

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

Pamela Naughton
pamela.naughton@dlapiper.com
T 619.699.2775
F 619.764.6625

September 29, 2015

OUR FILE NO. 393011-000001

VIA EMAIL AND US MAIL

Ms. Maggy Krell
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street
Sacramento, CA 95814

Re: California Public Utilities Commission

Dear Ms. Krell:

On behalf of the CPUC, we are providing you with updates of the CPUC's production of documents to your office and our plans to complete the productions.

As you know, your office served 2 search warrants and 3 grand jury subpoenas on the CPUC between November 4, 2014 and June 5, 2015. In addition to these demands, the CPUC has received 5 grand jury subpoenas from the United States Attorney's Office. The SONGS search warrant, served by your office, was the last of no less than 10 formal demands for information from two different prosecuting agencies.

The CPUC is a public agency that is integral to the safe, fair and effective operation of California's utilities. Although, as a state agency, it cannot be criminally charged, the CPUC has nevertheless fully cooperated with the ongoing investigations and will continue doing so. However, the excessive demands by the Attorney General and the US Attorney's Office are impinging on the CPUC's already limited resources and threatening its very ability to carry out its constitutionally mandated duties.

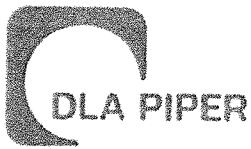
To date, the CPUC has produced well over a million documents to the Attorney General. Since January, the CPUC has continue to produce documents nearly every month, on a rolling basis. We have produced documents in response to each and every demand your office has issued. We have completed our production in response to subpoenas 1 and 3.

Now that you have received, and presumably reviewed, the over 1 million documents produced to date and, no doubt, have a better sense of the types of documents requested and how pertinent they may or may not be, it seems an appropriate time to evaluate the remaining document demands to make sure you truly need more documents and, if so, to explain how we intend to go about review and production in the most efficient way possible.

What follows is a summary of the status as to each document demand.

I. **Search Warrant Executed In November 2014**

In November 2014 state agents seized computers and hardware containing approximately 1.1 million live documents. Because of the likelihood of some of these documents containing privileged



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).

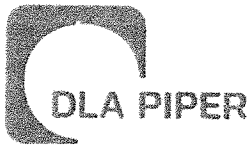
The filtering process identified approximately 255,000 documents containing "potentially privileged" terms. The remaining documents (approximately 845,000) were immediately produced back to you. Since then, approximately 131,186 of the "potentially privileged" documents have been produced to you, leaving 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.



Maggy Krell
 September 29, 2015
 Page Three

It also specifies 22 custodians (8 of whom are CPUC employees) and requires the CPUC to further identify additional CPUC custodians who were involved in the implementation of the greenhouse gas research provisions and also gather hard copy documents from the identified custodians, which we are in the process of completing.

Section 5 of the search warrant further details what documents should be provided as to three of the demands: (1), (2) and (4):

| Introductory Paragraph | Section 5 Further Specifications |
|---|---|
| (1) SONGS closure settlement agreement | (5)(a): (1) documents constituting or referring to communications with SCE about the Oil prior to the 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 |
| (2) the 2013 meeting between Stephen PICKETT and Michael PEEVEY in Poland | (5)(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: (1) in anticipation of the trip, (2) any documents or communications regarding SONGS that occurred during the trip, and (3) any communications or material regarding SONGS created after the trip ended. |
| (4) commitment of monies for research as a result of the closure of SONGS | (5)(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 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 settlement. |

However, the search warrant does not provide any further guidance as to demands (3) (communication(s) pertaining to the determination of when and why SONGS would be closed) and (5) (communication(s)



Maggy Krell
September 29, 2015
Page Four

pertaining to the settlement of the SONGS OII), which are very broad and vague. Practically anything produced or created for the OII proceeding could be considered to relate as to why SONGS would be closed or the ultimate settlement of the OII itself. Yet, subsection (5)(a) indicates that the CPUC is not required to produce public filings, at least as to the settlement agreement.

To respond to the search warrant, CPUC pulled emails and documents from its servers from the specified CPUC employees, plus other CPUC employees known to be involved with the SONGS OII settlement or greenhouse gas provisions. We also extracted communications to, from, and/or copying the SoCal Edison employees listed in the search warrant. This data was exported into a larger database. There are currently several million documents in this database.

To efficiently and effectively respond to the search warrant, the CPUC compiled SONGS search terms, based on the demands of the search warrant and the detailed requests of section 5, and applied these terms to the emails and other documents of the 22 identified custodians, plus the additional employees identified by the CPUC. This produced several hundred thousand documents which will be reviewed for relevance. We have also applied the agreed upon privileged terms to identify any potentially privileged documents and will review those documents for privilege. We are still in the process of collecting and processing documents from all possible sources. At this point, we do not have an estimate of the total volume, or anticipated completion date.

Finally, as we explained in our last telephone call with you, at least 20,000 of the documents **already produced** to the Attorney General's office in response to the first search warrant and earlier subpoenas triggered SONGS search terms. Moreover, on September 8, 2015, the CPUC produced approximately 19,335 additional documents to the Attorney General's office that referenced SONGS search terms and had been produced in prior productions to federal authorities. Thus, over 40,000 documents have been produced responsive to this search warrant. Since these facts clearly contradict agent Diaz's statement filed with the return of the search warrant, we ask that his affidavit be corrected and refiled with an errata.

III. Second Grand Jury Subpoena

The CPUC has already produced nearly two thousand documents in response to this subpoena. To fully respond to this subpoena, the CPUC has isolated all correspondence among all ALJs during the relevant time period and searched for all documents that trigger the term "assign" or "assignment". These search parameters encompassed over 17,000 documents, which will need to be reviewed for relevance and privilege.

We are open to discussing any suggestions you have as to how we could further prioritize or downsize the review tasks and get truly pertinent documents to you more quickly. We are happy to meet and confer regarding the scope of your requests and our productions.



Maggy Krell
September 29, 2015
Page Five

Please call me with any questions or concerns.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in black ink, appearing to read 'Pamela Naughton', written over a horizontal line.

Pamela Naughton
Partner

PN:mev

WEST\261656856.1

EXHIBIT J



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

Pamela Naughton
pamela.naughton@dlapiper.com
T 619.699.2775
F 619.764.6625

October 16, 2015

OUR FILE NO. 393011-000001

CONFIDENTIAL

Ms. Maggy Krell, Deputy Attorney General
Ms. Deborah Halberstadt, Deputy Attorney General
Reye Diaz, Special Agent
Office of the Attorney General
1300 I Street
Sacramento, California 95814
maggy.krell@doj.ca.gov
deborah.halberstadt@doj.ca.gov
reye.diaz@doj.ca.gov

Dear All,

As we discussed with Special Agent Diaz and Ms. Halberstadt on Tuesday, October 13, below is a summary of the CPUC's production to date in response to the SONGS search warrant issued on June 5, 2015. Also below is a summary of our proposal to streamline the review and production of (1) the deleted emails recovered from the data seized pursuant to the first search warrant issued in November 2014 and (2) the approximately 100,000 documents that remain to be reviewed in response to this search warrant.

I. **Compliance with the SONGS Search Warrant**

First, as we informed you during our call and explained in our September 29, 2014 letter, the California Attorney General has a substantial volume of documents responsive to the SONGS search warrant (by our estimate, over 20,000 documents) already in its possession due to the fact that it initially seized a number of computers and hard drives as a result of the November 5, 2014 warrant. The items seized were computers, hard drives, and other devices of certain custodians such as former Commission President Michael Peevey, Michel Florio, Carol Brown, etc. Since your office seized these documents, it obtained everything on them, including any documents relating to SONGS. Per the CPUC's prior agreement with the Attorney General's office, you provided us with copies of everything initially seized and allowed us to review documents that triggered certain terms which may indicate that a document is privileged. Following this agreed upon protocol, we have produced over a million documents back to your office to date (approximately 845,000 which did not trigger any potentially privileged terms and approximately 131,000 which were reviewed for privilege and then produced.)

Using our document review platform tool, we applied relevant SONGS terms to the documents we had already produced back to you as of July 31, 2015 from the first search warrant. Our term search results identified approximately 20,373 documents. So, even before the CPUC made any production to your office specifically in response to the SONGS search warrant, your office already had a substantial volume of responsive documents in your possession. Please note that this search result does NOT include



Ms. Maggy Krell, Deputy Attorney General
October 16, 2015
Page Two

additional documents the CPUC produced to you in response to the November 5, 2014 search warrant on September 24, 2015. So, it is highly likely you have even more SONGS responsive documents in your possession.

Second, on September 8, 2015, the CPUC produced approximately 19,335 documents to your office in response to the SONGS search warrant. This production consisted of documents that referenced SONGS search terms that had been produced in prior productions to federal authorities.

Third, the CPUC intends to make another production in response to the SONGS search warrant by the end of the month. In order to respond to the SONGS search warrant, CPUC pulled emails and documents from its servers from the specified CPUC employees, plus other CPUC employees known to be involved with the SONGS OII settlement or greenhouse gas provisions. We also extracted communications to, from, and/or copying the SoCal Edison employees listed in the search warrant. This data was exported into a larger database. There are currently several million documents in this database.

To efficiently and effectively respond to the search warrant, the CPUC applied SONGS search terms to the emails and other documents of the 22 identified custodians, plus the additional employees identified by the CPUC. We have also gathered hard copy documents from the identified custodians and will be producing these documents in the next production.

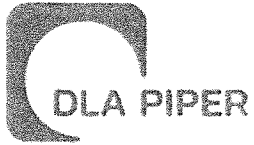
We will continue to produce documents responsive to the SONGS search warrant on a rolling basis, after we have completed our production in response to the November 2014 search warrant, per your instruction.

II. Streamlining Production on the November 5, 2014 Search Warrant

As we discussed on our call, the CPUC has identified approximately 321,000 deleted and recovered emails from the material initially seized pursuant to the November 5, 2014 search warrant. You agreed that the CPUC may limit its review and production of these documents to only those which trigger terms related to the first search warrant and the SONGS search warrant. Our proposed terms are attached as Exhibit A.

Additionally, we estimate that we have approximately 100,000 documents that remain to be reviewed in response to the November 2014 search warrant. It will greatly streamline the process and reduce expenses to filter those 100,000 documents using the terms in Exhibit A. We are open to discussing any additional search terms with you. In the meantime, we will proceed with the filtering process.

Once we finalize the most recent production on SONGS, our priority will be completing our review of the documents responsive to the first search warrant. Once we have completed that review, we will discuss



Ms. Maggy Krell, Deputy Attorney General
October 16, 2015
Page Three

our next steps for completing production in response to grand jury subpoena #2 and the SONGS search warrant.

Please let us know if you have any questions, concerns or comments regarding the proposed search terms. Thank you.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in black ink, appearing to read 'Pamela Naughton', followed by a horizontal line.

