

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the)
Commission's Own Motion into the Rates,)
Operations, Practices, Services and Facilities)
of Southern California Edison Company)
and San Diego Gas and Electric Company)
Associated with the San Onofre Nuclear)
Generating Station Units 2 and 3)
_____)

I.12-10-013
(Filed October 25, 2012)

_____)
And Related Matters.)
_____)

A.13-01-016
A.13-03-005
A.13-03-013
A.13-03-014

**ALLIANCE FOR NUCLEAR RESPONSIBILITY'S MOTION
SEEKING INVESTIGATION OF THE EXTENT OF SANCTIONS TO BE ORDERED
AGAINST SOUTHERN CALIFORNIA EDISON COMPANY
FOR VIOLATION OF COMMISSION RULES 1.1 AND 8.4**

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Date: February 10, 2015

Attorney for
ALLIANCE FOR NUCLEAR RESPONSIBILITY

I. INTRODUCTION.

Pursuant to Rule 11.1 of the California Public Utilities Commission (“Commission” or “CPUC”) Rules of Practice and Procedure, the Alliance for Nuclear Responsibility (“A4NR”) respectfully requests the Commission to investigate the extent of sanctions it should order against Southern California Edison Company (“SCE”) for violations of Rule 1.1 and, its predicate, Rule 8.4. As noted in the recently adopted D.15-01-037 extending the statutory deadline for completion of these proceedings to March 31, 2015, *“D.14-11-040 left the proceedings open for consideration and potential prosecution of possible Rule 1.1 violations.”*¹

II. SCE’s LATE-FILED NOTICE OF EX PARTE COMMUNICATION.

On February 9, 2015, SCE late-filed a Notice of Ex Parte Communication vaguely describing a March 26, 2013 meeting initiated by former Commission President Michael Peevey and attempting to justify SCE’s nearly two-year delay in reporting it despite the *“three working days”* deadline of Rule 8.4. The SCE Notice is attached to this Motion as Exhibit 1. By failing to timely disclose the *“approximately”*² 30-minute meeting, at which SCE provided a status update on its SONGS Unit 2 restart efforts and responded to President Peevey’s comments regarding an acceptable resolution to I.12-10-013, SCE severely prejudiced A4NR and all other parties to this proceeding. Rule 8.3(c)(2) required that all other I.12-10-013 parties be afforded *“an individual meeting of a substantially equal period of time”* with President Peevey.

The severity of this violation is self-evident: Unit 2 restart efforts were a core subject of Phase 1 of the Commission’s investigation, and SCE now admits discussing *“a framework for a*

¹ D.15-01-037, p. 2.

² SCE Notice of Ex Parte Communication, p. 1.

possible resolution of the [entire] Order Instituting Investigation”³ with the Commission

President nearly seven weeks before the Phase 1 evidentiary hearings even commenced. The following deficiencies in SCE’s Notice of Ex Parte Communication also demand redress:

- SCE’s participant in the March 26, 2013 meeting was Stephen Pickett, described as *“former Executive Vice President of External Relations.”*⁴ The significance of a manager of such senior rank committing the violation would be compounded if SCE’s Notice had acknowledged that Mr. Pickett is also SCE’s former General Counsel.
- According to SCE’s Notice, the March 26, 2013 meeting took place in the Bristol Hotel in Warsaw, Poland *“in connection with an industry event.”*⁵ The Notice would have been more forthcoming by disclosing the meeting’s connection with the California Foundation on the Environment and the Economy (“CFEE”)⁶ and SCE’s role in underwriting CFEE’s 2013 trip to Poland.
- The SCE Notice’s abbreviated disclosure, *“Mr. Pickett believes that he expressed a brief reaction to at least one of Mr. Peevey’s comments,”*⁷ falls considerably short of Rule 8.4(d)’s requirement for a *“description of the interested person’s ... communication and its content.”* While the letter of Rule 8.4(d)’s requirement for *“a copy of any written, audiovisual, or other material used for or during the communication”* may not have been breached, acknowledgment that *“Mr. Pickett took notes during the meeting, which Mr.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See <http://www.cfee.net/study-travel-projects/>

⁷ SCE Notice of Ex Parte Communication, p. 1.

Peevey kept; SCE does not have a copy of those notes”⁸ suggests a conscious evasion of its spirit.

