Application No.: A.25-12-012
Exhibit No.: SDG&E-11
Witness: B. Malowney

REBUTTAL TESTIMONY OF

BRITTANY A. MALOWNEY

ON BEHALF OF SAN DIEGO GAS & ELECTRIC COMPANY

CHAPTER 11

(SM 2.0 PROCUREMENT PROCESS)

PUBLIC VERSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

November 20, 2026

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REBUTTAL TESTIMONY OF BRITTANY MALOWNEY CHAPTER 11 (SM 2.0 PROCUREMENT PROCESS)

I. INTRODUCTION

This rebuttal testimony addresses arguments regarding the Smart Meter (SM) 2.0 procurement process undertaken by San Diego Gas & Electric Company (SDG&E) that are set forth in the following intervenor testimony:

- Prepared Testimony of the Public Advocates Office of the California Public Utilities Commission (Cal Advocates) dated September 25, 2026
- Prepared Testimony of Matt Sheriff on behalf of The Utility Reform Network and Small Business Utility Advocates (TURN/SBUA) dated September 25, 2026
- Prepared Direct Testimony of Samuel Golding on behalf of Utility Consumers Action Network (UCAN) dated September 25, 2026

SDG&E notes that the absence of a response in this rebuttal testimony to any particular issue raised or statement or proposal made by any party to this proceeding does not imply or constitute agreement by SDG&E with the proposal or contention made by such party.

In opening testimony, Cal Advocates questions the robustness of SDG&E's procurement and evaluation of alternatives.[1] TURN/SBUA contend that SDG&E should have evaluated a SM 1.0 continuation alternative based on the incumbent vendor's response to SDG&E's request for quotation (RFQ),[2] and UCAN similarly challenges the competitiveness and rigor of SDG&E's solicitation, including the number of proposals received.[3] Although these claims differ in focus, they implicate three related questions: (1) whether SDG&E conducted a competitive and rigorous procurement process that provided a reasonable basis for vendor selection; (2) whether the SM 1.0 RFQ and SM 2.0 request for proposals (RFP), which served distinct purposes, can reasonably be treated as comparable solicitations; and (3) whether the incumbent vendor's RFQ

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[1] Exhibit (Ex.) CA-01, Prepared Testimony on the Application of SDG&E for Approval of SM 2.0 Proposal (September 25, 2026) (Ex. CA-01 Direct) at 4.

[2] Ex. TURN-SBUA-01, Prepared Testimony of Matt Sheriff Addressing the SM 2.0 Alternatives Evaluation, Failure Forecast, Cost Estimate, and Contingency (September 25, 2026) (Ex. TURN-SBUA-01 (Sheriff Direct)) at 26 - 27.

[3] UCAN, Prepared Direct Testimony of Samuel Golding before the Public Utilities Commission of the State of California (September 25, 2026) (Golding Direct) at 23.

response was appropriately considered within the broader SM 2.0 procurement and evaluation process.

As discussed below, SDG&E's SM 2.0 procurement process was a structured, multi-stage process informed by nearly two decades of operating experience, with common solicitation requirements and evaluation criteria, independent market information, and specialized Advanced Metering Infrastructure (AMI) procurement expertise. The RFP requested SM 2.0 proposals from multiple vendors that met a common set of technical, commercial, implementation, pricing, and contractual requirements, while the RFQ requested information solely from the incumbent vendor regarding continued support of the existing SM 1.0 environment. Given the differences in the purpose and focus of the SM 1.0 RFQ versus the competitive SM 2.0 RFP, SDG&E's consideration of information provided through the RFQ, and its conclusion that the RFQ response could not be evaluated as a conforming SM 2.0 RFP proposal, was reasonable and appropriate.

Section I of this testimony provides an introduction to this Chapter. Section II explains that SDG&E conducted a competitive and rigorous procurement process that offered a reasonable basis for vendor selection. Section III describes the distinct purposes served by the SM 1.0 RFQ and SM 2.0 RFP and why they cannot reasonably be treated as comparable solicitations. Section IV addresses treatment of incumbent vendor's RFQ response within the broader SM 2.0 procurement and evaluation process.