Pamela Naughton
Partner

Admitted In California Bar

WEST262193877.1

EXHIBIT A

SONGS*

"San Onofre"

"12-10-013"

"1210013"

Unit2*

"Unit 2"

Poland

Warsaw

"Bristol Hotel"

"greenhouse"

(green* w/3 house)

"ghg"

(fund* w/3 research)

"UC"

"UCLA"

(University w/3 California)

"Luskin"

"IES"

(Institute w/3 Environment w/3 Sustainability)

((Institute w/3 Environment) w/2 Sustainability)

"CCSC"

(California w/3 Center w/3 Sustainable w/3 Communities)

((California w/3 Center) w/2 Sustainable) w/3 Communities)

"CFEE"

(California w/3 Foundation w/5 Environment w/5 Economy)

((California w/3 Foundation) w/2 Environment) w/3 Economy)

HECA

Annual w/3 dinner

Cherry

Judge w/3 Long

Judge w/3 Wong

*sce.com

*edisonintl.com

*sdge.com

*pge.com

*Semprautilities.com

EXHIBIT K

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 322-0896
Facsimile: (510) 622-2270
E-Mail: Deborah.Halberstadt@doj.ca.gov

October 22, 2015

Ms. Pamela Naughton
DLA Piper, LLP
401 B Street, Suite 1700
San Diego, California 92101-4297

RE: California Public Utilities Commission

Dear Ms. Naughton:

Thank you for speaking with us last week, and for your follow up letter. We appreciate this ongoing conversation, as we have been deeply concerned regarding CPUC's compliance with our November 4, 2014 and June 5, 2015 search warrants.

We recognize that there are voluminous documents to be reviewed. To give you some background, as the third CPUC counsel we have worked with, in December of 2014 after waiting over a month for initial production from our first CPUC search warrant, we offered to create an internal "taint team" within the Office of the Attorney General, completely separate from the investigating team, to review the seized evidence for privilege. We have successfully used this methodology with other entities in this and in other cases. However, CPUC opposed this option and insisted that CPUC be the ones to conduct the review. Moreover, during these initial discussions, CPUC counsel committed to producing evidence efficiently on a rolling basis.

Concerned about CPUC's time table, we also proposed, drafted, and circulated a Confidentiality Agreement, whereby CPUC and the Office of the Attorney General would have agreed that any potentially privileged information obtained from CPUC by the Office of the Attorney General could be reviewed without waiver of any privilege, and that any privileged material would be maintained as confidential investigatory material. This solution too has worked in other cases. CPUC refused to agree to this option.

On March 2, 2015, Deputy Attorney General Maggy Krell personally met with President Picker to re-offer the Confidentiality Agreement and explain the difficulty we were having investigating this case while being delayed and hampered by the CPUC's lack of compliance. While expressing an interest in cooperating, on advice of several attorneys, President Picker would not agree to the Confidentiality Agreement.

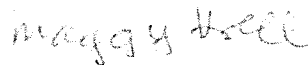
October 22, 2015

Page 3

You requested clarification regarding certain terms in the search warrant. We will be providing answers to your questions shortly. We also agreed to allow CPUC to complete its responses to the November 4, 2014 search warrant first, with the understanding that documents responsive to both search warrants will be identified as such.

In close, please understand that this investigation is a significant one. Asking us to suspend the search or be satisfied with 90% compliance is unacceptable in this context, where the integrity of a public agency is at stake. We will do everything we can to work with you and simplify our requests, but if deadlines continue to go unmet our only option will be to bring an Order to Show Cause. Please feel free to contact me at (916) 322-8096 with any questions you may have. Thanks very much and we look forward to working with you on this.

Sincerely,



DEBORAH R. HALBERSTADT
Deputy Attorney General

MAGGY KRELL
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

DRH:

LA2014118251
32253898

EXHIBIT L



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

Pamela Naughton
pamela.naughton@dlapiper.com
T 619.699.2775
F 619.764.6625

November 12, 2015
VIA E-MAIL AND US MAIL

OUR FILE NO. 393011-1

Ms. Deborah Halberstadt
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Document Productions of the California Public Utilities Commission

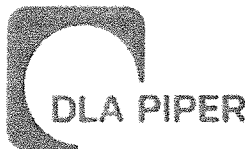
Dear Ms. Halberstadt:

This responds to several statements made in your letter of October 22, 2015 and also further explains our compliance with the search warrants and subpoenas served by your office on the CPUC.

Your letter states that your office waited for "over a month" for the initial production on the first search warrant. This is not true. In November 2014, the same day your agents served the search warrant, they chose and physically took computers and electronic data from the premises of CPUC. The judge issuing the warrant and the parties all agreed that the data taken had to first be reviewed for privilege before investigating agents could examine them. We agreed that once you provided us with copies of what had been seized, we would run filters through the documents using search terms we mutually agreed upon. Those which contained privileged search terms, we would review and those which did not, we would produce in bulk without review. It took your office **more than two months** to produce to us the electronic data that had been seized. We received those three hard drives on January 14, 2015. The very next day we filtered the electronic data through the privileged search terms. Six days after receiving the three hard drives from you, on January 20, 2015, we processed, bates stamped and produced to you over 845,000 documents, just as we said we would. The vendor's records confirm your receipt. Therefore, our first production did not take months -- it took only six days.

Although it is true that your office proposed that the 1.1 million documents seized could be reviewed by a "taint" team from your office, it was never explained who would comprise the "taint team", their experience level, their numbers or their expenses. As I explained in our last telephone call, our review team is comprised of 14 attorneys -- 10 of whom have been working since the inception of this matter an average of 9 hours per day, 7 days per week in order to complete the review of a data base now containing over 6.5 million documents in order to respond to 5 formal document demands from your office and 5 from the federal grand jury. It is doubtful that any "taint team" would have included more resources than what the CPUC has itself devoted to this mission.

You also stated in your letter that this review would not have been necessary if the CPUC had simply given over privileged documents to your office upon entry into a Confidentiality Agreement.



Ms. Deborah Halberstadt
November 12, 2015
Page Two

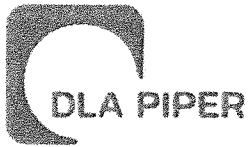
Unfortunately, even if a prosecutor agrees to keep privileged material confidential, the courts may deem the privileged waived by the producing party at the time it surrenders the material to the prosecutor. In re Pacific Pictures Corp., 679 F.3d 1121 (9th Cir. 2012). This can have serious repercussions in the civil and administrative arenas. As you are aware, the CPUC, in addition to being a party in countless civil disputes, is also a quasi-judicial body which renders decisions in very complex matters involving billions of dollars. It cannot risk a future adverse ruling that the waiver of privilege to your formal document demands constitutes a universal waiver, no matter how unintended by your office or by us. Finally, the investigatory leaks to the press, as demonstrated by the presence of TV cameras at the execution of the first search warrant, gives serious pause to valuing the promised confidentiality on either the waiver issue, or the taint team proposal.

Your letter goes on to claim that after the first production of the 845,000 documents, your entreaties to us regarding further production went unheeded. This also is not true. What your letter omits is that in February 2015 your office served on us 3 grand jury subpoenas each seeking more documents. Your office instructed us to first produce all documents that had been produced to the federal jury (in response to subpoena three) or already released to third parties. **Two days** after service of that subpoena, on February 17, 2015, we produced the documents called for in subpoena number two. **Two weeks** later, on March 3, 2015, we produced 16,000 documents in response to subpoena number three. This can hardly be called foot-dragging.

Therefore, by early March, the AG's office had in its possession over 935,000 to review. In correspondence, counsel for the CPUC explained in March that the requested shifting of resources from the first search warrant to the three subpoenas would result in a delay in producing the next batch of documents responsive to the first search warrant. Counsel twice informed your office to expect the next production in May 2015 -- which indeed occurred on May 28, 2015 in the form of tens of thousands of documents. Another 42,000 were produced approximately one month later, responsive to the first search warrant.

When we were served with the June 2015 search warrant related to SONGS, we asked in a lengthy correspondence of June 22, 2015 for guidance as to exactly the interpretation of some of the requests in the search warrant, and for guidance as to your priorities as to which of the document demands was most pressing. We did not receive the requested guidance.

Despite the change in counsel representing the CPUC in August, the document review and production continued with productions on August 27, 2015, September 8, 2015 and 55,000 documents on September 24. We certainly have not been dilatory. The problem has been the breadth of the requests and the volume of responsive documents. We appreciate you working with us in our last telephone conversation to apply the subject matter filters, which has decreased the number of documents to be



Ms. Deborah Halberstadt
November 12, 2015
Page Three

reviewed and increased the production efficiency. We believe now we can easily produce all of the remaining documents for the first search warrant by the deadline set in your letter.

You asked that we provide you with the Bates numbers of the documents already produced to you which included the SONGS search terms we provided to you. On November 12, 2015, I forwarded a list of all of those Bates numbers to you. As you can see, there are over 25,000 documents already in your possession which have the SONGS search terms in them. In addition to those, we earlier provided on September 8, 2015 approximately 19,000 documents which also contained the SONGS search terms and had already been produced to the federal grand jury. These were produced to you with Bates numbers.

In addition to the 44,000 SONGS related documents you already have, we anticipate producing several thousand more documents pertaining to SONGS by the end of this month.

Finally, you asked us to "identify" documents responsive to both search warrants. We are confused by this request. Each batch of documents that is produced specifies which search warrant or subpoena it relates to. However, keep in mind that as to the first search warrant, we did not search for documents nor review them for relevance. We only reviewed what your office chose to seize that contained potentially privileged material. Frankly, the overwhelming majority of those documents are likely irrelevant to your investigation, but we leave that to your capable determination.

Should Mr. Diaz need to file an update on the return of search warrant, or you communicate with the court for any other reason concerning the CPUC, we request that he/you include the contents of this letter and our letter of September 29, 2015 so that the judge will have a thorough and clear understanding of our compliance to date and our position in these matters.

Please call me with any questions or concerns.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in cursive script, appearing to read 'Pamela Naughton'.

Pamela Naughton
Partner

PN:bkl

WEST\266095318.2

EXHIBIT M



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

December 11, 2015
VIA UPS

OUR FILE NO. 393011-000001

Ms. Maggy Krell, Deputy Attorney General
Ms. Deborah Halberstadt, Deputy Attorney General
Mr. Reye Diaz, Special Agent
Office of the Attorney General
1300 I Street
Sacramento, California 95814
maggy.krell@doj.ca.gov
deborah.halberstadt@doj.ca.gov
reye.diaz@doj.ca.gov

CONFIDENTIAL/ SUBJECT TO GRAND JURY SECRECY

Re: CPUC Production in Response to SONGS Search Warrant and Energy Crisis Litigation

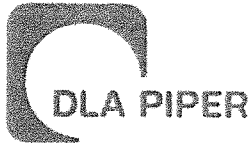
Dear Ms. Krell:

I. **SONGS PRODUCTION**

Enclosed please find a DVD which includes electronic and hard copy documents the California Public Utilities Commission ("CPUC") is producing in response to the search warrant your office issued on June 5, 2015 concerning the San Onofre Nuclear Generating Station settlement agreement ("SONGS search warrant"). This drive contains documents Bates labeled CPUC CALAG 02122877- CPUC CALAG 02130852. The CPUC will continue to produce, on a rolling basis, non-privileged documents which are responsive to the SONGS search warrant. Please note that the CPUC is producing these documents in native format. The native files are named the same as their Bates label. Confidentiality or other designations are included in the load file. We will send the password for the DVD in a separate email.

Some of the documents being produced in response to the SONGS search warrant may be 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 CPUC is being compelled to produce these documents in response the SONGS search warrant. **This limited compelled production 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).



Maggy Krell
December 11, 2015
Page Two

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.