- SCE’s Notice offers a conclusory, non sequitur rationale for ignoring the Commission’s disclosure requirements in 2013: *“it was believed that ... Mr. Pickett’s update on SONGS restart efforts was permissible and not reportable...”*⁹ Why wouldn’t it be? On what basis would a former General Counsel, or anyone else providing legal advice to SCE, draw this conclusion?
- The second rationale offered for nondisclosure in 2013 is even more strained: *“based on Mr. Pickett’s recounting of the conversation, the substantive communication on a framework for a possible resolution of the OII was made by Mr. Peevey to Mr. Pickett, and not from Mr. Pickett to Mr. Peevey.”*¹⁰ When did this “recounting” take place, in 2013 or in 2015? If SCE truly subscribes to this parsing of Rule 8.4, what has changed that compels disclosure now?
- What has changed is that Mr. Pickett’s notes appear as item one in the inventory of property seized during the California Department of Justice’s January 27, 2015 execution of its search warrant at President Peevey’s home.¹¹ SCE’s Notice now suggests, *“based on further information received from Mr. Pickett last week, while Mr. Pickett does not recall exactly what he communicated to Mr. Peevey, it now appears that he may have crossed into a substantive communication.”*¹²

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ See <http://media.utsandiego.com/news/documents/2015/02/02/warrant2.pdf>, Attachment A, p. 1.

¹² SCE Notice of Ex Parte Communication, p. 1.

III. SCE's PRESS RELEASE AND ITS 'RECENTLY STRENGTHENED' POLICIES.

With the showy piety often associated with the newly devout, SCE coupled its Notice of Ex Parte Communication with a press release (attached to this Motion as Exhibit 2) proclaiming *"the company's policy to avoid 'close calls' when it comes to compliance"*¹³ and providing hyperlinks to the *"strengthened policies"*¹⁴ SCE embraced *"starting last year."*¹⁵ While this assurance seems jarringly discordant with the SCE Notice's equivocal final sentence that *"SCE believes that it is not clear cut whether Rule 8.4 requires this meeting to be reported,"*¹⁶ a review of the hyperlinked policies suggests that the missteps of its former General Counsel were not unknown when these policies were *"strengthened."*¹⁷

A September 25, 2014 memorandum from Edison International's Chief Ethics and Compliance Officer (attached to this Motion as Exhibit C), co-signed by both SCE's current General Counsel and SCE's current Senior Vice President of Regulatory Affairs, proclaimed: *"we are well aware of the CPUC's ex parte communication rules"* but *"awareness of the rules is not enough. We must understand them and ensure that they are consistently adhered to."*¹⁸ The memorandum announced that its signatories were *"formalizing two procedural steps in this area to assure continued compliance with the CPUC's ex parte rules."*¹⁹ One applied to

¹³ SCE Press Release, p. 1, also accessible at <http://newsroom.edison.com/releases/southern-california-edison-files-notice-with-state-utilities-commission-announces-strengthened-policies-governing-contacts-with-the-commission>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ SCE Notice of Ex Parte Communication, p. 1.

¹⁷ SCE Press Release, p. 1.

¹⁸ SCE September 25, 2014 Memorandum, unnumbered p. 1, also accessible at http://www.edison.com/content/dam/eix/documents/newsroom/news-releases/CPUC_Ex-Parte_Communication_Rules_092514.pdf

¹⁹ *Id.*

communications initiated by SCE, the other to communications initiated by CPUC

decisionmakers:

- *If you intend to initiate a conversation with a Commissioner, a Commissioner's Advisor, or an Administrative Law Judge ("Decisionmaker") about a pending ratemaking or adjudicatory proceeding, you are expected to notify and seek guidance in advance from either the lawyer assigned to the proceeding or the SCE General Counsel or his designee to determine if the ex parte rules apply to the communication and, if so, to make arrangement for the Law Department to prepare and file any required notice(s)...*
- *If a Decisionmaker initiates a substantive communication with you about a pending proceeding that is either covered or potentially covered by the ex parte rules, you should promptly report the conversation to the Law Department (as described above).²⁰*

Neither the SCE Notice of Ex Parte Communication, nor the SCE press release, offers any explanation for why Mr. Pickett's ex parte communication with President Peevey was not disclosed until some 137 days after dissemination of the September 25, 2014 memorandum – a time when the I.12-10-013 settlement was under active consideration by the Commission -- despite the *"three working days"* reporting deadline contained in Rule 8.4.

