers based on legal precedents, we are troubled by the possibility that we might have been able to strike a better deal."

TURN STATEMENT:

"The Warsaw meeting was a flagrant violation of CPUC rules governing ex parte contacts," said TURN staff attorney Matt Freedman. "The CPUC has properly ordered SCE to turn over all documents relating to communications with CPUC decision makers about the possible settlement of SONGS. Based on the responses to this ruling, TURN may seek a reopening of the case. At a minimum, TURN will urge the CPUC to assess the maximum sanction on SCE for its ex parte violations and apply any financial penalties toward reducing customer rates."

The Utilities and Commerce Committee of the California Assembly also formally requested that John GEESMAN, Attorney for Alliance for Nuclear Responsibility, analyze the PEEVEY notes and make an assessment of the differences between the terms outlined in the notes and the actual settlement proposal. According to

GEESMAN, *"Prompt disclosure of ex parte communications like that between Mr. PICKETT and Mr. PEEVEY is an essential prerequisite for a level playing field in a regulatory proceeding."*

In regards to the advantage SCE had going into the negotiations as a result of the PEEVEY and PICKETT meeting and SCE's failure to disclose the meeting as required by law, GEESMAN stated, *"It appears to me that SCE managed to improve its position by at least \$919 million, and arguable \$1.522 billion, from what CPUC President PEEVEY had identified at the Hotel Bristol as a framework for a possible resolution."*

B. PEEVEY's Request for UCLA Research Funds

The University of California, Los Angeles (UCLA), has recently disclosed that while the SONGS closure settlement negotiations were still ongoing, and prior to a proposal being submitted to CPUC, PEEVEY requested that Stephanie PINCETL, the Director of UCLA's California Center for Sustainable Communities and Professor-in-Residence at UCLA's Institute of the Environment and Sustainability, submit a proposal for exactly \$25 million dollars that would be available as a result of the closure of SONGS.

On **April 4, 2014**, the settlement parties filed their proposed settlement to CPUC for approval. CPUC Commissioner Michel FLORIO and ALJ Melanie DARLING oversaw the settlement proceedings. The initial settlement proposal did not include, as stated in PEEVEY's Hotel Bristol notes, \$25 million dollars towards greenhouse gas research.

As noted, LITZINGER advised your affiant that PEEVEY told him on **May 2, 2014**, right after the settlement proposal was submitted to CPUC, that SCE needed to make a \$25 million dollar commitment to UCLA. PEEVEY referenced the fact that he had discussed the matter with PICKETT in Poland and waved hand written notes. According to LITZINGER, Commissioner FLORIO, the CPUC commissioner presiding over the matter, was also present at this conversation. LITZINGER advised your affiant that he refused to engage in conversation with PEEVEY on this matter. According to a LITZINGER declaration, after this meeting, he called FLORIO to advise that SCE was considering filing an *ex parte* notice. LITZINGER claimed that Commissioner FLORIO later told him he had discussed the matter with PEEVEY's chief of staff, and they had concluded there was no reason to disclose that the two sides had met. According to LITZINGER, over the next several weeks, PEEVEY attempted multiple times to pressure SCE to make this financial commitment directly to UCLA. Ultimately, PEEVEY told LITZINGER that he was going to bypass him and go straight to his boss Ted CRAVER.

Your affiant subsequently interviewed Ted CRAVER who confirmed that PEEVEY "went at him hard," telling him that they (SCE) did not get the importance of combatting climate change and this was an opportunity to do something, and if they were smart, they would figure out how to "wrap this in a cloak" and it would be good for public relations. CRAVER told PEEVEY that he knew PEEVEY has already been told this, but he (CRAVER) could not talk to PEEVEY about this matter. SCE never agreed to formally commit money to research.

On **May 19, 2014**, in response to an email from Stephanie PINCETL (UCLA) asking about the status of project funding, PEEVEY stated that SCE had advised him that her request was “a lot of money” and would have to be taken to SCE’s board for approval. PEEVEY added in his response to PINCETL, “I am, of course, exploring another option.”

In addition to PEEVEY’s in-person lobbying efforts, PEEVEY appeared to be organizing a letter-writing campaign to support a UCLA research program. Your affiant has reviewed documents on PEEVEY’S personal computer drafted as letters from Los Angeles-area elected officials to the CPUC, dated in early June 2014. The letters urge, as part of the pending SONGS settlement, that CPUC fund a proposed UCLA research program (California Center for Sustainable Communities at UCLA) involving the creation of a “sophisticated energy data analysis” which would result in reduction of GHG emissions. Similar letters were also delivered to SCE executives during the same time period.