II. SDG&E CONDUCTED A COMPETITIVE AND RIGOROUS SM 2.0 PROCUREMENT PROCESS THAT PROVIDED A REASONABLE BASIS FOR ITS SM 2.0 VENDOR SELECTION TO ENTER NEGOTIATIONS

A. SDG&E's SM 1.0 Operating Experience Informed the Requirements and Evaluation Criteria Used in the SM 2.0 Procurement

Cal Advocates contends that SDG&E did not evaluate the historical costs and benefits of SM 1.0 and argues that such an evaluation is necessary to determine whether SM 1.0 produced net benefits for ratepayers and to inform the Commission's consideration of SM 2.0.[4]

SDG&E's nearly two decades of experience deploying, operating, maintaining and supporting SM 1.0 directly informed the requirements and evaluation criteria used in the SM 2.0 procurement. The relevant question related to SM 1.0 is not whether to revisit the prudence of

[4] Ex. CA-01 Direct at 1-8 and 1-12.

the Commission's 2007 authorization of SM 1.0, but how "lessons learned" through SDG&E's experience with that system informed the requirements for its replacement.

SDG&E applied lessons from its operation of the SM 1.0 program to the requirements and evaluation framework for SM 2.0 program. The SM 2.0 RFP required proposals to be evaluated against common technical and commercial requirements, including endpoint performance, communications resiliency, platform supportability, cybersecurity, upgrade flexibility, service levels, warranty terms, implementation obligations, and vendor accountability. In other words, the procurement process considered not merely the acquisition price of new electric meters and gas modules, but also the performance, supportability, implementation risk and commercial obligations associated with operating an AMI platform over its expected life. The selected solution[5] reflects these requirements through features including [redacted], communications independent of the electric-meter mesh, [redacted], compatibility with future system upgrades, and a scalable platform for additional capabilities. These features are examples of how SDG&E translated SM 1.0 operating experience and future system needs into specific technical and commercial requirements rather than simply replicating the SM 1.0 architecture. The same requirements-based approach applies to commercial protections and vendor accountability. Taken as a whole, the complete set of technical and commercial commitments required through the competitive SM 2.0 RFP, together with the final terms resulting from the ongoing negotiation process, will establish contract terms that include warranties, performance guarantees, and remedies that appropriately allocate non-performance risks to vendors and protect ratepayers.

B. Independent Market Benchmarking Provided an Additional Reasonableness Check on SM 2.0 Costs and Market Conditions

UCAN challenges SDG&E's reliance on the Ernst & Young (EY) benchmark and points to EY engagement materials and internal capability-assessment materials in arguing that SDG&E did not complete a comprehensive evaluation.[6] These arguments conflate the exercise of independent market benchmarking with the broader analysis of technical, operational,

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[5] The term "selected solution" or "selected vendor" is used by SDG&E for ease of reference to refer to the SM 2.0 vendor with the most favorable bid in SDG&E's Request for Proposals (RFP) process. SDG&E has not yet executed a final agreement with the SM 2.0 vendor.

[6] Golding Direct at 25 and 48.

procurement, and financial factors supporting SM 2.0 that was undertaken by SDG&E. The EY analysis was a factor in SDG&E's evaluation, not the entirety of it.

SDG&E engaged EY to provide independent market benchmarking and pricing support as one input to its assessment of SM 2.0 program costs. EY's market data, including 2021 AMI market information adjusted to 2025 dollars, provided an external market perspective on costs and prevailing market conditions. This analysis served as an additional reasonableness check considered by SDG&E in evaluating vendor proposals, internal estimates, historical project experience, and the results of the competitive solicitation. Put simply, EY's work was not intended to substitute for the competitive procurement process or for SDG&E's broader technical, operational and financial analyses. Rather it supplemented those analyses by providing an independent market reference against which procurement results and program costs could be assessed.