The other document hyperlinked to SCE's press release, a *"New Policy"* with an effective date of February 2, 2015 (attached to this Motion as Exhibit D), significantly broadens the September 25, 2013 memorandum:

- Proclaiming its commitment *"to open and fair communications with our regulators to ensure fair decision making in matters involving the public interest,"*²¹ the New Policy

²⁰ *Id.*

²¹ SCE February 2, 2015 Policy, Section 1.0, also accessible at http://www.edison.com/content/dam/eix/documents/newsroom/news-releases/Communications_and_Interactions_with_the_CPUC_Policy_v_1.pdf

“limits communications”²² between SCE (and Edison International²³) employees and CPUC Decisionmakers. “To maintain public confidence in the regulatory process, the Company seeks to avoid even the appearance of impropriety in connection with its interactions with the CPUC.”²⁴

- The New Policy prohibits SCE and Edison International employees from initiating communications with CPUC Decisionmakers *“unless authorized by the Company attorney assigned to the proceeding, the Company’s General Counsel or the General Counsel’s designee.”²⁵*
- The New Policy specifies,
If a Decisionmaker initiates a communication with you about a pending ratesetting or adjudicatory proceeding, you must promptly report the conversation to the Company attorney assigned to the proceeding, the Company’s General Counsel or the General Counsel’s designee.²⁶
- *“Communication” is defined to include “all forms of communicating, such as face-to-face conversations, telephone calls, written correspondence, emails, and text messages.”²⁷*
- The New Policy ambiguously addresses the delicate subject of *“in-person interactions:”*
In-person interactions with a CPUC Decisionmaker may only occur during normal business hours or at widely attended events like seminars, recognition ceremonies or other public events. Examples of in-person interactions with a CPUC Decisionmaker that are not allowed include private dinners, cocktails, sporting events or concerts. During normal business hours, in-person interaction that involves a meal is allowed, provided that the CPUC Decisionmaker pays his or her share of the cost, and the cost is not extravagant. You can engage in the activities otherwise prohibited in this section with the prior approval of the General Counsel or Senior Vice President of Regulatory Affairs. It is the intent of

²² *Id.*

²³ SCE February 2, 2015 Policy, Section 2.0.

²⁴ SCE February 2, 2015 Policy, Section 1.0.

²⁵ SCE February 2, 2015 Policy, Section 3.1.

²⁶ *Id.*

²⁷ SCE February 2, 2015 Policy, Section 2.0.

*this policy that such requests for approval will be carefully reviewed and will be strictly limited to appropriate circumstances consistent with this policy and the Company's Conflicts of Interest Policy.*²⁸

- And the New Policy describes the potential consequences of any violations:

*Any violation of this policy may result in disciplinary action, up to and including termination of employment. In some cases, if the law has been violated, there is a possibility of civil or criminal liability. Individuals who are found to have violated this policy and who are not Company employees may be subject to discipline or other sanctions to the extent permitted by applicable laws and regulations and according to the terms and conditions of the agreement with their contracted service provider.*²⁹

Neither the SCE Notice of Ex Parte Communication nor the SCE press release discuss whether the Company's handling of Mr. Pickett's communication with President Peevey is consistent with the New Policy or, for reasons left unexplained, somehow grandfathered from its application. Seldom in the accumulated history of farming metaphors has a barn door been closed so belatedly after the departure of the cow.

IV. TED CRAVER'S STILL UNREPORTED CALLS FROM 2013.

Despite A4NR calling attention to the oversight in its June 28, 2013 Phase 1 Opening Brief,³⁰ SCE has yet to report the ex parte communications between Edison International CEO Ted Craver and President Peevey which Mr. Craver acknowledged in his June 7, 2013 teleconference with financial analysts concerning the permanent shutdown of SONGS. As Mr. Craver interjected into an exchange with a Morgan Stanley analyst, "*Steve, this is Ted Craver I want to just add a little bit in here. The last couple of days I've been able on the phone with the*

²⁸ SCE February 2, 2015 Policy, Section 3.2.

²⁹ SCE February 2, 2015 Policy, Section 4.0.

³⁰ A4NR Phase 1 Opening Brief, p. 16, footnote 63.