On **August 15, 2014**, while CPUC was still considering the proposed SONGS settlement, the Luskin Center for Innovation at UCLA’s Luskin School of Public Affairs invited PEEVEY to serve on its advisory board and become a member of the sustainable energy working group. The Luskin Center’s mission is “organized around initiatives that seek to conduct and translate world-class research and expertise into real-world policy solutions. Initiatives are linked by the themes of sustainability, energy and environmental health justice.” The Luskin Center asked PEEVEY to “advise the center on how its resources can be best directed to maximize impact, including helping to identify and prioritize research projects; help facilitate strategic partnerships.”

PEEVEY accepted the invitation. (According to publicly available information on its website, PEEVEY remains a Luskin Center advisory board member today.)

On **September 5, 2014**, Commissioner FLORIO and ALJ DARLING issued a ruling that the proposed SONGS closure settlement could not be supported without two amendments, including a \$25 million dollar commitment to the University of California over five years.

LITZINGER told your affiant that SCE was not surprised, based on what had happened since May 2014, that the commitment to fund a center at UCLA was a prerequisite to approval of the settlement. LITZINGER told your affiant that SCE internally debated the amendments and met with the Board of Directors to discuss the new terms. LITZINGER said SCE agreed to the terms because "our investors wanted the uncertainty of SONGS behind them." According to LITZINGER, "The benefit of eliminating the uncertainty associated with SONGS far outweighed agreeing to the \$5 million a year."

On October 2, 2014 Stephanie PINCETL (UCLA) emailed PEEVEY to request a language modification that would enhance UCLA's ability to get the funding. As a result, PEEVEY emailed FLORIO that same day asking for the proposed language to be modified in order to accommodate UCLA. FLORIO emailed PEEVEY back, stating that his Chief of Staff spoke to ALJ Darling and had a "fairly difficult conversation" with her. FLORIO further stated in the email, "*Melanie (DARLING) seems to be in a particularly sour mood! Bottom line, she said she used the language she got from Lester in her ordering paragraph. I think that is the same as what you handed me today. We will try to clean this up before the PD mails tomorrow, or worst case in the final decision. I*

Amf

don't sense any disagreement about the substance, just another ALJ resisting interference by those pesky commissioners. I am confident we will get there."

On **November 25, 2014**, the SONGS settlement was formally approved, including the \$25 million dollar research grant to the University of California.

IV. SUMMARY

Based on the above evidence and facts, there is probable cause to believe that PICKETT knowingly engaged and conspired to engage in a reportable *ex parte* communication with PEEVEY in POLAND to the overall advantage of SCE in the subsequent settlement process pertaining to the closure of SONGS. It is also evident that PEEVEY utilized his position to influence SCE's commitment of millions of dollars to UCLA to fund a research program. The facts indicate that PEEVEY conspired to obstruct justice by illegally engaging in *ex parte* communications, concealed *ex parte* communications, and inappropriately interfered with the settlement process on behalf of California Center for Sustainable Communities at UCLA during the same time frame that he was accepting a position as an advisory board member at UCLA's Luskin Institute. PEEVEY executed this plan through back channel communications and exertion of pressure, in violation of CPUC *ex parte* rules, and in obstruction of the due administration of laws.

There is probable cause to believe that further evidence showing PICKETT knowingly engaged in a reportable *ex parte* communication with PEEVEY, will be found with PICKETT's former employer Southern California Edison.

There is probable cause to believe that Southern California Edison (SCE) would maintain general records, internal SCE communications, SCE communications with

Nov 2

CPUC decision maker(s), records of meeting, documents, board meeting minutes, sign in logs, and correspondence related to the meeting between PICKETT and PEEVEY, communications and negotiations pertaining to the potential closure and closure of SONGS, research money being committed to UCLA or the University of California, and the settlement of the SONGS OII.

Your affiant requests search warrant authorization from the Superior Court of Los Angeles County. Because SCE is headquartered in Rosemead, CA, there is probable cause to believe that at least a portion of the suspected criminal activity occurred in the County of Los Angeles.