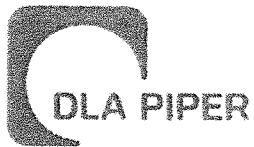
Furthermore, CPUC's compelled production of documents protected by the deliberative process privilege should in no way be construed as a waiver of the attorney-client, work product or other applicable privileges. The CPUC reserves all rights to assert applicable privileges in response to the grand jury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

II. ENERGY CRISIS LITIGATION

Some of the documents that were previously produced to your office may concern the Western Energy Crisis litigation, which consists of dozens of cases before the Federal Energy Regulatory Commission ("FERC") and hundreds of appeals cases pending in federal court (collectively "the Energy Crisis Litigation"). In this litigation, the CPUC, the three utilities (PG&E, Edison and SDG&E), the California Department of Water Resources ("DWR"), and your office collectively sued 60+ power generators and other market participants on behalf of California's rate payers. These aligned parties, including your office, entered into joint litigation agreements as the "California Parties". Thus, communications and work product between the California Parties concerning the Energy Crisis Litigation are protected. While a substantial portion of this litigation has settled, several cases and appeals remain active. Public release of any of the joint litigation documents could compromise the California Parties' litigation and settlement positions, resulting in substantial harm to California ratepayers. It would also violate the terms of the agreements.

Documents concerning the Energy Crisis Litigation are not at all relevant to your investigation of the CPUC. Nevertheless, since your office initially seized computers and other devices from the CPUC without regard to subject matter, your office undoubtedly has in its possession documents concerning this litigation. These documents cannot be publically or otherwise released. We ask that your office adhere to its obligations under the joint litigation agreements.

Furthermore, as we have discussed with you, we are close to completing our review of the seized active files (which we further filtered using search terms identified in our October 16, 2015 letter) and intend to



Maggy Krell
December 11, 2015
Page Three

produce these documents to you shortly. A number of these documents pertain to the Energy Crisis Litigation. **Since your office was a party to these communications and they are irrelevant to your office's investigation of the CPUC as far as we can tell, do you want the CPUC to produce these documents?**

If your office insists on production of these documents, we ask that your office adhere to its obligations under the joint litigation agreements and ensure that they are not further released. We again emphasize that any further release of these documents could substantially compromise the California Parties' position in pending actions.

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', with a long horizontal flourish extending to the right.

Rebecca Roberts
Associate

Enclosures

WEST266764148.1

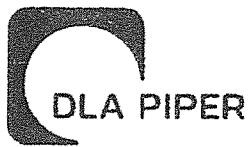


QUINIX
www.QUINIX.com

CPUC CALAG 02130852
Date: 12/10/2005
Production

Client: CALAG
Order Number: 02130852
Contains:
TIFF, Native, Text,
DAT & DIT
CPUC CALAG 02130852 - CPUC CALAG 02130852
Encrypted with TrueCrypt

EXHIBIT N



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

December 18, 2015
VIA UPS

OUR FILE NO. 393011-000001

Ms. Deborah Halberstadt, Deputy Attorney General
Office of the Attorney General
1300 I Street
Sacramento, California 95814
deborah.halberstadt@doj.ca.gov

CONFIDENTIAL/ SUBJECT TO GRAND JURY SECRECY

Re: CPUC Reproduction in Response to SONGS Search Warrant

Dear Ms. Halberstadt:

On Monday, December 14, 2015, we spoke on the phone and you requested that the CPUC reproduce documents that it had already produced in response to the November 5, 2014 search warrant ("November 2014 Search Warrant") in response to the June 5, 2015 search warrant ("SONGS Search Warrant"). In prior correspondence to you and specifically in the list and letter we sent to you on November 12, 2015, we identified over 25,000 documents by Bates label that the CPUC produced in response to the November 2014 search warrant which also triggered SONGS terms. You explained that since the search warrants issued out of different courts, San Francisco Superior Court and Los Angeles Superior Court respectively, your office needed two separate productions for procedural reasons.

Pursuant to your request, the CPUC is herein reproducing the documents it previously produced in response to the November 2014 search warrant which also triggered SONGS terms and thus, are also responsive to the SONGS search warrant. These documents are on the enclosed hard drive and Bates labeled CPUC CALAG 00001781 – CPUC CALAG 2122826. These numbers are not consecutive since we are only reproducing the documents that triggered SONGS terms. These are the same documents we identified by Bates label in our November 12 list.

Please note that the CPUC is producing these documents in native format. The native files are named the same as their Bates label. Confidentiality or other designations are included in the load file. We will send the password for the hard drive in a separate email. The CPUC has made three voluminous productions in response to the SONGS search warrant.

Some of the documents being produced in response to the SONGS search warrant may be 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.")



Deborah Halberstadt
December 18, 2015
Page Two

The CPUC is being compelled to produce these documents in response to the SONGS search warrant. This limited compelled production 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 does not in any way constitute a waiver of the applicable privilege.

Also on our call, you agreed that the CPUC does not need to produce any documents concerning the Energy Crisis Litigation. Accordingly, we will withhold these documents from our productions.

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', written over a white rectangular background.

Rebecca Roberts
Associate

Enclosures

WEST\266862590.1

UPS CampusShip: View/Print Label

1. Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
Customers with a Daily Pickup
 Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Take your package to any location of The UPS Store[®], UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot[®] or Staples[®]) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.


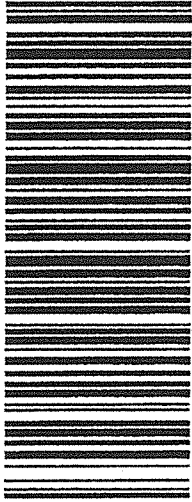

Hand the package to any UPS driver in your area.

UPS Access Point[™]
THE UPS STORE
501 W BROADWAY
SAN DIEGO ,CA 92101

UPS Access Point[™]
THE UPS STORE
1041 MARKET ST
SAN DIEGO ,CA 92101

UPS Access Point[™]
THE UPS STORE
333 W HARBOR DR
SAN DIEGO ,CA 92101

FOLD HERE

| | | | | | |
|---|---------------------------------|--|--|---|---|
| REBECCA ROBERTS, ESQ. 6196992700 DLA PIPER LLP (US) 401 B STREET, STE 1700 SAN DIEGO CA 92101 | 2 LBS DWT: 13.11.2 1 OF 1 | SHIP TO: DEBORAH HALBERSTADT, DEPUTY AG OFFICE OF THE ATTORNEY GENERAL 1300 I STREET SACRAMENTO CA 95814-2919 | CA 958 9-03  | UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z 02Y 747 13 9920 2715  | BILLING: P/P Client-Matter: 393011-000001 Attorney ID: 36566  |
|---|---------------------------------|--|--|---|---|



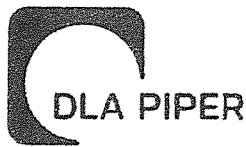
1539-C Third Ave.
Walnut Creek, CA 94597
925-478-8222

Quivx Job #: 261301

Client Matter: CPUC: CAL AG Seized Materials

Contains: TIFF\Native\Text File Production
With Relativity Load Files (DAT)
CPUC CALAG 00001781 - CPUC CALAG 2122826

EXHIBIT O



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

December 18, 2015
VIA UPS

OUR FILE NO. 393011-000001

Ms. Deborah Halberstadt, Deputy Attorney General
Office of the Attorney General
1300 I Street
Sacramento, California 95814
deborah.halberstadt@doj.ca.gov

CONFIDENTIAL/ SUBJECT TO GRAND JURY SECRECY

Re: CPUC Production in Response to First Search Warrant

Dear Ms. Halberstadt:

Enclosed please find a DVD of the remaining filtered active files responsive to the November 5, 2014 search warrant, Bates labeled CPUC CALAG 02130833 – CPUC CALAG 02144600. As we discussed and explained in our October 16, 2015 letter, we further culled the remaining documents to be reviewed in response to the November 2014 search warrant using search terms identified in Exhibit A of that letter. We are producing these documents 10 days ahead of the deadline you set in your October 22, 2015 letter - December 28, 2015. Please note that the CPUC is producing these documents in native format. The native files are named the same as their Bates label. Confidentiality or other designations are included in the load file. We will send the password for the DVD in a separate email. This completes our production of active files in response to the November 2014 search warrant.

The only documents which remain to be produced in response to the November 2014 search warrant are the documents we forensically recovered from the copy of the seized material you provided us. As we discussed and you agreed, we further culled this volume down as well using the search terms identified in Exhibit A of the October 16 letter. We are in the process of finalizing this production.

Some of the documents being produced in response to the SONGS search warrant may be 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 CPUC is being compelled to produce these documents in response to the November 2014 search warrant. This limited compelled production 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



Deborah Halberstadt
December 18, 2015
Page Two

(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 does not in any way constitute a waiver of the applicable privilege.

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

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in cursive script that reads 'Rebecca Roberts'.

Rebecca Roberts
Associate

Enclosures

WEST266868052.1

UPS CampusShip: View/Print Label

1. Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
Customers with a Daily Pickup
 Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Take your package to any location of The UPS Store®®, UPS Access Point™ location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.


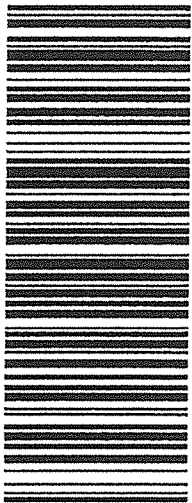

Hand the package to any UPS driver in your area.

UPS Access Point™
 THE UPS STORE
 501 W BROADWAY
 SAN DIEGO ,CA 92101

UPS Access Point™
 THE UPS STORE
 1041 MARKET ST
 SAN DIEGO ,CA 92101

UPS Access Point™
 THE UPS STORE
 333 W HARBOR DR
 SAN DIEGO ,CA 92101

FOLD HERE

| | | | | |
|--|--|---|---|--|
| <p>REBECCA ROBERTS, ESQ. 619692700 DLA PIPER LLP (US) 401 B STREET STE 1700 SAN DIEGO CA 92101</p> <p>SHIP TO: DEBORAH HALBERSTADT, DEPUTY AG OFFICE OF THE ATTORNEY GENERAL 1300 I STREET SACRAMENTO CA 95814-2919</p> | <p>0.0 LBS LTR</p> <p>1 OF 1</p> | <p>CA 958 9-03</p>  | <p>UPS NEXT DAY AIR SAVER 1P</p> <p>TRACKING #: LZ 02Y 747 13 9909 1327</p>  | <p>BILLING: P/P</p> <p>Client-Matter: 393011-000001 Attorney ID: 365566</p> <p style="font-size: small;">CS 17.6.06. WNTJNS0 09.0A.10/2015</p>  |
|--|--|---|---|--|

QUIVX

eDiscovery & Document Solutions
925.478.8222 www.QUIVX.com

Reference:

CPUC: CAL AG Seized Materials
PRODUCTION

Client:

DLA Piper

Date: 12/17/2015

Order Number: 261311

Contains: Natives, Tiff, Text
DAT & OPT

CPUC CALAG 02130833 - CPUC CALAG 02144600

Encrypted with TrueCrypt

EXHIBIT P



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 322-0896
Facsimile:
E-Mail: Deborah.Halberstadt@doj.ca.gov

December 22, 2015

Ms. Rebecca Roberts
DLA Piper, LLP
401 B Street, Suite 1700
San Diego, California 92101-4297

RE: California Public Utilities Commission

Dear Ms. Roberts:

Thank you for your recent productions of 1) documents responsive to the November 5, 2014 search warrant (CPUC CALAG 02130833-02144600) and 2) the reproduction of documents in response to the June 5, 2015 search warrant (CPUC CALAG 00001781-2122826, though not consecutive). I appreciate your quick turnaround on these items.

