

#7

The Electrical Expert
Forensic Analysis & Expert Witness

7/29/08

Matthew Gilbert, ID#22
Fire Captain Specialist
210 W. San Jacinto Avenue
Perris, Ca. 92570
(951) 940-6900

Ref Investigation Report
Incident: Witch Fire NO.: 07-CA-MVU-570
Case # 07-CDF-570

Dear Mr. Gilbert,

I reviewed the Investigation report you signed on 7/1/2008. I am compelled to reply to your conclusions as your report is incomplete and at best irresponsible to the community Cal Fires serves.. I don't know if you and I had the opportunity to meet at the monthly Cal Fire meeting I attended On April 5, 2007 where I had the opportunity to meet Howard Windsor, I understand now the head of Cal Fire in San Diego County, along with approx. 40 other fire officials.

Your report is signed on 7/1/2008. I have taken the liberty to outline all of the information Cal Fire had available prior to July 1, 2008, and has chosen to ignore and omit from your published report.

April 5, 2007: I attended a meeting with Cal Fire where I presented undisputable pictures where San Diego Gas and Electric has improperly installed down guys on Transmission Line 637. Additionally, I showed undisputable picture of a burn pattern leaving a down guy anchor at the point of origin of the Witch Fire. I also explained that this was caused by ground current resulting from system faults on SDG&E system. I also explained that upon obtaining system fault information from SDG&E, you would find a system fault on SDG&E system at the same time the fire started.

Resulting from the meeting on April 5, 2007, I was asked to meet Cal Fire at the point of origin of the Witch Fire on April 16, 2008.. With the magnitude of damages regarding the Witch Fire, I was surprised to learn only one individual Jim Garrett was sent to meet me. Mr. Garrett in his defense does not have an Electrical background and admitted to me this was outside his expertise. Consequently, he had difficulty understanding the concept of what I was explaining to him. The one thing Mr. Garrett could see for himself is that the down guys are tied together on the pole, which is wrong. I have taken the liberty to attach the minutes of the meeting I had with

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Mr. Garrett, which was also sent to Mr. Windsor. Please note the sensitivity I experienced by Mr. Garrett regarding any discussions of the 2003 Paradise Fire and the 2003 Cedar Fire.

Mr. Garrett was not interested in seeing for himself all of the locations where arcing was occurring at ground level on the Witch Fire. Mr. Garrett was not interested in seeing arcing on a pole associated with the 2003 Cedar Fire. Mr. Garrett was also not interested in going to the start of the 2003 Paradise fire and seeing the same problem, which by the way still exists waiting for the right conditions to start another fire. Mr. Garrett indicated the 2003 Paradise and Cedar fire cases are closed and would not consider the idea that his findings may have been incomplete and wrong, especially on a case where a man may have been falsely accused. I am assuming since he was the investigator in 2003 for the cause of the Cedar and Paradise fire.

On Friday May 16, 2008: I attended a meeting where three SDG&E employees were present including attorney J.T. Thomas for SDG&E. Mr. Thomas point blank indicated SDG&E did not agree with me and SDG&E "would not fix the design error", despite the minimal cost to fix. Mr. Thomas made the following statement: "A meeting was held with SCE and PG&E and they agreed with SDG&E". Consequently, I took it upon myself to research and send to all parties including Mr. Windsor of Cal Fire and the Public Utilities Commission a copy of SCE construction standard TO 201 also attached. Please review paragraph 6. ***When two or more guy wires are installed in close proximity to each other, the attachment of one guy shall not overlap that of another, but each shall entirely independent of the other and at least 12 inches apart at the point of attachment.*** This construction standard is consistent and exactly my interpretation the GO-95 standard presented to SDG&E and the PUC and directly contradicts the comments made by J.T. Thomas. It is unfortunate that in a case where public safety is in jeopardy, attorneys have the ability to "Make Up" arguments and create discussions, to create an illusion strictly in an effort to divert the truth and get away with it without breaking he law.

Any protection Engineer within SDG&E or any of the Electrical Utilities can explain why this down guy design is a problem to you. I have offered several time to Cal Fire and the PUC that I would chair a meeting with all involved including the utilities in order for all to clearly understand what is going on. My offers to date have fallen on deaf ears. Should there be anyone in the industry, i.e. utilities, lawyers, Cal Fire, the PUC, Protection Engineers etc. who would like to understand why this design is starting fires, I would be happy to have an open forum, for all to attend or to dispute. I have gone on record that my findings are factual and not disputable. I am happy to go on record with anyone to discuss this matter.