Your affiant believes it is reasonable to request any and all records pertaining to the events surrounding the settlement of the SONGS closure, especially communications regarding the SONGS settlement from January 2012 to the present. It is reasonable to limit the search from January 2012 to the present because that is when SONGS stopped being operational.

SEAL AFFIDAVIT AND WARRANT:

It is further requested by your affidavit, due to the high profile nature of the investigation and the suspects, as well as the ongoing investigation into the matter, other potential suspects, that a sealing order be granted for this affidavit and search warrant.

Your affiant believes there is sufficient probable cause that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524.

LOCATION #1:

**SOUTHERN CALIFORNIA EDISON COMPANY (SCE)
or Legal Representatives of SCE
2244 Walnut Grove Avenue
Rosemead, California 91770
MAY BE SERVED VIA EMAIL or FAX**

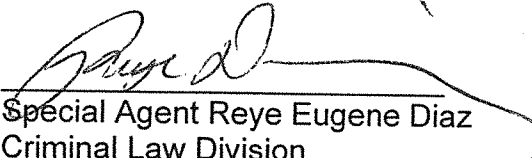
FOR THE FOLLOWING PROPERTY:

Any and all records from January 2012 until current, involving the San Onofre Nuclear Generating Station (SONGS) closure settlement agreement, the 2013 meeting between Stephen PICKETT and Michael PEEVEY in Poland, communication(s) pertaining to the determination of when and why SONGS would be closed, commitment of monies for research as a result of the closure of SONGS, and communication(s) pertaining to the settlement of the SONGS Order Instituting Investigation (OII). These records are to include:

1. Internal correspondence, emails, text messages, logs, support letters, letters, documentation, as well as correspondence, emails, text messages, logs, support letters, letters, documentation between SCE officials and CPUC officials, decision makers, Michel FLORIO, Michael PEEVEY, Edward RANDOLPH, and CPUC ALJs as they relate to the UCLA Luskin Institute at UCLA, University of California, UCLA's Institute of the Environment and Sustainability, California Center for Sustainable Communities at UCLA, the SONGS closure, the SONGS settlement, the SONGS OII investigation, and commitment of research funds involving the CPUC, and any and all lobbying efforts on any of these topics.
2. Internal SCE communications between SCE executive staff, including but not limited to Ron LITZINGER, Ted CRAVER, and Stephen PICKETT, regarding the meeting between PICKETT and PEEVEY in Poland, the SONGS settlement, the SONGS OII investigation, and monies committed to a research fund as a result of the SONGS closure.

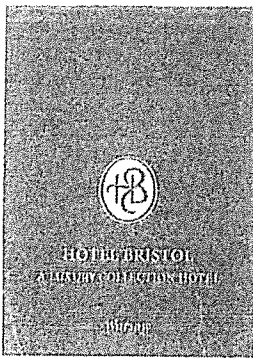
I declare under penalty of perjury, under the laws of the State of California, that foregoing facts are true and correct to the best of my knowledge and belief.

Reviewed by Deborah Halberstadt
Deputy Attorney General
California Department of Justice


Special Agent Reye Eugene Diaz
Criminal Law Division
California Department of Justice

ATTACHMENT 1

1001



1. Pre-RSG investment: recover w/ debt-level return through 2022.
2. RSG and post-RSG investment: disallow "retroactively out of rate base" effective 2/1/2012 ~~2/1/2011~~
3. Replacement power responsibility: customer
4. NEIL/insurance recoveries: to customers
5. MHI recovery: 1st to SCE to the extent of the disallowance
2^d to customers
6. Decommissioning costs: remain in rates through time of decommissioning -- periodic redetermination in CPUC proceedings as before
7. O&M:
 - a) Already approved GRC amounts through shutdown + 6 months
 - b) OII to determine shutdown O&M through end of 2017 (i.e., not in GRC)
 - c) shutdown O&M 2018 and beyond determined in GRC's
 - d) Shutdown O&M to include reasonable severance for SONGS employees - A pro of \$50 million

Next page

+48 22 55 11 000 telephone / telefonia
+48 22 625 25 77 facsimile / fax

KRAKOWSKIE PRZEDMIEŚCIE 42/44
00-325 WARSZAWA, POLAND

luxurycollection.com/bristolwarsaw

22

Elements of a SONGS Deal

1. Recover pre-RSG investment on a "SONGS 1" basis through 2022 (i.e., with a debt level return).
2. Disallow RSG investment entirely ("out of rate base retroactively").