Governor, as well as President Peevey.”³¹ While phone calls with the Governor are not reportable, communications with President Peevey are covered by CPUC Rule 8.4.

SCE’s late-filed Notice of Ex Parte Communication concerning Mr. Pickett’s Warsaw meeting with President Peevey just 10½ weeks earlier, and its focus on “a framework for a possible resolution of the [entire] Order Instituting Investigation,”³² certainly raises questions about whether Mr. Craver’s phone calls addressed I.12-10-013 subject matter. The likelihood that they did is enhanced by the following exchange between Mr. Craver and Bloomberg News reporter Mark Chediak in a telephonic press conference with journalists on June 7, 2013 subsequent to the financial analyst teleconference:

Mark Chediak

A question here regarding certain possible head to shareholders here. You guys disclosed some figures in your release. But what is -- ultimately, what could shareholders ultimately be on the hope for here regarding cost recovery? It sounds like that's going to be decided largely by the CPUC. And kind of the second part of that question is when do you see some clarity from the CPUC on cost recovery?

Theodore F. Craver - Chairman, Chief Executive Officer and President

Yes, great questions. So let me try it this way. In terms of the final determination, it is, as you suggested in your question, that will be a matter of resolving the order instituting investigation on San Onofre that the California Public Utilities Commission started back in November of last year. So we don't have an exact -- there's no way to have an exact idea of what potential liability to shareholders could be until we get all the way through that process. I saw earlier this morning that President Peevey from the PUC has urged, I think, it was the word he used, parties to get together and try to work out some sort of a settlement of all of these items and bring it to the commission. But whether it goes through that kind of a process, a settlement process, or it goes through the standard litigated process, in the OII proceeding, we will end up eventually with an answer to the question...”³³ (emphasis added)

³¹ Seeking Alpha Transcript, June 7, 2013, p. 15 of 31, accessible at <http://seekingalpha.com/article/1487902-edison-internationals-ceo-hosts-san-onofre-nuclear-generating-station-conference-transcript?page=6&p=qanda&l=last>

³² *Id.*

³³ Seeking Alpha Transcript, June 7, 2013, p. 12 of 40, accessible at <http://seekingalpha.com/article/1488572-edison-internationals-ceo-hosts-san-onofre-nuclear-generating-station-update-conference-transcript?page=2&p=qanda&l=last>

As later acknowledged by SCE President Ronald Litzinger at the Commission's May 14, 2014 evidentiary hearing on the proposed I.12-10-013 settlement, initial discussions among the parties invited into settlement negotiations did not commence until *"mid to late June of 2013."*³⁴ SCE's Notice of Ex Parte Communication characterizes President Peevey's prescription for a resolution *"that he would consider acceptable"* as one that *"would nonetheless require agreement among at least some of the parties to the OII."*³⁵

The unavoidable inferences raised by Mr. Craver's June 7, 2013 comments, when illuminated by SCE's late-filed Notice of Mr. Pickett's ex parte communication, not to mention the trumpeted applicability of the New Policy to Edison International employees, suggest that SCE has considerably more disclosures to make before the scope of its violations of Rule 8.4 (and consequently Rule 1.1) can be determined.

V. PROPOSED REMEDY.

The Commission should order SCE to file in the I.12-10-013 public docket copies of all of its communications, as defined in SCE's February 5, 2015 New Policy, with the Commission and its staff since the January 31, 2012 SONGS tube leak concerning the subject matter of the I.12-10-013 investigation. Additionally, SCE should be directed to also file all of its internal communications which discuss any communications identified by the immediately preceding sentence, excluding only those protected from disclosure by an attorney-client or attorney work product privilege. The Commission should afford the I.12-10-013 parties a sufficient opportunity to respond to SCE's filings, including rights of discovery, and to submit briefs

³⁴ Transcript, p. 2770, ln. 8. Mr. Litzinger also testified that SCE had *"reached out to TURN ... late in May of 2013."* *Id.*, p. 2770, lns. 5 – 6.

³⁵ SCE Notice of Ex Parte Communication, p. 1.

recommending appropriate sanctions the Commission should apply consistent with D.14-11-041.