C. Specialized AMI Procurement Expertise Supported the SM 2.0 Procurement Process

Cal Advocates and UCAN raise questions regarding whether SDG&E's SM 2.0 procurement process was sufficiently robust to support its vendor evaluation and selection, including the development and application of the RFP evaluation criteria, as well as the role of SDG&E's procurement advisors.[7]

SDG&E retained external procurement advisors to supplement its internal subject-matter expertise with specialized experience in utility AMI and to provide additional structure and rigor to the evaluation process. Specifically, SDG&E retained global consulting firm, West Monroe to ensure that it had access to the specialized AMI procurement expertise necessary to effectively conduct the SM 2.0 procurement process. West Monroe is a business consulting firm that serves energy industry, among several others. With deep knowledge of the architectural, operational, and commercial considerations that are central to a utility-scale AMI deployment, West Monroe partners with energy utilities to develop AMI implementation strategies based on industry best practices. West Monroe provides support in areas such as development of AMI procurement strategies and requirements, vendor communications, vendor evaluations, contract development, and contract negotiations. SDG&E retained West Monroe to provide specialized utility AMI

[7] Ex. CA-01 Direct at 1-12 – 1-16; Golding Direct at 23 and 25; *see also* Ex. TURN-SBUA-01 (Sheriff Direct) at 15, 19–20, 24–25.

procurement support, including procurement strategy, requirements and solicitation development, vendor communications, evaluation frameworks and scoring tools, proposal assessment, bidder presentations, down-selection activities, bid-improvement and best-and-final-offer activities, vendor recommendation support, and contract development.

Additional discussion regarding West Monroe's role in SDG&E's SM 2.0 procurement process is set forth in Chapter 13.

D. SDG&E's Multi-Stage SM 2.0 Procurement Process Established a Reasonable Basis for Vendor Selection To Enter Negotiations

Cal Advocates raises concerns regarding the RFP schedule and the number of bids received through the procurement process. It asserts that "SDG&E launched its RFP on a compressed timeline during a week when most vendors were out of office at a national distribution grid technology conference," and that these and other "missteps in its RFP process, timeline, and vendor relationships . . . undermined the competitiveness of its procurement process."[8] Cal Advocates offers the details of the procurement process timeline and the number of final proposals as evidence that the RFP process was uncompetitive and inadequate.[9] These claims lack merit. Cal Advocates focuses myopically on narrow, selected aspects of the procurement process rather than considering on a holistic basis the full, multi-stage process SDG&E used to develop SM 2.0 requirements, solicit and evaluate proposals, ensure vendor bids were conforming, conduct due diligence, select a preferred vendor and advance contract development.

Evaluation of the rigor and effectiveness of the SM 2.0 procurement process must take into account the *entire* process, not the conduct or duration of a single stage of the process or the number of final proposals resulting from the RFP. Measuring the rigor of the solicitation based solely by the elapsed time between RFP issuance and receipt of initial proposals is a misguided approach that ignores critical aspects of the process that occurred both before and after launch of the RFP. For example, before issuing the RFP, SDG&E developed technical and commercial requirements, procurement strategy, evaluation criteria and frameworks, and solicitation materials. Following issuance of the RFP, SDG&E performed technical and commercial evaluations, offered bidder presentations, addressed bidder questions and provided clarifications,

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[8] Ex. CA-01 Direct at 1-13 (citation omitted).

[9] *Id.* at 1-12.

engaged in bid-improvement and best-and-final-offer activities, conducted vendor due diligence, and developed its final vendor evaluation and recommendation. These activities provided multiple opportunities for SDG&E to test vendor proposals, clarify technical and commercial positions, obtain improved offers and evaluate implementation and vendor risk before selecting a preferred vendor.

Thus, the rigor of the procurement process must be judged based on the totality and substance of that process, not the details or duration of any single stage of the process viewed in isolation. The relevant considerations are whether market participants were afforded a meaningful opportunity to compete, vendors were evaluated against appropriate and consistently applied requirements, competing offers were substantively evaluated and the process provided opportunities to clarify and improve technical and commercial positions before final selection. Here, multiple vendors were provided an opportunity to participate in the RFP, and the conforming proposals received were subjected to a multi-stage evaluation and bid-improvement process, as described above. Viewed on that basis, it is clear that SDG&E's procurement process provided a reasonable foundation for comparing the available SM 2.0 solutions and selecting a preferred vendor to enter into negotiations. Taken as a whole, the evidence reflects a disciplined procurement process supported by internal subject matter experts and specialized third-party advisors, resulting in a vendor selection based on relevant technical, operational, commercial, implementation, and contractual considerations, rather than price alone.