An inspection took place in the first week of June 2008, in which Cal fire had the opportunity to clearly understand why this happened. I was not allowed to attend despite my request to Cal Fire to do so. Most likely because I am acting on my own and not retained by anyone a party to the lawsuits filed. Consequently I will take it upon myself to respond to your conclusions. It is interesting to note that the pole I indicated was the source of the Witch fire was one of the poles to be part of the inspection. This shows you that it was at the point of origin. Absent a relay

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protection engineer at the inspection, no one would understand how it happened. Thus the secondary reason SDG&E did not want me out there for the inspection.

It is not uncommon in high winds for debris or brush to get blown across two phases of a power line causing some arcing which could potentially relay the line. When this happens, the debris would vaporize resulting from Electrical Current, leaving arc marks on the conductor. The amount of current that flows is limited by the resistive connection made by the debris between conductors. I do agree that finding the marks you found, could allow for hot metal (sparks) to fall to the ground and potentially ignite the brush. With the little bit of marks found, I struggle with the idea, however I don't discount the possibility.

If two energized 69kv lines come together, as you have concluded, you apparently have never seen the aftermath. A bolted 69kv phase to phase fault (I.e. zero resistance, two lines actually physically touching) is devastating. The damage would have resulted in the lines burning in two, falling to the ground. The amount of current that flows resulting from a bolted 69kv fault, the line acts as a fuse and would burn open faster than the relays could operate resulting then in a 69kv phase to ground fault.

Please refer to the meeting minutes with Jim Garrett. Mr. Garrett informed me that Cal Fire would not comment on arcing resulting from down guys since that part of the construction falls under the jurisdiction of the California Public Utilities Commission. So you can understand the frustration and my comments for Cal Fire publishing a report that is incomplete.

In my opinion Cal Fire and the Public Utilities commission is providing an unjust service to the citizens you are chartered to protect, by not coming together, having a joint meeting with all parties, and publishing a report that is factual. ***Your final comments on page 19 are that you believe hot particles were created during a fault, separating from the line, becoming wind borne and landing in the light grassy fuels in the specific Origin Area.***

You totally fail to comment in your report and have chosen to ignore an undisputable picture provided to you with a burn pattern in the area of origin leaving the down guy anchor. This was shown in person by me to Mr. Garrett. I have to question the integrity of your report when such information was provided to Cal Fire and the possible motive not to disclose such valuable information.

I don't understand what is gained by guessing when I have provided factual evidence, can physically show you and explain why its happening. The fact that you have not taken the time to inquire with me, learn or bring in someone to represent you, with a protection Engineering background is not an excuse.

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Please remember the PUC already made a public statement to the Union Tribune that arcing exists at the down guy anchors at several locations. There should not be a jurisdictional dispute between two state agencies on who should address this, where PUBLIC Safety is at risk.

To date, the design still exists. The potential for another fire still exists. I would like to think somebody from a state agency is concerned enough to call a meeting of the minds with people who are responsible enough to get to the bottom of this.

I realize there were members in the meeting with Cal Fire on April 5, 2008 that sit on advisory positions with SDG&E, have relationships with SDG&E, and most likely may be easily influenced since they have a non-Electrical background. It is my opinion that SDG&E will divert all attention to the down guys for fear of the potential recourse from the 2003 fires on top of the Witch Fire. Those who missed this design problem in 2003 should be held accountable for the 2007 Witch Fire. I struggle with a growing conclusion on my part that this was missed in 2003, and it will take another fire, more deaths, and more destruction for this to get resolved. It is not a function of if, but when. If SDG&E is not required to correct their design another fire will start, and all that have knowledge of this and choose to ignore, hopefully will be held accountable to the fullest extent of the law.

At the end of the day, when you look at the potential exposure of the design error, it is far cheaper and cost effective for SDG&E to Circle the Wagons and fight everything out in court, mitigate their damages through negotiations, than to go out and fix a simple problem. Here again the citizens of San Diego County loose again. Not only are the State agencies tasked to protect them not taking responsibility, they pay for the losses that get passed down through the insurance carriers. And at the end of the day, the cause does not get fixed and they live in a county that the Electrical Utility is allowed to put their lives in danger.