Respectfully submitted,

By: /s/ John L. Geesman

JOHN L. GEESMAN
DICKSON GEESMAN LLP

Date: February 10, 2015

Attorney for
ALLIANCE FOR NUCLEAR RESPONSIBILITY

Exhibit A

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the
Commission's Own Motion into the Rates,
Operations, Practices, Services and Facilities
of Southern California Edison Company and
San Diego Gas and Electric Company
Associated with the San Onofre Nuclear
Generating Station Units 2 and 3.

Investigation 12-10-013
(Filed October 25, 2012)

And Related Matters.

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
LATE-FILED NOTICE OF EX PARTE COMMUNICATION**

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Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

Dated: February 9, 2015

Southern California Edison (SCE) respectfully submits this late-filed Notice of Ex Parte Communication. On or about March 26, 2013, former SCE Executive Vice President of External Relations, Stephen Pickett, met with then-President Michael Peevey at the Bristol Hotel in Warsaw, Poland in connection with an industry event. To the best of Mr. Pickett's recollection, the meeting lasted approximately 30 minutes. Mr. Pickett recalls that Ed Randolph, Director of the Energy Division, also was present for some or all of the meeting.

The meeting was initiated by Mr. Peevey, who had requested an update on the status of SCE's efforts to restart San Onofre Nuclear Generating Station (SONGS) Unit 2. Mr. Pickett provided the requested update. Thereafter, in the course of the meeting, Mr. Peevey initiated a communication on a framework for a possible resolution of the Order Instituting Investigation (OII) that he would consider acceptable but would nonetheless require agreement among at least some of the parties to the OII and presentation to and approval of such agreement by the full Commission. Mr. Pickett believes that he expressed a brief reaction to at least one of Mr. Peevey's comments. Mr. Pickett took notes during the meeting, which Mr. Peevey kept; SCE does not have a copy of those notes.

An ex parte notice was not filed at that time because it was believed that (a) Mr. Pickett's update on SONGS restart efforts was permissible and not reportable, and (b) based on Mr. Pickett's recounting of the conversation, the substantive communication on a framework for a possible resolution of the OII was made by Mr. Peevey to Mr. Pickett, and not from Mr. Pickett to Mr. Peevey. However, based on further information received from Mr. Pickett last week, while Mr. Pickett does not recall exactly what he communicated to Mr. Peevey, it now appears that he may have crossed into a substantive communication. While SCE believes that it is not clear cut whether Rule 8.4 requires this meeting to be reported, SCE provides this notice.

Date: February 9, 2015

Respectfully Submitted,

J. ERIC ISKEN
WALKER A. MATTHEWS
RUSSELL A. ARCHER
HENRY WEISSMANN

/s/ Henry Weissmann

By: Henry Weissmann

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

Exhibit B



News Releases

Southern California Edison Files Notice With State Utilities Commission, Announces Strengthened Policies Governing Contacts With the Commission

Added: February 09, 2015

Media Contact: Maureen Brown, (626) 302-2255
Investor Relations: Scott Cunningham, (626) 302-2540

ROSEMEAD, Calif., Feb. 9, 2015 — Southern California Edison (SCE) today submitted a notice to the **California Public Utilities Commission** (CPUC) regarding a conversation with a CPUC commissioner in 2013. SCE recently strengthened its system of policies and practices across the company regarding contacts with the commission.

SCE's **ex parte notice** filed today with the CPUC references a conversation Stephen Pickett, former SCE executive vice president of External Relations, had in March 2013 with Michael Peevey, then president of the CPUC. While both men were attending an industry event, Peevey initiated a meeting with Pickett to get an update on the status of SCE's efforts to restart the **San Onofre Nuclear Generating Station** (now shut down).

In the course of that meeting, Peevey offered his thoughts on a framework for a possible resolution to issues facing the nuclear plant. SCE did not file an ex parte notice at the time the meeting occurred because, based on Pickett's recounting of the conversation, SCE's conclusion was that the communication was one way, from Peevey to Pickett. Under commission rules, a decision-maker's one-way communication and its content are not to be reported.

Based on further information received from Pickett last week, it now appears that he may have crossed into what could be considered a "substantive" communication to a decision-maker. While it is not clear-cut whether the rules require the meeting to be reported, SCE filed today's notice.

Taking this action is consistent with the company's policy to avoid "close calls" when it comes to compliance.

"President Michael Picker and the new leadership of the CPUC have clearly started a new way of doing the public's business at the commission, and SCE embraces this," said SCE President Pedro Pizarro. "The policies and procedures that SCE has already put in place fully support this direction."