In our December 14, 2015 conversation, we also discussed the search terms CPUC is employing to identify responsive documents. As I understood from our conversation, CPUC is currently using Exhibit A to identify documents responsive to the November warrant. Exhibit A includes some terms related to SONGS, and some terms related primarily to the judge-shopping issue with PG&E. In discussing the use of this list of terms further with my office, we have concluded that these limited search terms are insufficient for purposes of response to the November warrant. We respectfully request that you provide all non-privileged documents in response to the November warrant, not just those captured by searching the terms found in Exhibit A. We understand that as of October 16, 2015, you had approximately 103,000 emails left to review for privilege, and on December 21, you produced 13,767 documents. We recognize that this request will require additional time for you to respond, and we will so note in the return to the court.

Furthermore, in our conversation, you explained that the terms found in Exhibit A related to SONGS are the same terms you are using to respond to the June warrant. We respectfully ask you to search for the following additional terms in responding to the June warrant:

Unit3*
"Unit 3"
Bristol
Pincetl
Aguirre

Geesman
Mitsubishi
Japan
TURN
ORA
"\$25 million"
"25 million"
"\$20 million"
"20 million"

Please do not hesitate to contact me with any questions.

Sincerely,



DEBORAH R. HALBERSTADT
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

DRH:

ORIGINAL

FILED
LOS ANGELES SUPERIOR COURT

FEB 17 2016

Sherri R. Carter, Executive Officer/Clerk
By _____, Deputy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Attorneys for Movant
California Public Utilities Commission

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

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

CASE NO.
PROOF OF SERVICE
FILED UNDER SEAL

ORIGINAL

FILED
LOS ANGELES SUPERIOR COURT

FEB 17 2016

Sherri R. Carter, Executive Officer/Clerk
By _____, Deputy

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

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 In re June 5, 2015 Search Warrant
13 No. 70763 issued to California Public
14 Utilities Commission

CASE NO.

PROOF OF SERVICE

FILED UNDER SEAL

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 February 17, 2016, I served a copy of the within document(s):

6 **NOTICE OF MOTION AND MOTION TO VIEW SEARCH WARRANT**
7 **AFFIDAVIT *IN CAMERA*; MEMORANDUM OF POINTS AND**
8 **AUTHORITIES;**

9 **DECLARATION OF REBECCA ROBERTS IN SUPPORT OF MOTION**
10 **TO VIEW SEARCH WARRANT AFFIDAVIT *IN CAMERA*; and**

11 **[PROPOSED] ORDER GRANTING CPUC MOTION TO VIEW SEARCH**
12 **WARRANT AFFIDAVIT *IN CAMERA***

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

25 Persons Served

26 Mr. Gerald Engler
27 Chief Assistant Attorney General for the Criminal Division
28 455 Golden Gate, Suite 11000
San Francisco, CA 94102-7004
Tel: 415.703.1361

Ms. Maggy Krell
Deputy Attorney General
1300 I Street
Sacramento, CA 95814
Tel: 916.445.0896

1 Ms. Deborah Halberstadt
2 Deputy Attorney General
3 1300 I Street
4 Sacramento, CA 95814
5 Tel: 916.445.0896

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

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

13 Executed on February 17, 2016, at San Diego, California.

14 
15 _____
16 Bonnie K. Lott

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
LOS ANGELES SUPERIOR COURT

FEB 17 2016

Sherri R. Carter, Executive Officer/Clerk
By [Signature], Deputy
M. Seals

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
12 Commission

CASE NO. SW 70763

**MOTION TO SEAL PLEADINGS AND
RECORD**

FILED UNDER SEAL

14
15 **I. INTRODUCTION**

16 The California Public Utilities Commission moves to seal: (1) this Motion to Seal and all
17 related documents, (2) its Motion to View Search Warrant Affidavit *In Camera* and all related
18 documents, (3) any responsive pleadings or documents filed by the CPUC or the Attorney
19 General's office relating to these pending motions, and (4) any hearing related to the CPUC's
20 pending motion.

21 The CPUC moves to seal these documents and hearings to remain consistent with other
22 filings made by the Attorney General in this ongoing criminal investigation by the Attorney
23 General's office, which has sought to seal all records pertaining to its investigation and the
24 issuance of various search warrants and grand jury subpoenas. Such records relating to an
25 ongoing investigation are subject to the "official information" privilege and may not be publically
26 disclosed. Cal. Evid. Code §1040(b)(2). Moreover, the rules governing grand jury secrecy apply
27 to ancillary proceedings to prevent disclosure of matters occurring before the grand jury. *Los*
28 *Angeles Times v. Sup. Ct.*, 114 Cal. App. 4th 247, 262 (2004).

1 All supporting affidavits issued by the Attorney General's office (with one exception)
2 pertaining to this investigation remain under seal. The CPUC does not wish to interfere with the
3 Attorney General's confidential investigation by publically filing this motion. Accordingly, the
4 CPUC requests that its motions, related pleadings or proceedings be sealed so as not to prejudice
5 the Attorney General's investigation.

6 **II. BACKGROUND: ATTORNEY GENERAL INVESTIGATION AND GRAND**
7 **JURY PROCEEDINGS**

8 In 2014, the California Attorney General's office began a criminal investigation and
9 thereafter convened a secret, investigating grand jury in San Francisco, California. In November
10 2014, the Attorney General executed a first search warrant on the CPUC which issued out of San
11 Francisco Superior Court. In February 2015, it issued 3 grand jury subpoenas to the CPUC.
12 Then, in June 2015, the Attorney General, sought and obtained a second search warrant ("SONGS
13 Search Warrant") which issued out of this court concerning the San Onofre Nuclear Generating
14 System investigation initiated by the CPUC ("SONGS OII"). The underlying motion filed by the
15 CPUC concerns the SONGS Search Warrant. The CPUC has been complying with all
16 outstanding demands and has produced over a million documents to the Attorney General.

17 It appears that the affidavits in support of the two search warrants issued to the CPUC
18 were filed and remain under seal. (Declaration of Rebecca S. Roberts in Support of Motion to
19 Seal ("Roberts Decl. re Seal") ¶¶2-3, Exs. 1-2.) Although the CPUC does not have a copy of the
20 order sealing these documents, it appears that the Los Angeles Superior Court has ordered that
21 other affidavits filed in support of similar search warrant be sealed pursuant to California
22 Evidence Code section 1040. (*Id.* ¶¶ 4-5, Exs. 3-4.) The investigating agent, California
23 Department of Justice Special Agent Rey Diaz ("Agent Diaz"), confirmed that all affidavits filed
24 in support of the various search warrants issued by the Attorney General, with one exception,
25 were filed and remain under seal. (*Id.* ¶6.) The CPUC's underlying motion addresses the sealed
26 affidavits.

27 // // // //

1 **III. THE CPUC REQUESTS THAT THE RECORD RELATING TO ITS MOTIONS**
2 **BE FILED UNDER SEAL SO AS NOT TO INTERFERE WITH THE ATTORNEY**
3 **GENERAL'S INVESTIGATION AND GRAND JURY PROCEEDINGS**

4 Pursuant to California Evidence Code section 1040, "official information" may be
5 concealed when the necessity for preserving the confidentiality of the information outweighs the
6 necessity for disclosure in the public interest. Cal. Evid. Code §1040(b)(2). "Ongoing
7 investigations fall under the privilege for official information." *People v. Suff*, 58 Cal. 4th 1013,
8 1059 (2014); *People v. Jackson*, 110 Cal. App. 4th 280, 287 (2003) (same); Cal. Penal Code
9 §1054.7 ("possible compromise of other investigations by law enforcement" constitutes good
10 cause to deny, restrict or defer disclosure.)

11 The Attorney General has argued, and the issuing courts have agreed, that the information
12 contained in the supporting affidavits constitute official information which shall remain sealed.
13 (Roberts Decl. re Seal ¶¶4-5, Exs. 3-4.) This investigation has garnered a lot of media of
14 attention and the Attorney General obviously has its own reasons for sealing its confidential
15 information. Since the CPUC's motion addresses these affidavits, it requests that its motions, all
16 records, and any related hearing also be sealed so as not to interfere with the government's
17 investigation.

18 The grand jury proceedings are subject to strict secrecy requirements. Cal. Penal Code §§
19 911, 915, 924.1, 924.2, 924.3, 939, 939.1. The law is clear that the rules governing grand jury
20 secrecy apply to ancillary proceedings, such as discovery matters. *Los Angeles Times v. Sup. Ct.*,
21 114 Cal. App. 4th 247, 262 (2003) ("We conclude that this *ancillary proceeding should be closed*
22 *and sealed to the extent necessary to prevent disclosure of matters occurring before the grand*
23 *jury, which would prevent disclosure of information that might reveal the nature, scope or*
24 *direction of the grand jury's investigation.")* (Emphasis in the original). *See also* Cal. Criminal
25 Defense Practice §40.04[f][i] (2015) ("The filings and hearings concerning motion to quash grand
26 jury subpoena are to be closed and sealed, to the extent necessary to prevent disclosure of matters
27 occurring before the grand jury."); CRC 2.550 Advisory Committee Comment ("The rules do not
28 apply to records that courts must keep confidential by law. Examples of confidential records to

1 which public access is restricted by law are records . . . and search warrant affidavits sealed under
2 *People v. Hobbs*, 7 Cal. 4th 948 (1994).”)

3 It is the CPUC’s understanding that the search warrants relate to an ongoing secret grand
4 jury investigation. Since the CPUC’s motion may also affect the grand jury proceeding, the
5 CPUC requests the record be sealed for this reason as well.

6 **IV. CPUC REQUESTS THAT THE COURT RETURN THE LODGED RECORD**
7 **SHOULD THE MOTION TO SEAL BE DENIED**

8 Pursuant to CRC 2.551(b)(4), the lodged record should be conditionally filed under seal
9 until the court has ruled on the pending motion to seal. CRC 2.551(b)(6) further requires the
10 clerk to “return the lodged record to the submitting party and not place it in the case file unless
11 the party notifies the clerk in writing that the record is to be filed.”


12 Should the Court deny this motion to seal, the CPUC requests that the court clerk
13 immediately return all conditionally lodged documents to it as required by CRC 2.551(b)(6).

14 **V. CONCLUSION**

15 For the reasons discussed above, the CPUC requests that the court seal: (1) this Motion to
16 Seal and all related documents, (2) its Motion to View Search Warrant Affidavit *In Camera* and
17 all related documents, (3) any responsive pleadings or documents filed by the CPUC or the
18 Attorney General’s office relating to these pending motions, and (4) any hearing related to the
19 CPUC’s pending motion.

20 Dated: February 17, 2016

21 DLA PIPER LLP (US)

22 By 

23 PAMELA NAUGHTON
24 REBECCA ROBERTS
25 Attorneys for Movant
26 California Public Utilities Commission

EXHIBIT 1

No. _____

SUPERIOR COURT OF CALIFORNIA

County of San Francisco

SEARCH WARRANT and AFFIDAVIT



SPECIAL AGENT Bradley Bautista swears under oath that the facts expressed by him in this Search Warrant and Affidavit and the attached and incorporated Statement of probable cause, are true and that based there on he 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.