Note: not clear whether the post-leak investment that is not directly related to the RSG's is included (e.g., the new heads, HP turbine, etc.)

3. Customers responsible for all replacement power costs (no disallowance).
4. Any NEIL proceeds go to customers.
5. MHI recovery: to SCE to the extent of any disallowance, then to customers, with some as yet undefined incentive mechanism to encourage SCE to go after MHI to the maximum extent possible for as long as it takes (thinking about the energy crisis settlement as a model).
6. O&M:
 - a. Already approved GRC amounts to shutdown plus some reasonable period beyond (+/- 6 months)
 - b. Ramp down to shutdown level of O&M thereafter.
 - c. Use a subsequent phase of the OII or a separate proceeding to determine the level of ongoing shutdown O&M.
 - d. Shutdown O&M to include "reasonable but generous" severance for affected SONGS employees.
7. Environmental offset: SCE to pay \$5-10 million per year for the remaining life of SONGS (i.e. through 2022) to an agreed upon GHG, climate, or environmental research fund or academic institution. Structured as a charitable donation.
8. Decommissioning to continue to be collected in rates as before through 2022, with reviews as before in triennial CPUC proceedings.

9. Process:

- a. Settlement agreement approved in OII.
- b. Balance of OII closed (except possibly a subsequent phase to determine level of ongoing shutdown O&M).

10. Other notes:

- a. Players in deal: Geesman (A4NR), FOE, TURN.
- b. Protecting labor brings TURN along (Carl Wood chair of TURN board).
- c. Privately stated complaints of SDG&E.
- d. Ron Olson involvement per energy crisis.

1526

On Feb 11, 2015, at 8:24 AM, Brett Morris <Brett.Morris@doj.ca.gov> wrote:

Good morning. I missed your call last night.
I am in my office this morning, I will stay off the phone.
I am ready to chat, call at your earliest convenience.

Brett J. Morris
Deputy Attorney General
(510) 622-2176

From: Krystal Bowen [<mailto:KBowen@sheppardmullin.com>]
Sent: Tuesday, February 10, 2015 3:35 PM
To: Brett Morris
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: Re: CPUC Documents

Counsel,

I am in receipt of your email of 1:55 today requesting a meeting before 4:00. I was, and still am, in a meeting. I will try to reach you when I am out.

Krystal

On Feb 10, 2015, at 3:25 PM, Brett Morris <Brett.Morris@doj.ca.gov> wrote:

Counsel-

I have called and left messages, and will call again today. I need to speak to you today about an important matter.
If not today, first thing tomorrow morning would be an excellent time to talk as well.
If you both would like to be on the call, let me know.

Brett J. Morris
Deputy Attorney General
(510) 622-2176

From: Krystal Bowen [<mailto:KBowen@sheppardmullin.com>]
Sent: Wednesday, February 04, 2015 7:49 AM
To: Brett Morris
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: RE: CPUC Documents

Mr. Morris,

I did not attempt to reach you yesterday because during or call on Monday evening, you indicated that you would not be in the office then. Therefore, I was waiting until this morning – when we might actually have an opportunity to connect – to reach out to you.

As indicated in an earlier email, on January 20 we produced approximately 845,917 documents to you, leaving approximately

247,646 potentially privileged documents (of the 1,093,654 that you provided to us from your execution of the search warrant) for us to review. Additionally, as you are aware, we are also in the process of producing documents responsive to requests from other authorities.

The CPUC has been – and continues to be – cooperative with your agency. To that end, to the extent that there is overlap in the materials that we have already produced in response to a subpoena and those that are called for by your search warrant, we will identify them and produce them to you. While we will not be able to do that today, we will be able to make that production next week. We will then continue to review and produce to you any other potentially privileged documents that we determine are not in fact privileged on a rolling basis. Following next week's production, we expect to be able to make another production by the end of this month, and will keep you apprised of the status of further productions.

As always, I am happy to discuss this with you further. Please let me know if there is a time today that you would like to speak. I can be available at any time other than noon - 2 p.m.

Best regards,
Krystal

From: Brett Morris [mailto:Brett.Morris@doj.ca.gov]
Sent: Wednesday, February 04, 2015 6:39 AM
To: Krystal Bowen
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: CPUC Documents

Ms. Bowen-

After our call Monday evening, I believe Mr. Marshall said that you would be contacting me on Tuesday with information about the CPUC documents.