The system of policies and procedures revised by SCE starting last year include intensified and ongoing training regarding the CPUC's ex parte rules and the adoption of **internal procedures** that exceed current CPUC requirements. Under its strengthened policies, SCE requires advance approval from its legal department if an employee plans to engage with a CPUC decision-maker about a pending proceeding. The **policy also imposes limitations on interactions with decision-makers**.

"SCE is committed to continually reviewing its policies and procedures, and to making changes whenever necessary, to ensure that the systems we have in place conform to both the letter and the spirit of open and fair communication and compliance with commission rules," said Pizarro.

About Southern California Edison

An Edison International (NYSE:EIX) company, Southern California Edison is one of the nation's largest electric utilities, serving a population of nearly 14 million via 4.9 million customer accounts in a 50,000-square-mile service area within Central, Coastal and Southern California.

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[Southern California Edison Files Notice With State Utilities Commission, Announces Strengthened Policies Governing Contacts With the Commission](#)

Topics: **[Investor Relations](#)**

[View All News Releases](#)



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Exhibit C

From: Michael D. Montoya
Sent: Thursday, September 25, 2014 2:57 PM
Subject: CPUC's Ex Parte Communication Rules

While we are well aware of the CPUC's ex parte communication rules, this situation makes clear that awareness of the rules is not enough. We must understand them and ensure they are consistently adhered to. With our industry currently engaged in dialogue about this important topic, now is the perfect opportunity to make sure we all have a thorough understanding of the rules that govern our communications with regulators. We also are formalizing two procedural steps in this area to ensure continued compliance with the CPUC's ex parte rules:


- If you intend to initiate a conversation with a Commissioner, a Commissioner's Advisor or Administrative Law Judge ("Decisionmaker") about a pending ratemaking or adjudicatory proceeding, you are expected to notify and seek guidance in advance from either the lawyer assigned to the proceeding or the SCE General Counsel or his designee to determine if the ex parte rules apply to the communication and, if so, to make arrangement for the Law Department to prepare and file any required notice(s). This discussion should also be used to confirm that the proposed communication is not completely prohibited under the CPUC's rules (e.g., because the communication would be on a substantive issue in an adjudicatory proceeding).
- If a Decisionmaker initiates a substantive communication with you about a pending proceeding that is either covered or potentially covered by the ex parte rules, you should promptly report the conversation to the Law Department (as described above).

Mike Montoya
Chief Ethics and Compliance Officer
Edison International

Russell Swartz
General Counsel
Southern California Edison

R.O. Nichols
Senior Vice President, Regulatory Affairs
Southern California Edison

Exhibit D

SCE	LRC	EXTCOMM	PL	Doc. No.	3	 SOUTHERN CALIFORNIA EDISON [®] <small>An EDISON INTERNATIONAL[®] Company</small>
				Version	1	
Eff. Date		February 2, 2015				
Supersedes		N/A – New Policy				
Communications and Interactions with the California Public Utilities Commission						

1.0 POLICY STATEMENT

Southern California Edison (the “Company”) is committed to open and fair communications with our regulators to ensure fair decision making in matters involving the public interest. For this reason, the Company limits communications between Company employees and Decisionmakers at the California Public Utilities Commission (CPUC). To maintain public confidence in the regulatory process, the Company seeks to avoid even the appearance of impropriety in connection with its interactions with the CPUC. In addition to requiring strict compliance with applicable statutes and CPUC decisions and rules, the Company has developed additional measures to further these goals as described below.

Definitions of important terms used in this policy are provided under the “Definitions” section (6.0) below. These terms are capitalized in this policy.

2.0 APPLICABILITY

This policy applies to any Southern California Edison Employee or Edison International Employee who intends to initiate communication with a Decisionmaker at the CPUC or who interacts with an employee of the CPUC. “Communication” includes all forms of communicating, such as face-to-face conversations, telephone calls, written correspondence, e-mails, and text messaging.