The only winner is SDG&E. They know and understand they have a design problem, despite what the lawyers say publicly. They choose not to fix at the risk of the public, and force the public to pay the escalating insurance costs suffered as a result of all of the losses. Just a legal way to force someone else to pay for the Utility incompetence.

Ironically, if you would have taken the time, despite your vast experience you refer to in your report, influenced by the fact you don't have an Electrical background, you would have found that this is a very basic design problem. The fact that you don't list any individual outside of SDG&E control that could have helped you understand, or that would make a statement on facts, is irresponsible.

Should you like to discuss this matter, please call me.



Ed Clark

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(sent via e-mail)

Cc: Howard Windsor (Cal Fire)
Raffy Stepanian, CPUC
Mahmoud (Steve) Antabli CPUC
Fadi Day, (CPUC)
Raymond Fugere (CPUC)
Jeff McDonald (Union Tribune)
Dave Downey, (San Diego North County Times)
Brooke Beare, (Fox 6 News)
Michael Aguirre, (City Attorney)
Clay Welch, (City Attorneys office)
Website: www.theelectricalexpert.com

(sent certified mail)

Debra Reed, President and CEO (SDG&E)
Michael Niggli, COO, (SDG&E)
Dennis Arriola, Senior VP and CFO, (SDG&E)
W Davis, Senior VP and General Counsel (SDG&E)
Pamela Fair, Vice President, Environmental Safety and Facilities, (SDG&E)
Don E. Felsing, Chairman and CEO, (Sempra Energy)
Neil E. Schmale, President and COO (Sempra Energy)

Meeting Minutes

Drafted by: Ed Clark

Date: April 16, 2008

Time: 10:30 am

Attendees: Jim Garrett, Cal Fire
Ed Clark, The Electrical Expert

Location: Site of the Witch Creek Fire
Highway 78, Drown/Tulloch Property

The meeting originated at the request of Howard Windsor. Howard Windsor will take over the San Diego area Cal Fire effective May 1, 2008.

The meeting commenced at 10:30 am at the location where SDG&E has a couple poles on the ground.

Ed Clark presented (2) copies of the following documents to Jim Garrett.

1. Report from S&N Labs dated December 4, 2007
Two samples taken with test reports showing high contents of the following:
O,C,Si, Fe, Zn, Al, Ca, Ma, K, Ti
Higher to Lower in content left to right.
2. Three pictures showing burning starting at guy wire anchor.
3. Eight Pictures, various locations showing Evidence of Arcing.
4. Three pictures of three locations showing carbon residue on Down Guy Covers.

Jim Garrett: directed Ed Clark not to take any more carbon samples to prevent from tampering with evidence.

Ed Clark: Indicated he did not see any reason to visit the sight again unless Cal Fire or the PUC requires assistance.

Jim Garrett: said regarding the Witch Fire, he cannot discuss any details due to pending investigation and since Ed Clark is a potential witness. Said he can only listen to what Ed Clark has to say in an effort to gather information.

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Ed Clark and Jim Garrett drove to the first pole up-wind that had two down guy anchors attached, Pole Number 416679.

Ed Clark showed Jim Garrett the Pictures he was given was this same location. Ed Clark Identified the burned bush in the picture and showed Jim Garrett the Burn marks on the ground leaving the down guy anchor.

Jim Garrett asked what makes me think the Fire started there?

Ed Clark showed Jim Garrett the wind direction and stated that there is no explanation for the fire to move up wind exactly to the down guy anchor. Ed Clark showed Jim Garrett where the arcing occurs and explained why the arcing occurs because of a common bolt utilized to tie the down guys together on the pole

Ed Clark told Jim Garrett there were three other locations that it appeared the fire could have ignited. Ed Clark offered to show Jim Garrett the other locations. Jim Garrett declined and indicated he was there to only listen and understand the theory of how arcing may have occurred. He said that determining if arcing exists and gathering that type of evidence falls under the jurisdiction of the PUC and was not his expertise.

CEDAR AND PARADISE FIRE:

Jim Garrett moved the conversation to inquiries about the Cedar and Paradise Fire. Jim Garret asked, what makes you think this design had anything to do with the Cedar Fire when a man has already been convicted of the cedar Fire.