I was away from the office yesterday, but checking this morning I have not found any correspondence or communications from you or your office.

Could you please let me know this morning if documents will be made available to us today?

Also, I am still waiting for some update on the process and expectations of timing and finality.

Thank you for your attention to this matter.

Brett J. Morris
Deputy Attorney General
(510) 622-2176

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged

information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

EXHIBIT 10

From: Raymond Marshall [<mailto:RMarshall@sheppardmullin.com>]
Sent: Sunday, June 21, 2015 3:53 PM
To: Maggy Krell; Brett Morris; Reye Diaz; Deborah Halberstadt
Cc: jason.reiger@cpuc.ca.gov; Aguilar, Arocles; Naughton, Pamela; Krystal Bowen
Subject: CPUC Update Status

Counsel,

Per your request, we are writing to provide you an update on our review and production process in response to your office's numerous requests for documents. In doing so, we note the following:

First, as a preliminary matter we feel it important to reiterate our guiding principles for responding to the multiple document requests we have received from you, the U.S. Attorney's Office and tens of Public Record Act Requests. They are simple: (1) review and produce documents as quickly, efficiently and economically as possible; (2) err on the side of transparency and disclosure without unintentionally waiving the CPUC's right to maintain any privileges it is entitled to assert under the law; and (3) communicate and cooperate with all requesting parties in the CPUC's ongoing efforts to timely review and produce documents.

Second, it is important to put into context the CPUC's production to date. As you are aware, following your execution of a search warrant on the CPUC in November 2014, we identified approximately 247,646 documents (of the 1,093,654 that we requested from you from your execution of the search warrant) as potentially privileged. In accordance with our March 13, 2015 email, we made a partial production of the documents (from those which we had previously designated as "potentially privileged") responsive to your 2014 search warrant in May. We will make another production of these materials in late-June/early-July. Unless you direct otherwise, we will then focus efforts on completing that production, begin the review and production of the deleted and recovered files and provide you with a privilege log of all documents currently being withheld on the basis of privilege.

Third, to expedite production we will continue or practice of making "rolling productions", as well as prioritizing for immediate production all documents previously reviewed and produced in response to requests by other parties or already part of the public record. Likewise, we will do a "rolling production" of a privilege log, which we will update as appropriate and called for in connection with future productions by the CPUC.

Fourth, as you are further aware, since the execution of the search warrant, your office has served three subpoenas, and an additional search warrant (served on June 5, 2015) on the CPUC. We are continuing to work diligently on these requests. However, given the large volume of materials sought and the overlapping requested due dates, we are requesting additional guidance from you on your prioritization of these requests. Importantly, we have significant concerns and questions about the breadth and scope of your June 5, 2015 Search Warrant. As we advised Agent Diaz, my former partner, Pam Naughton, will be handling the CPUC's response to the warrant and will contact you directly to discuss the various questions we have about the requests. As it currently stands, the new requests in the June 5 search warrant will delay our review and productions of Grand Jury Subpoenas #1 and #2, as well as the remaining documents that were previously identified as "potentially privileged" from the execution of your 2014 search warrant.

In sum, as stated previously, we are continuing to work diligently to review and produce the materials you are requesting, given limited resources and the concurrent demands of federal subpoenas and Public Records Act requests. However, we would benefit greatly from a dialogue with you about how best to

prioritize the requested materials. At that point, we will be in a better position to give you a more detailed timeline regarding our ability to be able to respond to your numerous requests.

Finally, I will be out of the country on vacation the next two weeks, returning to the office July 6. In the interim, Krystal Bowen and Pam McNaughton will be able to address any questions you may have in my absence.

Best regards,

Ray

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

EXHIBIT 11

70763

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No.

Issuing Magistrate: David V. Herriford

Date warrant issued: 6/5/15

Date warrant executed: 6/5/15

Location/Vehicles/Persons served and title:

California Public Utilities Commission
San Francisco Office (HQ)
505 Van Ness Ave.
San Francisco, CA 94102

Manner of service: Served CPUC Legal Counsel/Sheppard Mullin via email.

