

**PACIFIC GAS AND ELECTRIC COMPANY  
Wildfire Mitigation Plans Discovery 2023  
Standing Objections**

PG&E Data Request No.:	Standing Objections to Cal Advocates 2023 WMP Data Requests		
PG&E File Name:			
Request Date:	All Discovery During WMP Review Period	Requester DR No.:	CalAdvocates-PGE-2023WMP-07 and continuing
Date Sent:	March 30, 2023	Requesting Party:	Public Advocates Office
DRU Index #:	DRU11411	Requester:	All Public Advocates Office Data Requests

**STANDING OBJECTIONS TO THE PUBLIC ADVOCATES OFFICE’S 2023  
WILDFIRE MITIGATION PLAN DATA REQUEST INSTRUCTIONS AND  
DEFINITIONS**

Given the limited amount of time provided for responding to data requests related to the 2023 Wildfire Mitigation Plan (WMP) during the WMP review period, Pacific Gas and Electric Company (PG&E) is providing the following standing objections to the instructions and definitions included in all pending and future data requests submitted by the Public Advocates Office (Cal Advocates) related to PG&E’s 2023 WMP. These standing objections apply to all data requests submitted during the WMP review period, which began on March 27, 2023 and will continue until a final decision is made on PG&E’s 2023 WMP by the Office of Energy Infrastructure Safety (Energy Safety). The submission of these general, standing objections does not waive PG&E’s right to object to specific requests, which may be provided with PG&E’s responses. The objections below are incorporated into each pending and future response by this reference, when applicable.

**Standing Objections to Instructions:**

Generally, PG&E objects to the instructions in Cal Advocates’ pending or future data requests that purport to impose any obligations greater than those provided by the applicable rules and decisions of the Commission or and any other statutes, orders, rules, or laws limiting the regulatory authority and jurisdiction of the Commission or Energy Safety.

Specifically, PG&E objects to the following instructions in all pending or future data requests from Cal Advocates. These objections are based on the instructions included in Cal Advocates’ data requests CalAdvocates-PG&E-2023WMP-01 through CalAdvocates-PG&E-2023WMP-07, as well as those provided in the email correspondence with CalAdvocates-PG&E-2023WMP-07, and which are anticipated to appear in future data requests from Cal Advocates.

Requests for Clarification: Cal Advocates' data request instructions require the responding party to reach out to the requesting party to clarify any unclear requests, definitions, or instructions and provide "a proposal for resolving the issue" in advance of submitting a response. The duty to prepare precise and well-written instructions, definitions, and requests is on the party seeking the information and cannot be shifted to the responding party. PG&E will respond to Cal Advocates' requests in good faith to the best of its understanding and ability, based on the data requests as they are written, and the information known to PG&E at the time of its response. In addition, there is no basis for requiring PG&E to request clarification within five business days of the request being issued, especially if the deadline for a request in this proceeding is three business days, unless specified otherwise.

Deadline Extension Requests: Cal Advocates' data request instructions require the responding party to submit any requests for an extension of time to respond to Cal Advocates "at least 2 business days prior to the due date." Cal Advocates bases this requirement on the instructions from Energy Safety that all extension requests that cannot be resolved by the parties independently must be submitted to Energy Safety one business day prior to their due date so that Energy Safety can determine the validity of the extension request. While PG&E will endeavor to provide at least two business days' notice of any extension request, given that the default response time for all data requests in this proceeding is only three business days this will not always be possible. Therefore, PG&E objects to this request as unduly burdensome and not required by the California Public Utilities Commission's Rules of Practice and Procedure (CPUC Rules). This position is supported by the Commission's "General Discovery Custom and Practice" guidelines which state only that a "responding party may indicate if a longer response period is required but should do so promptly and should indicate the date upon which the data response will be provided."<sup>1</sup> The guidelines further instruct the parties to "work together to identify a reasonable response time."<sup>2</sup>

Response Format: PG&E objects to the instruction to Bates stamp all voluminous document production as unduly burdensome and not required by the CPUC Rules. Similarly, PG&E objects to the requirement that all answers containing calculations must provide "the supporting electronic files that were used to derive such calculations" as being overly burdensome given the limited time provided for response. Lastly, documents will be produced in electronic form, whenever possible, and often in their original format, as they are used in the normal course of business. Therefore, PG&E objects to the requirement that all pages "should be numbered" as this will not always be

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<sup>1</sup> General Discovery Custom and Practice at p. 1. <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/general-discovery-custom-and-practice-11-20b.pdf>.

<sup>2</sup> *Id.*

possible given the way the documents are formatted, and the limited amount of time provided for responding to these data requests.

Objections in Advance: PG&E objects to the instruction requiring the Company to submit objections as soon as possible, but no later than at least one calendar day before the due date. Given the very limited time available, PG&E will respond to each data request—including with specific objections, as appropriate—within the timeframe permitted by the Energy Safety Guidelines. Please note that this instruction, which was included in the body of the email containing CalAdvocates-PG&E-2023WMP-07, also conflicts with the language from the instructions in data request itself, which does not impose a one calendar day requirement.

### **Standing Objections to Definitions:**

PG&E objects to the following definitions in all pending or future data requests from Cal Advocates. These objections are based on the definitions included in Cal Advocates' data requests CalAdvocates-PG&E-2023WMP-01 through CalAdvocates-PG&E-2023WMP-07, and which are anticipated to appear in future data requests from Cal Advocates:

- a. Definitions of “relate to” or “concern” which are overbroad and burdensome to the extent they request materials “mention, or be connected with, in any way” the subject of the data requests.
- b. Definitions of the word “identify” which purport to require PG&E to create lists of additional information about a document as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding.
- c. Definitions of the terms “Document,” “Correspondence” and “Communications” as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding.
- d. Definitions of “state the basis” which are overbroad and burdensome to the extent it requests “every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, report, and analysis available to you.”