Ed Clark stated that the Hunter may have been falsely accused and a "great escape goat for SDG&E" since it points public attention to the Hunter and not SDG&E.

Jim Garrett, took offense to the comment by Ed Clark and said again, "So you think he was an escape goat"?

Ed Clark responded with, not necessarily intentionally by the investigators. At the time of the investigation, the arcing problem was not known, consequently conclusions are drawn by investigators based on what they know or what they think at the time of an investigation. If investigators have zeroed in on a hunter, SDG&E is not going to come out and say the investigators are wrong, even if they knew of the problem because of the magnitude of Damage they don't want to pay for.

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Ed Clark stated: that it was his review of the Hunters information on the internet that prompted his efforts to bring the information to Cal Fire for review because it was information that was apparently not available at the time. Ed Clark stated that if any of us would have been in the same situation where you are the only person being charged, and you are given an opportunity to plea bargain and admit to starting the fire to stay of the State Penitentiary, we all would have done the same thing.

Jim Garrett said to Ed Clark that he was not convincing him that this utility design problem had anything to do with the Cedar fire, that the origin is clearly documented. Ed Clark pointed out that the report provided with lab results, is a pole that he was told by other Arson investigators was a pole associated with the Cedar Fire. Jim Garrett said just because a pole with this design is in the burn area, doesn't mean it started the fire. Carbon is also caused by brush. Ed Clark responded with: a brush fire and an electrical arc will have different elements in the test results. A brush fire is not going to cause an electrical arc, only Electricity resulting from ground current or induction will cause an Electrical Arc. Jim Garrett indicated that topic was outside his expertise.

Ed Clark offered to take Jim Garrett to the pole location that he feels is associated with the Cedar Fire. Jim Garrett declined and said he did not need to see it. Ed Clark pointed out that at that location there are ground rods located next to the down guy anchor that is not consistent with GO-95 and he would like to show him because Ed Clark feels it might be an indicator that SDG&E had knowledge of arcing before the Witch Fire. Jim Garrett again declined and did not see the need to go look at that location..

Jim Garrett, said that he understands now the theory and how arcing can occur, but he is not convinced it had anything to do with the Cedar or Witch Fire because he can't understand why there are only big fires and not some small fires. Ed Clark pointed out the pictures were taken just after the Witch fire. Regardless if you understand or not, the pictures don't lie. There is not any other explanation when I can show you evidence of arcing and undisputable pictures taken immediately after the fire with burn marks leaving the anchor down wind with burn tracks that have rapidly spread.

Ed Clark stated that according to the internet, no one has ever figured out the cause of the 2003 Paradise Fire and there are approx. 30 other fires that have gone unresolved. Ed Clark indicated he printed the burn area of the Paradise Fire off the internet and went to what appeared to be the front edge of the fire, only to find the same design problem.

Additionally, Ed Clark stated that this design may only be limited to a couple of 69kv lines which would limit the number of fires caused by this design and all the conditions have to line up, i.e. low humidity, heat, high wind and extreme dry conditions.

Ed Clark offered to go show the pole at the start of the Paradise fire, to Jim Garrett. Jim Garrett declined and said the Paradise fire was determined to be Arson and the case is closed.

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Jim Garrett said he did not hear me saying that it is possible, that arcing may not have contributed to the Cedar Fire. Ed Clark responded with, I could understand your conclusions based on what you knew at the time. Ed Clark indicated that he is not discounting, that the hunter might be responsible for starting the fire. However based on the internet it was circumstantial evidence. Nobody witnessed the hunter starting the fire; he was just in the area. Ed Clark asked Jim Garrett if it was worth considering the possibility that the cedar fire could have started in multiple areas, just like what I have identified for the Witch Fire. That maybe the hunter was falsely accused, or even the possibility that the Hunter may not have contributed to the entire fire, maybe just a portion.

Jim Garrett Responded with NO, the case is closed. There would have been no way for us to miss this. There were to many trained people looking at this and tracking the fire.

BACK TO THE WITCH FIRE:

Jim Garrett asked if this is a State Wide Problem. Ed Clark indicated that he had not seen this design in his travels, however since it is a human error, all utilities should be reminded to review their systems.