I, Special Agent Reve Diaz, Office of the Attorney General, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized:

Unable to obtain evidence at this time. CPUC legal counsel advises that due to limited resources, and the concurrent demands of federal subpoenas and public records act requests, the evidence is not currently available. Despite requests, CPUC has still not provided a specific time frame as to when documents will be provided as ordered by the Court. Your affiant will update the Court with a filing of an additional search warrant return.

I declare under penalty of perjury that the foregoing is true.

Date: 6/24/2015

Reve Diaz AG #10
 Special Agent Reve Diaz AG#10
 Affiant

[Signature]
 Judge of the Court

DAVID R. FIELDS

Penal Code § 1537

Reviewed by: Deputy Attorney General Maggy Krell

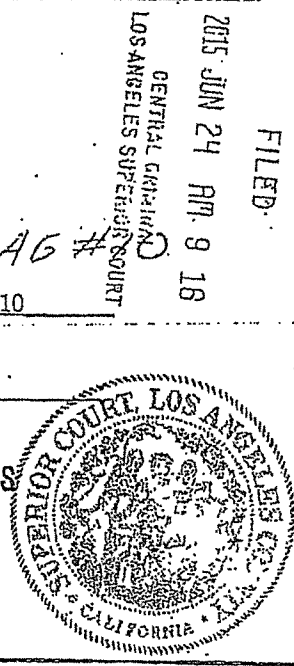


EXHIBIT 12



DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, California 92101-4297
www.dlapiper.com

Rebecca Roberts
rebecca.roberts@dlapiper.com
T 619.699.2776
F 619.764.6626

August 27, 2015
VIA UPS

OUR FILE NO. 393011-000001

Ms. Maggy Krell
Office of the Attorney General
1300 I Street
Sacramento, California 95814
maggy.krell@doj.ca.gov

CONFIDENTIAL/ SUBJECT TO GRAND JURY SECRECY

Re: CPUC Production in Response to State Grand Jury Subpoenas

Dear Ms. Krell:

Enclosed please find two encrypted disks containing the California Public Utilities Commission's ("CPUC") production in response to the first and second subpoenas issued by your office. The first disk contains documents Bates labeled CPUC CALAG 1688902 – CPUC CALAG 1689206, which are being produced in response to the first subpoena issued by your office for all emails, correspondence, and documents exchanged between: (1) Paul Clanon and Mark Wetzell, (2) Amy Yikugawa and Paul Clanon and (3) Paul Clanon and Mike Florio, concerning OII matters for the time period 2/15/12 to 9/15/13. This production includes all responsive, non-privileged documents (except as discussed below) that the CPUC has identified at this time. Thus, the CPUC deems its production in response to this first subpoena to be complete.

The second disk contains documents bates labeled CPUC CALAG 1689207 – CPUC CALAG 1692236, which are being produced in response to the second subpoena issued by your office concerning ALJ assignments between the time period 10/15/13 to 3/15/14. The CPUC recently identified additional documents which may be responsive to this subpoena. The CPUC will continue to produce, on a rolling basis, non-privileged documents to the extent they are responsive to this subpoena.

Some of the documents being produced in response to both subpoenas are subject to the Deliberative Process Privilege. Both federal and state law recognize this privilege, which extends to a public agency's materials that reflect deliberative or decision making processes. See Cal. Gov't Code section 6255; FTC v. Warner Comms., Inc., 742 F.2d 1156, 1161 (9th Cir. 1984); Wilson v. Super. Ct., 51 Cal. App. 4th 1136, 1142 (1996). See also Office of Attorney General "Summary of the California Public Records Act 2004", Section X(A) (recognizing the "Deliberative Process Privilege.")

The documents that are subject to this privilege have been designated "Deliberative Process Privilege" on their footers. In general, the CPUC is entitled to withhold these documents from any production. However, since CPUC is being compelled to produce these documents in response to grand jury subpoenas and grand juries are subject to strict secrecy requirements, the CPUC is producing these privileged documents to the grand jury.



Maggy Krell
August 27, 2015
Page Two

However, this limited compelled production to the secret grand jury does not by any means constitute a waiver of the privilege, voluntary or otherwise. Nor does it in any way hinder the CPUC's right or ability to assert this privilege in other proceedings. See, e.g., The Regents of University of California v. Super. Ct., 165 Cal. App. 4th 627 (2008); Regents of the University of California v. Workers' Comp. Appeals Bd., 226 Cal. App. 4th 1530 (2014).