III. THE SM 1.0 RFQ AND SM 2.0 RFP SERVED DISTINCT PROCUREMENT PURPOSES AND WERE NOT EQUIVALENT SOLICITATIONS

TURN/SBUA suggest that SDG&E's consideration of the incumbent vendor's RFQ response separately from RFP responses constitutes a deficiency in its SM 2.0 procurement process.[10] Cal Advocates contends that SDG&E improperly failed to explain what information was missing from the incumbent vendor's RFQ response, did not engage with the incumbent vendor to '"reconcile or remediate perceived discrepancies'" between the RFQ and RFP, and made an "inexplicable" decision to exclude the RFQ response from its RFP showing.[11] These misguided claims are based on the flawed premise that the RFQ response and the RFP proposals were equivalent submissions addressing the same procurement requirements. They were not.

[10] Ex. TURN-SBUA-01 (Sheriff Direct) at 15; Ex. CA-01 Direct at 1-12.

[11] Ex. CA-01 Direct at 1-15.

A. The SM 1.0 RFQ Was Designed to Assess Continued Support of the Existing SM 1.0 Environment, While the RFP Sought Comprehensive SM 2.0 Solutions

The RFQ and RFP were conducted concurrently but served distinct procurement purposes. The RFQ was a narrow request for incumbent vendor-specific information regarding continuation of SM 1.0. The RFP, on the other hand, sought comprehensive SM 2.0 solutions under common technical, implementation, cybersecurity, commercial, warranty, support, pricing, and proposed contractual requirements.

The RFQ was issued solely to the incumbent vendor because that vendor supplies and supports proprietary components of the existing SM 1.0 environment. It sought information regarding continued availability and support of SM 1.0 electric meters and gas modules, network and head-end sustainment, software and firmware support, field-tool compatibility, maintenance, service levels, training, and projected costs. The RFQ was therefore designed *only* to inform SDG&E about the availability, supportability, and cost of continuing its existing SM 1.0 environment. As explained in Chapter 3, the incumbent vendor indicated that, due to component obsolescence and technological advancements, the SM 1.0 platform is being transitioned to the vendor's next-generation solution; it did not guarantee supply of SM 1.0 devices after 2028 and advised SDG&E to develop a transition plan.[12]

By contrast, the competitive RFP solicited complete SM 2.0 solutions designed to satisfy SDG&E's technical, operational, implementation, cybersecurity, commercial, pricing, warranty, service-level, remedy, support, and proposed contractual requirements, as discussed in more detail in Chapter 3. SDG&E invited the incumbent vendor to offer a proposal in the SM 2.0 RFP process, which would have required development of an expanded response with significantly more information, and followed up several times, but the incumbent vendor declined to do so.

Accordingly, SDG&E appropriately considered the RFQ response based on what it provided: information regarding the continued support of the existing SM 1.0 environment and the incumbent vendor's proposed transition path. SDG&E could not, however, transform the RFQ response into a conforming SM 2.0 proposal or establish that the incumbent's transition approach was offered on the same technical and commercial basis required of RFP bidders.

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[12] Ex. SDG&E-03, Prepared Direct Testimony of David H. Thai and Bradley M. Baugh on Behalf of SDG&E, Chapter 3 (Redacted Public Version) (December 18, 2025) at 36.

B. SDG&E Appropriately Declined to Evaluate the RFQ Response in the RFP Process

Cal Advocates contends that SDG&E should have reconciled the incumbent vendor's RFQ response with the RFP evaluation, while TURN/SBUA assert that the incumbent's response should have been evaluated as an alternative to the conforming RFP proposals.[13] These arguments overlook the materially different requirements governing two solicitations.