3.0 POLICY DETAIL

3.1 Communications With CPUC Decisionmakers

If you intend to initiate a communication with a Decisionmaker about a pending ratesetting proceeding, you must notify in advance the Company attorney assigned to the proceeding, the Company’s General Counsel or the General Counsel’s designee, to determine if the CPUC’s Ex-Parte Communication rules apply to the proposed communication. All non-procedural communications with Decisionmakers in adjudicatory proceedings are strictly prohibited. A listing of all pending ratesetting and adjudicatory proceedings involving the Company is available on Portal via the [Regulatory Information Management System](#). To ensure compliance with the CPUC’s Ex-Parte Communication rules, you may not initiate the communication unless authorized by the Company attorney assigned to the proceeding, the Company’s General Counsel or the General Counsel’s designee.

If a Decisionmaker initiates a communication with you about a pending ratesetting or adjudicatory proceeding, you must promptly report the conversation to the Company attorney assigned to the proceeding, the Company’s General Counsel or the General Counsel’s designee. Additionally, if you are aware that the communication the Decisionmaker intends to initiate concerns a nonprocedural issue in an adjudicatory proceeding or any other proceeding in which ex parte communications have been prohibited, you should remind the Decisionmaker that substantive ex parte communications related to the proceeding are not permitted.

3.2 In-person Interactions

In-person interactions with a CPUC Decisionmaker may only occur during normal business hours or at widely-attended events like seminars, recognition ceremonies or other public events. Examples of in-person interactions with a CPUC Decisionmaker that are not allowed include private dinners, cocktails, sporting

events or concerts. During normal business hours, in-person interaction that involves a meal is allowed, provided that the CPUC Decisionmaker pays his or her share of the cost, and the cost is not extravagant. You can engage in the activities otherwise prohibited in this section with the prior approval of the General Counsel or Senior Vice President of Regulatory Affairs. It is the intent of this policy that such requests for approval will be carefully reviewed and will be strictly limited to appropriate circumstances consistent with this policy and the Company's Conflicts of Interest Policy.

3.3 Providing Gifts, Meals and Entertainment

Providing gifts, meals or entertainment to any governmental employee, including CPUC employees, must follow section 3.3.5 of the Company's [Conflicts of Interest Policy](#). You may not provide on behalf of the Company or with the use of Company funds any gifts, meals or entertainment without advance approval from Government Affairs.

3.4 Request for Information From a Regulatory Agency

Any request for information related to the Company from regulatory agency staff outside of a formal docketed proceeding or a formal regulatory audit or investigation must follow the Company's [Non-Docketed Data Request Procedure](#).

4.0 POLICY VIOLATIONS

Any violation of this policy may result in disciplinary action, up to and including termination of employment. In some cases, if the law has been violated, there is a possibility of civil or criminal liability. Individuals who are found to have violated this policy and who are not Company employees may be subject to discipline or other sanctions to the extent permitted by applicable laws and regulations and according to the terms and conditions of the agreement with their contracted service provider.

5.0 IMPLEMENTATION DOCUMENTS

[Non-Docketed Data Request Procedure](#)

6.0 DEFINITIONS

Decisionmaker: The CPUC Rules define "Decisionmaker" as CPUC Commissioners, the Chief Administrative Law Judge (ALJ), Assistant Chief ALJ, the ALJ assigned to the proceeding and the Law and Motion ALJ. The CPUC Rules also state that communications with Commissioners' personal advisors are subject to certain restrictions. For purposes of this Policy, Commissioner personal advisors are to be treated the same as Decisionmakers.

Edison International (EIX) Employee: An employee working directly for Edison International and not one of its affiliates or subsidiaries.

Ex-Parte Communication: A communication with a Decisionmaker as governed by Article 8 of the CPUC's Rules of Practice and Procedure.

Southern California Edison (SCE) Employee: An employee working for Southern California Edison or one of its subsidiaries.

7.0 REFERENCES

External References

[CPUC Guide to Ex Parte Communications](#)

Internal References

[Conflict of Interest Policy](#)

[External Communications Policy](#)

8.0 KEY CONTACTS

Ethics and Compliance: [JP Shotwell](#), PAX#22038 or (626) 302-2038

Law Department: [Frank McNulty](#), PAX#21499 or (626) 302-1499

Edison
HelpLine
Seek advice | Report concerns

Talk to your supervisor **OR** call the new
Edison HelpLine to seek advice or
report concerns related to:

- Ethics or compliance misconduct
- Work environment
- Non-emergency security issues

1-800-877-7089

www.EdisonHelpLine.com

24 hours/day **7** days/week

You can choose to identify yourself or remain anonymous.
Edison absolutely prohibits retaliation.

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