[Signature], NIGHT SEARCH REQUESTED: YES [] NO [X]
NON DISCLOSURE YES [X] NO [] 11/5/2014 1345 hours

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF SAN FRANCISCO: proof by affidavit having been made before me by Special Agent Bradley Bautista, California Department of Justice, Bureau of Investigations, 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:

- was stolen or embezzled,
- was used as the means of committing a felony,
- is possessed by a person with the intent to use it as a 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,
- 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;

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE. ATTEST: CERTIFIED

YOU ARE THEREFORE COMMANDED TO SEARCH:
See Attachment #1 thru #6.

NOV 05 2014

FOR THE FOLLOWING PROPERTY/PERSON:
See Attachment #1, thru #6.

CLERK OF THE COURT
Superior Court of California, County of San Francisco
By: [Signature]
DEPUTY CLERK

AND TO SEIZE IT IF FOUND and bring it forth 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 on this 5th Day of March, 2014 at 1:52 AM (PM). Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

YOU ARE ORDERED TO PROVIDE INFORMATION WITHIN 10 DAYS OF SIGNED DATE.

[Signature]

Judge of the San Francisco County Superior Court
DONALD SULLIVAN
H J - 10

NIGHT SEARCH APPROVED: YES [] NO [X]
NON DISCLOSURE YES [X] NO [] 1 5 MARCH @ 1:52 PM 11/5/2014 1345 hours

EXHIBIT 2

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] 6/15/15
(Signature of Affiant)

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

(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
- X _____ it was used as the means of committing a felony
- X _____ 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
- X _____ 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"

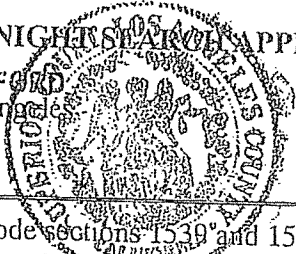
FOR THE FOLLOWING PROPERTY:

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], NIGHT SEARCH APPROVED: YES [] NO [X]
(Signature of Magistrate) **DAVID V. HERRIFORD** (Magistrate's Initials)
Judge of the Superior Court - County of Los Angeles



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 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.

EXHIBIT 3

SUPERIOR COURT OF CALIFORNIA

County of LOS ANGELES

Search Warrant
Sealing Order

FILED
2015 JUN 5 PM 11 13
LOS ANGELES SUPERIOR COURT

Warrant No. _____

Place to be searched: Southern California Edison Company

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.

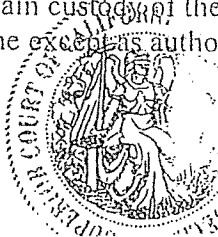
5/19/15
Date

[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.

19 May 2015
Date



Michael E. Pastor
Judge of the Superior Court
MICHAEL E. PASTOR

EXHIBIT 4

71801

SUPERIOR COURT OF CALIFORNIA

County of Los Angeles

Search Warrant
Sealing Order

FILED
2015 MAR 13 AM 11
JW

Warrant No. _____

Place to be searched: STEPHEN PICKETT EMAIL ACCOUNTS

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:

EXHIBIT "B" OF SEARCH WARRANT
ATTACHMENT "D" OF 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.

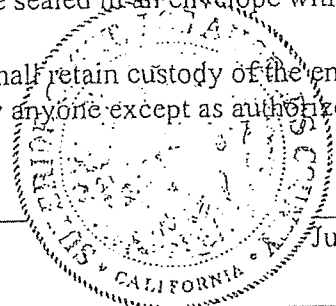
9/25/15
Date

[Signature]
Affiant REYE DIAZ

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.

9/25/15
Date



[Signature]
M.L. VILLAR
Judge of the Superior Court

ORIGINAL

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

FILED
LOS ANGELES SUPERIOR COURT

FEB 17 2016

Sherri R. Carter, Executive Officer/Clerk
By M. Scales, Deputy

5 Attorneys for Movant
California Public Utilities Commission
6

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

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

CASE NO. *SW-70763*

**DECLARATION OF REBECCA ROBERTS
IN SUPPORT OF MOTION TO SEAL
PLEADINGS AND RECORD**

FILED UNDER SEAL

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

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

20 2. Attached as Exhibit 1 is a true and correct copy of the first page of the November
21 5, 2014 search warrant issued by San Francisco Superior Court Judge Donald Sullivan. This page
22 references an attached affidavit and statement of probable cause. I am informed and believe that
23 these documents were filed and remain unseal.

24 3. Attached as Exhibit 2 is a true and correct copy of the June 5, 2015 search warrant
25 issued by Los Angeles Superior Court Judge David Herriford. The first page of this search
26 warrant references a 20 page statement of probable cause submitted by California Department of
27

1 Justice Special Agent Reye Diaz. I am informed and believe that this document was filed and
2 remains under seal.

3 4. Attached as Exhibit 3 is a copy of the Search Warrant Sealing Order sealing the
4 supporting affidavit of a search warrant issued to Southern California Edison ("SCE") Company
5 which I obtained from the San Diego Union Tribune website.

6 5. Attached as Exhibit 4 is a copy of the Search Warrant Sealing Order sealing
7 attachments to a search warrant issued for SCE Executive Stephen Pickett's personal emails
8 which I obtained from the San Diego Union Tribune website.

9 6. On or about January 4, 2016, my colleague, Pamela Naughton, and I spoke with
10 Deputy Attorney General Deborah Halberstadt and Special Agent Diaz on the phone. During our
11 call, Mr. Diaz confirmed that the affidavits filed in support of both of the search warrants issued
12 to CPUC were filed and remained under seal. He also confirmed that his affidavit, filed in
13 support of the Pickett Search Warrant, was the only affidavit to be publicly filed in the pending
14 investigation.

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

17 Executed this 17th day of February 2016 in San Diego, California.

18
19
20
21
22
23
24
25
26
27
28

By 
REBECCA ROBERTS

EXHIBIT 1

No. _____

SUPERIOR COURT OF CALIFORNIA

County of San Francisco

SEARCH WARRANT and AFFIDAVIT



SPECIAL AGENT Bradley Bautista swears under oath that the facts expressed by him in this Search Warrant and Affidavit and the attached and incorporated Statement of probable cause, are true and that based there on he 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.

Bradley Bautista, NIGHT SEARCH REQUESTED: YES NO
(Signature of Affiant) NON DISCLOSE YES NO

(SEARCH WARRANT) 11/5/2014 1345 hours

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF SAN FRANCISCO: proof by affidavit having been made before me by Special Agent Bradley Bautista, California Department of Justice, Bureau of Investigations, 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:

- was stolen or embezzled,
- was used as the means of committing a felony,
- is possessed by a person with the intent to use it as a 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,
- 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;

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE. ATTEST: CERTIFIED

YOU ARE THEREFORE COMMANDED TO SEARCH:
See Attachment #1 thru #6.

NOV 05 2014

FOR THE FOLLOWING PROPERTY/PERSON:
See Attachment #1, thru #6.

CLERK OF THE COURT
Superior Court of California, County of San Francisco
BY: C. J. [Signature]
DEPUTY CLERK

AND TO SEIZE IT IF FOUND and bring it forth 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 on this 5th Day of November, 2014 at 1:52 AM (PM) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

YOU ARE ORDERED TO PROVIDE INFORMATION WITHIN 10 DAYS OF SIGNED DATE.

[Signature]

Judge of the San Francisco County Superior Court
DONALD SULLIVAN
11/5/2014

NIGHT SEARCH APPROVED: YES NO
NON DISCLOSE YES NO
1 5:52 PM 11/5/2014 1345 hours

ATTACHMENT #1

FURTHER ORDERS:

The Court appoints Don Willenburg (SBN:116377), attorney at law, as the special master pursuant to Penal Code section 1524 subdivision (d) to conduct the search of location #1, California Public Utilities Commission, 505 Van Ness, San Francisco, CA 94102 and location # 2, California Public Utilities Commission, 320 West 4th Street, Suite 500, Los Angeles, CA 90013.

A special master can determine whether the documents and items found during the search should be released to searching officers as evidence in this investigation. Any information deemed by the special master to be subject to the attorney-client privilege shall be placed under seal and delivered to the Court. This will include any information between the subjects of this investigation and attorneys representing them in this ongoing investigation.

Should a claim of privilege arise at the Los Angeles location, the agents seizing such items are ordered to seal such items without searching, and transfer custody to the special master.

Further, the Court also orders that the special masters may retain computer forensic assistants to assist in the searching and collection of such computer data, and this be done without further court order. Any and all data found to be within the scope of the search warrant is to be released to the investigating agency. Anything found not to be within the scope of this warrant shall remain on the seized computer and computer data materials.

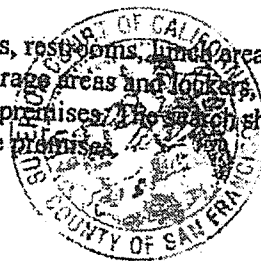
If necessary, searching officers are authorized to employ the use of outside experts, acting under the control of the investigating officers, to access, preserve and examine any data seized.

The court orders that any items seized during the lawful service of this search warrant be disposed of in accordance with the law by the California Department of Justice upon adjudication of the case. The officers serving the search warrant are also hereby authorized, without necessity of further court order, to return seized items to any known victim(s) if such items have been photographically documented.

PLACES TO BE SEARCHED:

1. **505 VAN NESS AVENUE, SAN FRANCISCO, CALIFORNIA**, which is further, described as a multi-story office building constructed of concrete gray in color, Headquarters to the California Public Utilities Commission (PUC). The building is located on the northwest curb line. The number # 505 VAN NESS AVENUE is etched into the concrete wall to the right of the entry walk way. The front door is made of wood brownish yellow in color with a glass pane. The word "Main Lobby" is labeled just above the door. There are security guards and a security checkpoint beyond the main entrance inside the main lobby. The elevators are situated west of the lobby area and security checkpoint. The front door is facing east towards Van Ness.

The search is to include all offices, rooms, attics, patios, basements, service areas, restrooms, lunch areas, out-buildings, mailboxes, trash containers (attached or unattached), debris boxes, storage areas and lockers, cabinets, closets, and all desks, filing cabinets, safes, and other containers in the premises. The search shall also include the inspection of any computer-based storage media contained within the premises.



ATTACHMENT #2

2. **320 W. 4TH STREET, SUITE 500, LOS ANGELES, CALIFORNIA**, which is, further described as a multi-story office building constructed of concrete and brick with large windows with gray metal frames. The brick and concrete is beige in color with blue-gray trim throughout columns, glass and door frames on the ground floor. The building is located on the south side of 4th Street between Broadway Avenue to the east and Hill Street to the west. The words, "Junipero Serra Building" in white trim on blue-gray trim is posted on top of a double glass entry doors that faces 4th street. The numbers "320" in white trim is posted on a large glass window above the double entry doors and below the words, "Junipero Serra Building". The United States flag is posted to the east and the California state flag is posted to the west of the main entry way facing 4th street. There are security guards and a security checkpoint beyond the main entrance inside the main lobby. The elevators are situated east of the lobby area and security checkpoint. Suite 500 is situated on the 5th floor of the "Junipero Serra Building". Suite 500 is west of the elevator lobby area. There is a directory sign posted inside the elevator lobby area on the 5th floor. The directory sign has the words, "5th Floor" in white trim and orange background. In addition, the words, "Public Utilities Commission" and the numbers, "500" in brown trim and beige background is listed on the directory sign. Suite 500 has a single wood door with bright orange wood stain and a glass siding in white metal frame to its left. A sign with the numbers, "500" in white trim and brown background and the words, "Public Utilities Commission" in brown trim and white background is posted adjacent and to the left of the single wood door and glass siding. An office lobby can be seen inside Suite 500 through the glass sidings.