Ed Clark said he was told that the Transmission Line 637 was currently under Cal Fire jurisdiction and de-energized. Jim Garrett confirmed **THE LINE WAS DE-ENERGIZED.**

ED CLARK ASKED JIM GARRETT TO TELL ALL INVOLVED THAT JUST BECAUSE THE LINE IS DE-ENERGIZED, THE DANGER OF A FIRE STILL EXISTS RESULTING FROM SYSTEM GROUND FAULTS. DEENERGIZNG THE LINE IS A FALSE SENSE OF SECURITY AND WILL NOT PREVENT ANOTHER FIRE FROM STARTING UNDER THE RIGHT CONDITIONS.

Jim Garrett asked Ed Clark who the other Arson investigators were that investigated the fires with me? Ed Clark provided names and a phone number for the other investigator who has taken a lot of samples along the pole line.

Ed Clark closed with explaining that he has now met with SDG&E, the PUC, and now Cal Fire. The results are now in the hands of the state regulators to either force SDG&E to correct or not.

Ed Clark stated that regardless of the outcome, if SDG&E insists on NOT correcting a problem that there Protection Engineering Department fully understands and is aware of, and another Fire starts and one more person gets hurt or loses a home, it should be considered an act of ARSON by SDG&E Executives.

Meeting adjourned.

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Conclusion – Analysis (NOT PART OF MEETING MINUTES) by Ed Clark

It is my observation that it appears to me, that we are in a pickle. The responsibilities of Cal Fire and the PUC do not overlap. On one hand I am told by the PUC, they are waiting for the results of Cal Fire. Cal Fire wont make a determination of arcing because that is the PUC responsibility and outside their expertise. The line is de-energized pending the outcome of the investigations not realizing that this will not prevent the Electrical arcing identified by Ed Clark.

On one hand, I have documented my past concerns regarding the PUC level of experience to investigate since their investigators do not have Utility experience, Engineering, designing or building power lines. On this specific issue, I get the feeling that Cal Fire is waiting to get confirmation from the PUC since it falls under their jurisdiction. The PUC has not published a report as of this date, despite me physically showing a PUC investigator in person the arcing that has occurred and the same has provided a statement to the San Diego Union Tribune confirming arcing is occurring. Both the PUC and Cal Fire are interfacing with a Utility who is supposed to be the Expert who appears to be attempting to deny, divert attention, making false statements to the media, for fear of admitting fault.

I have provided undisputable pictures with burn patterns leaving a down guy anchor in the same area as the fire has been identified as starting, and lab results providing an electrical arc is occurring.

Consequently, I feel I have done everything I can to get this, what I consider a cover up, to SDG&E, the Public, and Public officials who are supposed to protect the citizens of San Diego County.

I am optimistic and hopeful to see a meeting of the minds between the PUC and Cal Fire to bring this issue to rest and force SDG&E to make corrections before another fire is started.

Cc: Howard Windsor

Guying
GENERAL REQUIREMENTS

TO 201
*Revised 10/6/87

Where the mechanical loads to be imposed upon the poles are greater than can be safely supported by the poles, additional strength shall be provided by the use of guys. This applies particularly to angles and deadends where the conductor stresses are sufficiently unbalanced to make guying necessary.

No guys shall be attached to trees or other private property, except in special cases. Permission to do so must be obtained in writing from the owner.

Guy wires shall be placed and maintained with clearances from conductors or other wires not less than those specified in Table 1 and 2, General Order 95.

Where required by the rules of G.O. 95, porcelain strain insulators of the interlocking type shall be used in all guys attached to poles.

All guys shall be attached to poles with special hardware designed for the purpose. Preformed guy grips will be used to make up guy heads and strain insulators. *Automatic guy grips are recommended for anchor end of guys.

When two or more guy wires are installed in close proximity to each other, the attachment of one guy shall not overlap that of another, but each shall be entirely independent of the other and at least 12 inches apart at the point of attachment to the pole.

Guys should be installed and adjusted before the conductors are strung so that the pole or crossarm will stand in its proper position when the entire unbalanced stress is taken by the guy.

Wherever possible down guy leads (distance from pole to eye of anchor rod) should be equal to or greater than the height of the guy attachment above ground. If it is impractical to install a satisfactory anchor guy at the deadend pole, the stress may be carried by means of a span guy to an adjacent pole which can be properly guyed.

Power-installed screw anchors (PISA) are the preferred type of anchor to be used in transmission construction.