As you well know, state grand jury proceedings are subject to strict secrecy requirements such that the information and evidence provided to a grand jury may only be further disclosed, by court order, in the limited contexts designated by the California Penal Code. See Goldstein v. Super. Ct., 45 Cal. 4th 218, 221 (2008). Thus, by law, the documents must be treated confidentially and not disseminated to any person without judicial or statutory authority. Indeed, grand jurors who unlawfully disclose information received by the grand jury may be subject to a misdemeanor. See, e.g., Cal. Penal Code sections 924.1, 924.2. All of the documents herein produced, which have been designated "Confidential" in their footers, must be kept secret as required by the California Penal Code. The same is true of all other CPUC documents, whether initially seized by your office or produced by the CPUC.

Furthermore, CPUC's compelled production of documents protected by the deliberative process privilege should in no way be construed as a waiver of the attorney-client, work product or other applicable privileges. The CPUC reserves all rights to assert applicable privileges in response to the grand jury subpoenas and search warrants. Any inadvertent production of any privileged material to the grand jury does not in any way constitute a waiver of the applicable privilege.

Per the CPUC's agreement with your office, we will continue to produce non-privileged materials in response to the two search warrants and the second subpoena on a rolling basis. The encryption for the disks will be sent separately via email.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in black ink, appearing to read 'Rebecca Roberts'.

Rebecca Roberts
Associate

Enclosures

WEST260075193.1



Maggy Krell
September 29, 2015
Page Two

communications, your office provided us with copies of the seized documents in order to filter through agreed upon search terms to identify potentially privileged documents.

It is well settled that privileged documents may be withheld from a government investigation, even if those documents are subject to a search warrant. People v. Sup. Ct., 25 Cal. 4th 703 (2001) (government not entitled to documents protected by the attorney-client privilege and/or work product doctrine that were seized pursuant to a search warrant). Indeed, the Attorney General's Office itself withholds documents subject to subpoenas on the grounds of deliberative process and attorney-client privilege. Notably, Prime Healthcare Serv. v. Harris, No. 5:15-cv-01934-GHK-DTB (C.D. Cal. Sept. 21, 2015); Coleman v. Schwarzenegger, No. C01-1351 THE 2007, WL 4328476 (E.D. Cal. 2007); Coito v. Sup. Ct., 54 Cal. 4th 480 (2012).

The filtering process identified approximately 255,000 documents containing "potentially privileged" terms. The remaining documents (approximately 845,000) were immediately produced back to you. Since then, approximately 131,186 of the "potentially privileged" documents have been produced to you, leaving approximately 10% of the original 1.1 million yet to be reviewed. The nature of this review is time consuming. Unfortunately, there is no way to streamline this process unless your office allows us to suspend our review and deem the search warrant to have been complied with. Now that you have seen 90% of the documents from this search warrant, please let us know whether you wish us to continue our review or if you are, at this point, satisfied with the production.

If we need to review this last batch of documents, we estimate completion would require approximately an additional 65 working days. Notably, this estimate assumes current staffing levels, including the contract attorneys working 7 days a week, and working only on this search warrant and no other state or federal subpoenas or search warrants, which, of course, is not currently the case. If budgetary constraints force us to limit the number of hours of reviewers, which appears highly likely, then obviously the time to completion is lengthened.

In addition to the active files which we filtered and are currently reviewing, we were able to recover over 321,000 deleted documents from the copies your office provided to us. A good portion of these documents appear to be spam and/or junk email. However, approximately 60% contained privileged search terms. After a preliminary analysis, only 13% of the total deleted documents triggered key terms covering the subject matter addressed in the warrants (e.g., SONGS, utility domain name addresses, etc.). However, given our limited resources, we have not yet begun any review of them and thus have no estimate for completion. The completion date would obviously depend on whether we have to review all 321,000 or only the 13% which contained subject matter key terms.

II. SONGS Search Warrant

Preliminarily, we wish to point out that the SONGS search warrant is vague and has caused confusion among our reviewers. Although not numbered, the search warrant vaguely identifies 5 broad categories for production. It calls for any and all records between January 31, 2012 through January 31, 2015: (1) involving the SONGS OII settlement agreement, (2) the 2013 meeting between Pickett and Peevey in Poland, (3) communications as to when and why the San Onofre facility would be closed, (4) commitment of monies for greenhouse gas research as a result of the SONGS settlement, and (5) communications with parties to the settlement of SONGS OII.