The search is to include all offices, rooms, attics, patios, basements, service areas, restrooms, lunch areas, out-buildings, mailboxes, trash containers (attached or unattached), debris boxes, storage areas and lockers, cabinets, closets, and all desks, filing cabinets, safes, and other containers in the premises. The search shall also include the inspection of any computer-based storage media contained within the premises.

FOR THE FOLLOWING PROPERTY:

- A.) For the time period from May 1, 2010 through September 30 2014, all stored electronic communications, including email, digital images, buddy lists, and any other files associated with user accounts identified as:

Michael.peevey@cpuc.ca.gov
 Frank.lindh@cpuc.ca.gov
 Michelpeter.florio@cpuc.ca.gov
 Carol.brown@cpuc.ca.gov
 Karen.clopton@cpuc.ca.gov
 Paul.clanon@cpuc.ca.gov

- B.) For the time period from May 1, 2010 through September 30 2014 all connection logs and records of user activity for each such account including:

1. Connection dates and times.
2. Disconnect dates and times.
3. Method of connection (e.g., telnet, ftp, http)
4. Data transfer volume.
5. User name associated with the connections.



ATTACHMENT #3

6. Telephone caller identification records.
 7. Any other connection information, such as the Internet Protocol address of the source of the connection.
 8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from PUC.
- C.) For the time period from May 1, 2010 through September 30 2014, any other records or accounts related to the above-referenced names and user names, including but not limited to, correspondence, billing records, records of contact by any person or entity regarding the above-referenced names and user names, and any other subscriber information, referenced name, and any other subscriber information.
- D.) All cellular telephones or computers assigned or issued to, or located in offices formerly assigned to Michael Peevey, Frank Lindh, Michel Florio, Carol Brown, Karen Clopton and Paul Clanon, for the presence of documents, letters, photographs, text messages, email correspondences or other electronic messages which tend to establish the possessors involvement in criminal activity. To listen, note and record any messages left on any telephone answering devices and/or machines inside the location and to answer any incoming telephone calls during the service of this search warrant.
- E.) The viewing, photographing, recording and copying of any data and programs on any cellular telephone(s), as well as on any data storage devices and or mediums attached to those cell phones, including, but not limited to: A. Data that may identify the owner or user of the above-described cellular telephone(s); B. Address books and calendars including names and/or nicknames and associated telephone numbers listed in the "Phone Book" or "Contacts" feature of the device; C. Audio, photographic and video clips or images; D. Call histories and call logs including dates, times and telephone numbers; E. Text, e-mail and recorded messages (including voice mail messages) and subscriber information modules [SIM card].
- F.) Due to the fact that at times a law enforcement agency does not have the right equipment to view or record technical devices such as computers, digital cameras and cellular telephones, after the search warrant has been executed the executing law enforcement officer may enlist the aid of a law enforcement computer forensics lab to assist in the searching, downloading, viewing, photographing, recording and copying of any and all of the information described in the items listed above.
- G.) Provide all electronically stored digital files to include but not limited to:
1. All subscriber records, in any form, pertaining to the outside source provider "OTech" (California Office of Technology Services) who stores them,
 - a. including applications and account type,
 - b. subscribers' full names,
 - c. all screen names associated with the subscribers and/or account,
 - d. all account names associated with the subscribers,
 - e. methods of payment,
 - f. telephone numbers, addresses
 - g. any/all e-mail addresses,



ATTACHMENT #4

- h. detailed billing records,
- i. all records indicating the services purchased,
- j. all contacts, imported contacts, invited friends,
- k. all security verification methods,
- l. all devices linked to the account,
- m. all apps linked to the account and
- n. all subscriber account photos.

H.) All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records.

- 3. All transactional information and/or "session data" of all activity of the user described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups and/or location data.
- 4. All "sharing" or "link" data related to which files and folders are shared and with whom.
- 5. All "events" data showing a timeline of changes made to any CPUC folder.
- 6. All "notifications" data.
- 7. All files stored in the CPUC account.

CPUC shall disclose responsive data, if any, by sending this information to:

California Department of Justice
Bureau of Investigation, San Francisco Regional Office
2720 Taylor Street, Suite 300
San Francisco, CA 94133
Attn: Special Agent Bradley Bautista
510-772-2491
Bradley.bautista@doj.ca.gov



ATTACHMENT #5

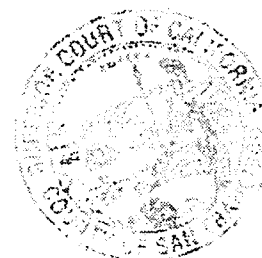
- I.) **Request for Off-Site Search Authorization:** For the following reasons, I request authorization to remove the listed computers and computer-related equipment on the premises and search them at a secure location:
- (1) The amount of data that may be stored in hard drives and removable storage devices is enormous, and I do not know the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant.
 - (2) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.
 - (3) The data may have been encrypted, it may be inaccessible without a password, and it may be protected by self-destruct programming, all of which will take time to detect and bypass.
 - (4) Because data stored on a computer can be easily destroyed or altered, either intentionally or accidentally, the search must be conducted carefully and in a secure environment.
 - (5) To prevent alteration of data and insure the integrity of the search, I plan to make clones of all drives and devices, then search the clones; this, too, will take time and special equipment.
 - (6) Finally, a lengthy on-site search may pose a severe hardship on all people who [live][work] on the premises, as it would require the presence of law enforcement officers to secure the premises while the search is being conducted.
- J.) **Order Authorizing Off-Site Search:** Good cause having been established in the affidavit filed herein, the officers who execute this warrant are authorized to remove the computers and computer-related equipment listed in this warrant and search them at a secure location.
- K.) I am also asking for authorization to copy digital evidence stored on a server(s) in another location if the server can be remotely accessed from a computer(s) located at the site authorized to be searched by the approval of this court order. This authorization gives law enforcement the ability to preserve the integrity of the evidence and prevent it from being tampered with or destroyed. This is required for the following reasons:
- a. Companies are starting to use remote service providers who provide the service of storing digital records and other data on a remote server for their customer who can access the data via a remote connection: This allows the customer to connect to the server from typically anywhere there is service to the internet. In doing so, an employee at the customer company can view, alter, create, copy and print the data from the remote server as if it was at the same location as the employee. The customer typically owns and controls the data stored at the remote server while the service provider owns the server on which the data is stored.
 - b. Law enforcement typically does not find out about the existence of the remote server until the service of the initial search warrant takes place. I have unsuccessfully attempted to elicit this information prior to obtaining this warrant.
 - c. The server is often times found to be located in another city or state from the site of the service (PREMISES) making it difficult for law enforcement to preserve the evidence. It takes hours and sometimes days to determine the location of the remote computer and gather the details containing the specificity necessary for the issuance of a second search warrant. Depending on the size of the evidence, it can take seconds to delete it from a system.

ATTACHMENT #6

- d. If evidence is located and obtained from a remote server that is not located on PREMISES, I will note this in the property receipt for those items that were seized remotely. I will attempt to determine the location of the remote system and include this information in the property receipt. I will also obtain additional authorization from this Court or the consent from the appropriate parties prior to searching this evidence.

NON-DISCLOSURE/DISCLOSURE ORDER

It is further ordered that PUC not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution. It is further ordered that affiant be allowed to share information with federal and state and criminal and civil law enforcement authorities who are also investigating this matter.



STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page _____ of _____

DIVISION OF LAW ENFORCEMENT

Investigation No. _____

PROPERTY RECEIPT

Date: _____

Property Received From:

Name: _____ Address: _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------|-------------------------------------|--------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| | |
|---------------------------------------|-----------------------------------|
| Receiving Individual (print or type) | Receiving Individual (signature) |
| Witnessing Individual (print or type) | Witnessing Individual (signature) |

CALIFORNIA DEPARTMENT OF JUSTICE

DIVISION OF LAW ENFORCEMENT

NOTICE

On 11/5/14, Agents of the California Department of Justice, Division of Law Enforcement, served a search warrant at 525 VAN DYKE AVE, S.F., CA

The items listed on the property receipt were seized pursuant to the search warrant.

The search warrant was issued on 11/5/14 by the Honorable DEBORAH S. LUCAS Judge of the 13th S. DISTRICT Court. The search warrant number is _____ (If a number is not provided contact the clerk of the issuing court for information regarding this incident.)

For further information concerning this search warrant or the return of property contact DAVID BERTON at (510) 772-749.

Pursuant to California Penal Code sections 1539 and 1540, you may file a written motion with the court where the warrant was issued seeking return of the property seized pursuant to this search warrant.

AVISO

El día _____, Agentes del Departamento de Justicia del Estado de California, Division de Procuracion de Justicia ejecutaron una orden de cateo en _____ y embargaron la propiedad identificada en el recibo.

La orden de cateo fue expedida en _____ por el Honorable Juez _____ de la corte _____ y fue archivado bajo el numero de corte _____ (si no hay numero, puede hablar con el archivero de la corte). Para mas informacion acerca de esta orden de cateo, llame a _____ al telefono (____) _____.

Se le avisa que bajo la ley de Código Penal del Estado de California 1539 y 1540, usted puede pedir por escrito a la corte que se le regrese la propiedad, siempre y cuando lo haga el juez que firmo la orden de cateo.

EXHIBIT 2

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Maggy Krell (SBN 226675) Office of the Attorney General 1300 I Street Sacramento, CA 95814 TELEPHONE NO.: (916) 327-1995 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): State of California | FOR COURT USE ONLY CASE NUMBER: |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St., Department 218 MAILING ADDRESS: ATTN: Patricia Kilkenny, Deputy Jury Commissioner CITY AND ZIP CODE: San Francisco, 94102 BRANCH NAME: Civic Center Courthouse, Room 008 | |
| CASE NAME: An Investigation Before the San Francisco Grand Jury | |
| ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum | |

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

- To: (name or business) California Public Utilities Commission - #1
- You must follow the court order(s) checked below:
 - Attend the hearing.
 - Attend the hearing and bring all items checked in c. below.
 - Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) _____
 - (2) _____
 - (3) _____
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

| | |
|---|---|
| Court Hearing Date: Date: <u>02/17/15</u> Time: <u>10:00 am</u> Dept.: <u>Dept 218</u> Rm.: _____ | The court hearing will be at (name and address of court): <u>ATTN: Patricia Kilkenny, Deputy Jury Commissioner</u> <u>400 McAllister St, Room 218, San Francisco, CA 94102</u> |
| Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance. | |

4. The person who has required you to attend court or provide documents is:

Name: Maggy Krell Phone No.: 916-327-1995

Address: 1300 I Street
Number, Street, Apt. No.
Sacramento, CA 95814

 City State Zip

Date: 2-5-15 Signature *Maggy Krell*

 Name and Title

FOR COURT USE ONLY

PROVIDE THESE ITEMS:

1. All emails, correspondence and documents exchanged between Paul Clanon and Mark Wetzell that discuss OII matters from the time period 2/15/12 to 9/15/13.
 2. All emails, correspondence and documents exchanged between Amy Yip-Kikugawa and Paul Clanon from the time period 2/15/12 to 9/15/13.
 3. All emails, correspondence and documents exchanged between Paul Clanon and Mike Florio on OII matters from the time period 2/15/12/ to 9/15/13.
-

EXHIBIT 3

| | | |
|--|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Maggy Krell (SBN 226675) Office of the Attorney General 1300 I Street Sacramento, CA 95814 TELEPHONE NO.: (916) 327-1995 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): State of California | | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St., Department 218 MAILING ADDRESS: ATTN: Patricia Kilkenny, Deputy Jury Commissioner CITY AND ZIP CODE: San Francisco, 94102 BRANCH NAME: Civic Center Courthouse, Room 008 | | |
| CASE NAME: An Investigation Before the San Francisco Grand Jury | | |
| ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum | | CASE NUMBER: |

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) California Public Utilities Commission - #2

2. You must follow the court order(s) checked below:

- a. Attend the hearing.
- b. Attend the hearing and bring all items checked in c. below.
- c. Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) _____
 - (2) _____
 - (3) _____
- If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
- d. If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
- e. If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

3. Court Hearing Date: _____ The court hearing will be at (name and address of court):
 Date: 02/17/15 Time: 10:00 am ATTN: Patricia Kilkenny, Deputy Jury Commissioner
 Dept: Dept 218 Rm.: _____ 400 McAllister St., Room 218, San Francisco, CA 94102

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:

Name: Maggy Krell Phone No.: 916-327-1995
 Address: 1300 I Street
Number, Street, Apt. No.
Sacramento, CA 95814
 City _____ State _____ Zip _____

Date: 2-5-15 Signature Maggy Krell
 Name and Title _____

FOR COURT USE ONLY

PROVIDE THESE ITEMS:

1. All documents, including handwritten notes created by or shared between ALJs, relating to proposed ALJ assignments discussed at weekly meetings from the time period 10/15/13 to 3/15/14.
2. All memoranda, emails, reports, and documents, including handwritten notes and minutes, that related to discussions held at weekly ALJ assignment meetings from the time period 10/15/13 to 3/15/14.
3. All spreadsheets, tables, databases and other lists of ALJ assignments made at ALJ weekly meetings from the time period 10/15/13/ to 3/15/14.

EXHIBIT 4

CR-125/JV-525

| | | |
|--|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Brett J. Morris (SBN 158408) Office of the Attorney General 1515 Clay Street, 20th Floor Oakland, CA 94612 TELEPHONE NO: (510) 622-2176 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): State of California | | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: ATTN: Courtroom 503 CITY AND ZIP CODE: San Francisco, 94102 BRANCH NAME: Civic Center Courthouse, Court Room 503 | | |
| CASE NAME: An Investigation Before the San Francisco County Grand Jury | | |
| ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum | | CASE NUMBER: |

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) California Public Utilities Commission - #3

2. You must follow the court order(s) checked below:

- a. Attend the hearing.
- b. Attend the hearing *and* bring all items checked in c. below.
- c. Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) All documents, emails, and paper and electronic evidence authorized by the SF Superior Court to
 - (2) be seized and searched by state DOJ investigators on November 5, 2014, which CPUC has
 - (3) previously produced, provided or disclosed to any other entity or person since January 1, 2014.
- If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
- d. If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
- e. If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

3. **Court Hearing Date:** Date: 03/03/15 Time: 10:00 am **The court hearing will be at (name and address of court):** 400 McAllister Street
 Dept.: Ct. Room 503 Rm.: _____ San Francisco, CA 94102

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:
 Name: Brett J. Morris Phone No.: 510-622-2176
 Address: 1515 Clay Street, 20th Floor
 Number, Street, Apt. No. _____
Oakland CA 94612
 City State Zip
 Date: 2-18-15 Signature Brett J. Morris, Deputy A.G.
 Name and Title

FOR COURT USE ONLY

CR-125/JV-525

| | |
|---|--------------|
| CASE NAME: An Investigation Before the San Francisco County Grand Jury | CASE NUMBER: |
|---|--------------|

- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
- (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:

Date: February 18, 2015 Time: 9:45 a.m. p.m.

Name of the person served: Ray Marshall, Esq. Attorney for CPUC - agreed/authorized to accept service

At this address: RMarshall@SheppardMullin.com

After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): 2-18-15

Mailed from (city): Oakland, CA

2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
- a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____

3. Server's name: _____ Phone no. _____

4. The server (check one)

- a. is a registered process server.
- b. is not a registered process server.
- c. is a sheriff, marshal, or constable.
- d. works for a registered process server.
- e. is exempt from registration under Business and Professional Code section 22350(b).

5. Server's address: _____

If server is a registered process server:

County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: 2-18-15

▶ Brett J. Morris
TYPE OR PRINT NAME OF SERVER

▶ Brett J. Morris
SIGNATURE OF SERVER

EXHIBIT 5

SW No. _____

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) _____

Reye Diaz 6/5/15
(Signature of Affiant)

(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
- X _____ it was used as the means of committing a felony
- X _____ 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
- X _____ 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"

JUDGE WILLIAM C. RYAN
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
CRIMINAL WRITS CENTER

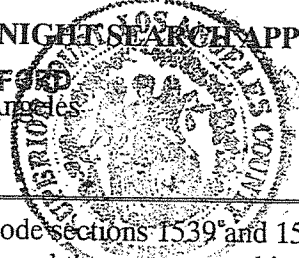
SEARCH WARRANT (Page 2)

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 AM P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

(Handwritten Signature)

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

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.

EXHIBIT 6

SW No. _____

STATE OF CALIFORNIA -- COUNTY OF LOS ANGELES

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Special Agent Reve 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) _____

Reve Diaz 3/9/16
(Signature of Affiant)

(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 Reve 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
- X _____ it was used as the means of committing a felony
- X _____ 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
- X _____ 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 3)

EXHIBIT "A"

LOCATION #1:

California Public Utilities Commission
 San Francisco Office (Headquarters)
 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 by EIX)
- 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 Khosrowjeh (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

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: CPUC/PG&E

No.:

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 21, 2016, I served the attached **PETITION FOR AN ORDER COMPELLING CALIFORNIA PUBLIC UTILITIES COMMISSION TO COMPLY WITH SEARCH WARRANT; DECLARATION OF SPECIAL AGENT REYE DIAZ, FILED UNDER SEAL** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

DLA Piper, San Diego;
Attn: Pamela Naughton
401 B. Street, Suite 1700
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 21, 2016, at Los Angeles, California.

M. Moore
Declarant

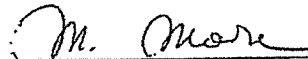

Signature

EXHIBIT 7

From: Krystal Bowen
Sent: Thursday, January 15, 2015 2:30 PM
To: Brett Morris
Cc: Maggy Krell; Deborah Halberstadt; Raymond Marshall
Subject: RE: Privilege Search Term String

I've spoken with our vendor. Due to the way the forensic images need to be processed (they have to export the files and then process the data), it will take the vendor until Monday to complete. They will then run the search terms and have the load files (without privilege hits) available for you on Monday.

We have added a search term to the end of our string. The new string is:

"Deliberative process" OR "deliberat* w/5 process" OR "Proposed decision" OR "Agenda review" OR "Closed session" OR "Alternate proposed decision" OR "Alternate Decision" OR APD OR "Attorney-Client" OR "Attorney-Client Privilege" OR "Attorney Client" OR "Attorney Client Privilege" OR "Work Product" OR Allen OR Angelopulo OR Bawa OR Berdge OR Bondonno OR Bone OR Bromson OR "Allison Brown" OR "Lindsay Brown" OR Castro OR Clay OR Dorman OR Dryvynsyde OR Filchev OR Foley OR Foss OR Gasser OR Ghaffarian OR Gruen OR Haga OR Hammond OR Harris OR Hayashida OR Heiden OR Holzschuh OR Hook OR Koltz OR Kwasny OR Lee OR Lippi OR McCrary OR McQuillan OR Mickiewicz OR Miley OR Moldavsky OR Morey OR Morris OR "Harvey Morris" OR Mulligan OR Nataloni OR Obiora OR "Sophia Park" OR Park OR Paull OR Peleo OR Poirier OR Pratt OR "James Ralph" OR Ralph OR Rashid OR Reiger OR Reynolds OR Salvacion OR Shapson OR Shek OR Sher OR Sun OR Jonady OR Thomas OR "Sarah Thomas" OR Tudisco OR Vo OR "Hien Vo" OR Witteman OR Yee OR Youngsmith OR Yun OR Aguilar OR Arth OR Barrera OR Cagen OR Chaset OR Dumond OR Edminister OR Elkins OR Fairchild OR Gallagher OR Guerrero OR Johnson OR "Catherine Johnson" OR Knapp OR Lindh OR Mason OR McKenzie OR Perez OR Perlstein OR "Joel Perlstein" OR Rood OR Scarff OR Vlahos OR Wilson OR Lionel OR Zeller OR Bemederfer OR Burcham OR Bushey OR Clopton OR Colbert OR Darling OR "Melanie Darling" OR DeAngelis OR Duda OR Dudley OR Ebke OR Edmister OR Farrar OR Gamson OR Halligan OR Hecht OR Hymes OR Kenney OR Kersten OR Kim OR "Kimberly Kim" OR Lirag OR Long OR "Douglas Long" OR MacDonald OR Mason OR Mckinney OR Miles OR "Patricia Miles" OR Moosen OR Pulsifer OR Rochester OR Roscow OR Semcer OR Simon OR "Anne Simon" OR Smith OR Sullivan OR Tsen OR Vieth OR Weatherford OR Wilson OR Wong OR Yacknin OR "Yip-Kikugawa" OR Barnett OR Clark OR "Richard Clark" OR Cooke OR Deberry OR Econome OR Fukutome OR Galvin OR Grau OR Henderson OR Jones OR "Karen Jones" OR Kolakowski OR Koss OR Kotz OR Lakritz OR Mattson OR McKenzie OR McVicar OR Minkin OR O'Donnell OR Patrick OR Prestidge OR Ryerson OR TerKeurst OR Thomas OR "Sarah Thomas" OR Walwyn OR Weismehl OR Weissman OR Wetzell OR KJB OR DB3 OR MAB OR KVC OR MCG OR MD2 OR RMD OR DOT OR KD1 OR MEB OR TOD OR EDF OR DMG OR JMH OR JHE OR KHY OR TIM OR CEK OR KK2 OR RL8 OR dug OR KK3 OR RIM OR JMO OR PM6 OR im2 OR SCR OR UNC OR AES OR RS1 OR SUL OR SPT OR XJV OR GW2 OR SMW OR JSW OR HSY OR AYK OR JDA OR PVA OR PFA OR NB2 OR PSB OR BON OR TBO OR JAB OR ALY OR LMB OR LC2 OR CEC OR EDD OR GBD OR LAF OR SF2 OR TTF OR LGX OR PXG OR DJG OR RWH OR CDH OR FNH OR HBH OR GXH OR DAH OR CHH OR JK5 OR IAK OR CWL OR DIL OR KJL OR MLM OR EMM OR HMM OR MM2 OR edm OR CJM OR HYM OR JM4 OR JPN OR NAO OR SJP OR KPP OR map OR mpo OR cgp OR jr8 OR rhd OR jzr OR jr5 OR Lms OR SHA OR SEL OR NMS OR SUN OR SRT OR LJT OR HCV OR WIT OR YEE OR EMY OR SJY OR RAB OR CAB OR RWC OR MLC OR BMD OR JJJ OR DKF OR MFG OR JLG OR KKH OR KAJ OR VSK OR KLK OR KOT OR JOL OR BWM OR MCK OR JCM OR ANG OR JPO OR BDP OR TOM OR VDR OR CFT OR SRT OR CMW OR PSW OR SAW OR MSW OR Dumas OR GBD OR Stoddard OR FJS OR LB3 OR RCC OR LAU OR LE1 OR PGF OR CAJ OR JP8 OR FRL OR RIM OR JTP OR OMV OR LW OR JJZ OR ARO OR PAJ OR CAD OR TOE OR SHG OR ACG OR MFM OR MPG OR JSR OR JES OR "ALL_LEG" OR "ALL LEG"

In answer to your other question below, we will have to run the produced docs against the ones with privilege hits to determine which docs have already been shared, and can thus be produced to you.