Edward L. Clark, Jr.

From: Edward L. Clark, Jr. [ed@theelectricalexpert.com]
Sent: Wednesday, May 28, 2008 12:13 PM
To: 'mai@cpuc.ca.gov'
Cc: 'rst@cpuc.ca.gov'; 'rgf@cpuc.ca.gov'; 'ffd@cpuc.ca.gov'; 'Windsor, Howard'; 'cldavis@semptra.com'; 'jeff.mcdonald@uniontrib.com'; 'Dave Downey'; 'Brooke Beare'; 'Aguirre, Michael'; 'Welch, Clay'
Subject: Construction Standard "Guy Wires"
Attachments: Guy wire requirements.pdf

Good Morning Mr. Antabli,

Pursuant to our phone conversation yesterday, and your request, please find attached a copy of Construction Methods TO201 from Southern California Edison Construction Methods Book.

Please refer to paragraph 6. "When two or more guy wires are installed in close proximity to each other, the attachment of one guy shall not overlap that of another, but each shall be entirely independent of the other and at least 12" apart at the point of attachment".

This should clear up any confusion on what SCE allows for their facilities as an example and supports my interpretation of GO-95. I would suspect that a similar comment is in a SDG&E construction methods book should you get your hands on a copy, as well as all other Electrical Utilities. If you are able to get a copy, I would appreciate a copy as well for review and my file.

Please note that as of this date, the design/installation error still exists and has not been corrected. The fire season is near, I am very concerned that despite the simplicity of what I have found, the PUC has not issued its report despite me showing you in person.

You indicated yesterday, you are still waiting for a report from Cal Fire. My field meeting with a Cal Fire representative, revealed that Cal Fire feels the arcing and down guy design falls under the PUC jurisdiction, hence I understand Cal Fire is waiting for the PUC report on that issue.

Additionally, yesterday when I shared this construction standard with you, you questioned why the rule is written. It was obviously written by someone who understands the effects of ground current. Any protection Engineer out of SCE, SDG&E, or PG&E can help you all understand this very simple design error if will help expedite your report.

I still stand on the fact that this is a localized problem on the SDG&E system, it is not a state wide problem, and needs to be corrected immediately to protect the public in San Diego. It is most likely isolated to the few locations I have identified and I surely hope it does not take another fire and somebody else getting killed or losing their home for this issue to get raised to a priority status for resolution.

I am still available to attend a meeting with all parties, the PUC, Cal Fire, SDG&E executives and SDG&E Protection Engineers if that is what it takes to get all involved in the same room. There is not anyone in SDG&E or Sempra that can dispute my findings on this issue, despite the position that has been taken to date. If anyone within SDG&E disputes this issue, I would like to be in the same room for discussion with SDG&E executives to listen in so they can evaluate and take appropriate action.

Please recall the resolution to this issue is approx. 50K to remedy this at the locations I have found and can be accomplished in less than one week.

How do any of us explain this to a family, if another life is lost resulting from a fire caused by down guy arcing, simply because the people responsible who can do something about it, and are responsible, are reluctant to publish their findings. There is no excuse for delays on an issue so critical to public safety. There is no excuse for those responsible not to take the time to understand this, not to take action, and there is no excuse for anyone to be able to hide behind the legal system as a method to mitigate and defer fixing this.

Regards,

Edward L. Clark, Jr.

sent certified Mail to the following:

cc: Debra L. Reed, President and CEO, SDG&E
Michael R. Niggli, COO, SDG&E
Dennis Arriola, Senior VP and CFO, SDG&E
W Davis, "Dave" Smith Senior Vice President and General Counsel, SDG&E
Pamela J. Fair, Vice President, Environmental, Safety and Facilities.

Don E. Felsing, Chairman and CEO, Sempra Energy
Neal E. Schmale, President and COO, Sempra Energy

Bonnie Mr. Dumanis, San Diego District Attorney

Recipient

'mai@cpuc.ca.gov'
'rst@cpuc.ca.gov'
'rgf@cpuc.ca.gov'
'ffd@cpuc.ca.gov'
'Windsor, Howard'
'cldavis@sempra.com'
'jeff.mcdonald@uniontrib.com'
'Dave Downey'
'Brooke Beare'
'Aguirre, Michael'
'Welch, Clay'

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