

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

**DECLARATION OF BRIAN D'AGOSTINO  
REGARDING CONFIDENTIALITY OF CERTAIN DATA/DOCUMENTS  
PURSUANT TO D.17-09-023**

I, Brian D'Agostino, do declare as follows:

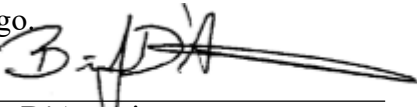
1. I am the Vice President of Wildfire and Climate Science for San Diego Gas & Electric Company ("SDG&E"). I have reviewed the confidential information included within the General Order 166 Emergency Response Plan Compliance Report, submitted concurrently herewith (the "2023 G.O. 166 Compliance Report"). I am personally familiar with the facts in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or information and belief.

2. I hereby provide this Declaration in accordance with Decision ("D.") 17-09-023 and General Order ("GO") 66-D Revision 1<sup>1</sup> to demonstrate that the confidential information ("Protected Information") provided in the "2023 G.O. 166 Compliance Report" is within the scope of data protected as confidential under applicable law.

3. In accordance with the narrative justification described in Attachment A, the Protected Information should be protected from public disclosure.

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

Executed this 25th day of April, 2024, at San Diego.

  
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Brian D'Agostino  
Vice President of Wildfire and Climate  
Science

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<sup>1</sup>GO 66-D was modified by D. 19-01-028 to create GO 66-D Revision 1 which became effective February 1, 2019.

# ATTACHMENT A

## SDG&E Request for Confidentiality on the following information in its 2023 G.O. 166 Compliance Report

Location of Protected Information	Legal Citations	Narrative Justification
<p>Grey highlighted portion in Appendix 2, Company Disaster and Emergency Preparedness Plan, pages:</p> <ul style="list-style-type: none"> <li>• Page 8</li> <li>• Page 12</li> <li>• Page 66</li> </ul>	<p>Other categories where disclosure would be against the public interest (Govt. Code § 7922.000: Due to sensitivity around names, LAN IDs and phone numbers for individual employees, the public interest in maintaining the confidentiality of this information outweighs the public interest in disclosure.</p>	<p>Disclosing staff names in conjunction with other identifying information such as e-mail addresses, home addresses, and telephone numbers could pose a risk to staff safety. Additionally, disclosure of such information increases the risks of cyber-attacks, incessant robo-calls, and malicious emails.</p> <p>Disclosure could result in information security concerns.</p> <p>Personnel and medical records are sensitive information and if misused could cause discrimination, loss of opportunities, or potential safety concerns. Protection should be afforded for utility employees' information, similar to Civil Code §§ 1798.80 et seq.'s protection of such information for customers.</p>
<p>Page 45, section 5.6</p>	<p>CPRA Exemption, Gov't Code § 7927.605(a) (disclosure not required for "corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California").</p>	<p>Public disclosure of internal audits would discourage companies from conducting self-critical assessments that identify and mitigate issues. The protected information also represents corporate financial records and corporate proprietary information, including trade secrets.</p>

Location of Protected Information	Legal Citations	Narrative Justification
	<p>CPRA Exemption, Gov't Code § 7927.705 ("Records, the disclosure of which is exempted or prohibited pursuant to federal or state law")</p> <ul style="list-style-type: none"> <li>• Cal. Evid. Code § 1060</li> <li>• Cal. Civil Code §§ 3426 <i>et seq.</i> (relating to trade secrets)<sup>2</sup></li> <li>• <i>TMX Funding Inc. v. Impero Technologies, Inc.</i>, 2010 WL 2745484 at *4 (N.D. Cal. 2010) (defining trade secret in an injunction to include "business plans and strategies")</li> <li>• <i>Whyte v. Schlage Lock Co.</i>, 101 Cal. App. 4th 1443, 1453, 1456 (2002) (giving a list of what may be trade secret and holding that "[t]he ultimate determination of trade secret status is subject to proof presented at trial")</li> <li>• <i>Morton v. Rank America, Inc.</i>, 812 F. Supp. 1062,</li> </ul>	

<sup>2</sup> Civil Code Section 3426.1 defines "trade secret" as "information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

Location of Protected Information	Legal Citations	Narrative Justification
	<p>1073 (1993)            (denying motion to dismiss because “actual or probable income, expenses and capital needs of [a company], the financial, operational, marketing and other business strategies and methods” could constitute trade secret)</p> <ul style="list-style-type: none"> <li>• 5 U.S.C. § 552(b)(4)            (Exemption 4 of FOIA protecting “trade secrets and commercial or financial information obtained from a person and privileged or confidential”)</li> </ul>	