From: Brett Morris [mailto:Brett.Morris@doj.ca.gov]
Sent: Thursday, January 15, 2015 7:20 AM
To: Krystal Bowen
Cc: Maggy Krell; Deborah Halberstadt; Raymond Marshall
Subject: RE: Privilege Search Term String

One other pressing request: Can you give us a time window for retrieval from you of the load files then once these terms are run?

We should have materials by end of day Friday, so we can load and run over the weekend.

Then, we'll push on the privilege estimate of timing.

BTW – once you have hits for these privileged items, how do you plan to Non-privilege those materials, emails, etc that have been copied/forwarded/cc'd or other sharing with outside CPUC folks (such as PG&E)?

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

From: Krystal Bowen [mailto:KBowen@sheppardmullin.com]
Sent: Thursday, January 15, 2015 7:13 AM
To: Brett Morris
Cc: Maggy Krell; Deborah Halberstadt; Raymond Marshall
Subject: Re: Privilege Search Term String

I think that then answers my question. It sounds like your staff only used two of the three drives provided. We wanted to make sure that the third drive was intentionally not needed/used.

On Jan 15, 2015, at 7:10 AM, Brett Morris <Brett.Morris@doj.ca.gov> wrote:

Thank you.

Did you find out from your vendor about the compression of the material?

Our tech staff indicates that only on 2TB hard drive contained copied material, plus one of the smaller drives provided.

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

From: Krystal Bowen [mailto:KBowen@sheppardmullin.com]
Sent: Thursday, January 15, 2015 7:08 AM
To: Brett Morris; Maggy Krell; Deborah Halberstadt
Cc: Raymond Marshall
Subject: Privilege Search Term String

Brett,

Below (at the bottom of this email) please find the search term string we intend to run on the materials you provided. This string is based on the names of attorneys and ALJs dating back to 2008, and the following terms:

Attorney-client privilege
 Work product
 Agenda review
 APD
 Alternate proposed decision
 Alternate decision
 Proposed decision
 Closed session
 Deliberative process privilege

We reserve the right to make changes to this list as necessary. Should we do so, we will let you know. Please let me know if you have any questions.

Best,
 Krystal

Privilege Search Term String

"Deliberative process" OR "deliberat* w/5 process" OR "Proposed decision" OR "Agenda review" OR "Closed session" OR "Alternate proposed decision" OR "Alternate Decision" OR APD OR "Attorney-Client" OR "Attorney-Client Privilege" OR "Attorney Client" OR "Attorney Client Privilege" OR "Work Product" OR Allen OR Angelopulo OR Bawa OR Berdge OR Bondonno OR Bone OR Bromson OR "Allison Brown" OR "Lindsay Brown" OR Castro OR Clay OR Dorman OR Dryvynsyde OR Filchev OR Foley OR Foss OR Gasser OR Ghaffarian OR Gruen OR Haga OR Hammond OR Harris OR Hayashida OR Heiden OR Holzschuh OR Hook OR Koltz OR Kwasny OR Lee OR Lippi OR McCrary OR McQuillan OR Mickiewicz OR Miley OR Moldavsky OR Morey OR Morris OR "Harvey Morris" OR Mulligan OR Nataloni OR Obiora OR "Sophia Park" OR Park OR Paull OR Peleo OR Poirier OR Pratt OR "James Ralph" OR Ralph OR Rashid OR Reiger OR Reynolds OR Salvacion OR Shapson OR Shek OR Sher OR Sun OR Jonady OR Thomas OR "Sarah Thomas" OR Tudisco OR Vo OR "Hien Vo" OR Witteman OR Yee OR Youngsmith OR Yun OR Aguilar OR Arth OR Barrera OR Cagen OR Chaset OR Dumond OR Edminister OR Elkins OR Fairchild OR Gallagher OR Guerrero OR Johnson OR "Catherine Johnson" OR Knapp OR Lindh OR Mason OR McKenzie OR Perez OR Perlstein OR "Joel Perlstein" OR Rood OR Scarff OR Vlahos OR Wilson OR Lionel OR Zeller OR Bemesserfer OR Burcham OR Bushey OR Clopton OR Colbert OR Darling OR "Melanie Darling" OR DeAngelis OR Duda OR Dudley OR Ebke OR Edmister OR Farrar OR Gamson OR Halligan OR Hecht OR Hymes OR Kenney OR Kersten OR Kim OR "Kimberly Kim" OR Lirag OR Long OR "Douglas Long" OR MacDonald OR Mason OR Mckinney OR Miles OR "Patricia Miles" OR Moosen OR Pulsifer OR Rochester OR Roscow OR Semcer OR Simon OR "Anne Simon" OR Smith OR Sullivan OR Tsen OR Vieth OR Weatherford OR Wilson OR Wong OR Yacknin OR "Yip-Kikugawa" OR Barnett OR Clark OR "Richard Clark" OR Cooke OR Deberry OR Econome OR Fukutome OR Galvin OR Grau OR Henderson OR Jones OR "Karen Jones" OR Kolakowski OR Koss OR Kotz OR Lakritz OR Mattson OR McKenzie OR McVicar OR Minkin OR O'Donnell OR Patrick OR Prestidge OR Ryerson OR TerKeurst OR Thomas OR "Sarah Thomas" OR Walwyn OR Weismehl OR Weissman OR Wetzell OR KJB OR DB3 OR MAB OR KVC OR MCG OR MD2 OR RMD OR DOT OR KD1 OR MEB OR TOD OR EDF OR DMG OR JMH OR JHE OR KHY OR TIM OR CEK OR KK2 OR RL8 OR dug OR KK3 OR RIM OR JMO OR PM6 OR im2 OR SCR OR UNC OR AES OR RS1 OR SUL OR SPT OR XJV OR GW2 OR SMW OR JSW OR HSY OR AYK OR JDA OR PVA OR PFA OR NB2 OR PSB OR BON OR TBO OR JAB OR ALY OR LMB OR LC2 OR CEC OR EDD OR GBD OR LAF OR SF2 OR TTF OR LGX OR PXG OR DJG OR RWH OR CDH OR FNH OR HBH OR GXH OR DAH OR CHH OR JK5 OR IAK OR CWL OR DIL OR KJL OR MLM OR EMM OR HMM OR MM2 OR edm OR CJM OR HYM OR JM4 OR JPN OR NAO OR SJP OR KPP OR map OR mpo OR cgp OR jr8 OR rhd OR jzr OR jr5 OR Lms OR SHA OR SEL OR NMS OR SUN OR SRT OR LJT OR HCV OR WIT OR YEE OR EMY OR SJY OR RAB OR CAB OR RWC OR MLC OR BMD OR JJJ OR DKF OR MFG OR JLG OR KKH OR KAJ OR VSK OR KKK OR KOT OR JOL OR BWM OR MCK OR JCM OR ANG OR JPO OR BDP OR TOM OR VDR OR CFT OR SRT OR CMW OR PSW OR SAW OR MSW OR Dumas OR GBD

OR Stoddard OR FJS OR LB3 OR RCC OR LAU OR LE1 OR PGF OR CAJ OR JP8 OR FRL OR RIM OR JTP OR
OMV OR LW OR JJZ OR ARO OR PAJ OR CAD OR TOE OR SHG OR ACG OR MFM OR MPG OR JSR OR JES

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 8

From: Krystal Bowen
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.

EXHIBIT 9

From: Krystal Bowen
Sent: Friday, March 13, 2015 5:56 AM
To: Brett Morris
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: Re: CPUC Documents

Counsel,

We are continuing to work diligently to review and produce the non-privileged documents responsive to your office's numerous requests (in addition to those required to be produced to other sources).

We expect to be able to complete review and production of the tens of thousands of potentially responsive documents to your Grand Jury Subpoena #1 by mid-late April. Within that same timeframe, we also expect to complete any additional/supplemental production of documents responsive to your Grand Jury Subpoena #2. Further, it is our goal to complete production of documents responsive to your Grand Jury Subpoena #3 by the end of March.

As we have previously indicated to you, our review of the potentially privileged documents identified by our team following your office's execution of the search warrant has been delayed by our need to respond to the 3 subpoenas you have served (each with specified dates of production) in the interim. As a result – and assuming that there are no additional subpoenas served by your office that require a response before then – we expect to be able to start a rolling production of that material in May.

Best regards,

Krystal

On Mar 12, 2015, at 7:25 AM, Brett Morris <Brett.Morris@doj.ca.gov> wrote:

Counsel-

Do you have a status update that you could provide this morning? Specifically, I am interested in your progress on:

- Review of the potentially privileged documents isolated by your team on January 20, 2015.
- Documents responsive to GJ Subpoena #1.
- Additional/supplemental documents responsive to Subpoena #2.
- Completion of production for documents responsive to Subpoena #3.

Thank you for any information that you can provide this morning.

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

From: Brett Morris
Sent: Friday, February 13, 2015 11:38 AM
To: 'Krystal Bowen'
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: RE: CPUC Documents

Counsel-

I write to confirm points discussed and commitments made during our telephone conversation.

You proposed that within one month you would start producing to us those non-privileged items after review by your team of the documents contained within the 247,646 potentially privileged documents that you isolated on January 20, 2015. We understand that these non-privileged documents will be provided on a rolling basis.

I stressed that documents, or the information contained within those documents, should not be considered privileged or isolated from that evidence authorized to be seized by the search warrant where the documents or the information contained with those documents had been sent, shared, forwarded or otherwise provided to other parties.

I encouraged you on behalf of CPUC to produce to us any of the CPUC documents that had been previously produced, released or provided pursuant to other requests such as governmental investigations, formal records requests or other informal means of obtaining CPUC materials. I suggested that previous release of these documents would indicate a waiver of any claim of privilege and may shorten considerably the physical amount of documents to review as well as the amount of resources needed to review those previously-released documents again.

You expressed that there are difficulties for you to simply copy previously-produced materials. You indicated that logistics were involved such as technical issues.

Thank you for your attention to this matter. Any time that you have documents to provide to us in less than your one-month time frame for production, please let me know so that we can arrange for the expedited receipt of that material.

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

From: Krystal Bowen [<mailto:KBowen@sheppardmullin.com>]
Sent: Wednesday, February 11, 2015 10:39 AM
To: Brett Morris
Cc: Raymond Marshall; Deborah Halberstadt; Maggy Krell
Subject: Re: CPUC Documents

Good morning. We will give you a call @ 11:15. Thanks.