The competitive RFP solicited complete SM 2.0 solutions designed to satisfy SDG&E's technical, operational, implementation, cybersecurity, commercial, pricing, warranty, service-level, remedy, support, and proposed contractual requirements. The RFP was therefore structured to support a comparative evaluation among competing SM 2.0 solutions.

Conforming Smart Meter 2.0 RFP proposals were evaluated using common criteria and a structured process that included compliance review, weighted scoring, oral presentations, questions and clarifications, bid-improvement requests, revised submissions, pricing analysis, and final evaluation. That process enabled SDG&E to compare both proposed prices and the technical and commercial obligations supporting those prices.

The RFP and RFQ also differed materially in the status and duration of their pricing commitments. The SM 2.0 RFP required comprehensive proposals supported by pricing commitments valid for twenty-four months following proposal submission in order to allow time for evaluation and contract negotiation. SDG&E requested that the incumbent vendor provide a pricing validity period with its submission, and the incumbent vendor's response limited pricing [redacted]. As a result, the incumbent vendor's RFQ pricing *expired during the evaluation period for RFP proposals*.

Allowing the incumbent vendor, and *only* the incumbent vendor, to effectively bypass the RFP requirements and have its incomplete bid considered as part of the RFP evaluation process is unreasonable and problematic for multiple reasons. First, it is an impractical suggestion that could not realistically be implemented. Evaluating the RFQ response against the RFP proposals is an "apples-to-oranges" comparison. As noted above and discussed in more detail in Chapter 13, while it is theoretically possible to develop proxy inputs based on supposition to create a comparable pathway, doing so does not create a valid and binding proposal capable of being

[13] Ex. CA-01 Direct at 1-15; Ex. TURN-SBUA-01 (Sheriff Direct) at 15.

accepted by SDG&E or approved by the Commission. Put simply, the RFQ and RFP served materially different purposes and cannot be treated as comparable procurement processes.

Second, as a matter of policy, SDG&E must be allowed to protect the integrity of its solicitation process. Accepting one bidder's non-conforming bid, while other bidders' conforming bids are rejected, would undermine competitive neutrality and compromise the fairness of the procurement process. The incumbent vendor did not accept the common evaluation requirements, evaluation conditions, pricing instructions, and proposed contractual framework applied to competing and conforming RFP bidders. Allowing the incumbent vendor's RFQ proposal to nonetheless be considered as a SM 2.0 RFP bid would be discriminatory and inappropriate.

Moreover, because the incumbent vendor did not submit its solution through the competitive SM 2.0 RFP, advancing the incumbent vendor's RFQ proposal would have required SDG&E to step outside the competitive process and negotiate an SM 2.0 solution with the incumbent vendor on a sole-source basis. This negatively impacts the integrity of SDG&E's solicitation processes, and disqualifies the SM2.0 RFP process.

Finally, as discussed in Chapter 13, SDG&E has experienced challenges with the incumbent vendor over the life of SM 1.0, including in the area of vendor support. With this experience in mind, the very fact that the incumbent vendor was unwilling to provide a complete SM 2.0 RFP response suggested to SDG&E a lack of commitment to serving SDG&E's needs that further militates against consideration of its RFQ proposal in the context of the RFP evaluation.

IV. SDG&E APPROPRIATELY CONSIDERED THE INCUMBENT VENDOR'S RFQ RESPONSE CONSISTENT WITH ITS PURPOSE AND SCOPE

In arguing that SDG&E should have treated the incumbent vendor's RFQ response as an alternative for comparison with the RFP proposals, TURN/SBUA assert that SDG&E asked for a complete alternative, the incumbent vendor proposed a priced transition, the life-extension and Smart Meter 2.0 paths were not mutually exclusive, and therefore that SDG&E improperly excluded the incumbent vendor's response from its evaluation of alternatives.[14] Based on these claims, TURN/SBUA recommend that the Commission require supplemental testimony that

[14] Ex. TURN-SBUA-01 (Sheriff Direct) at 15.

compares the incumbent vendor's incomplete RFQ proposal to the selected RFP proposal before authorizing mass deployment.[15]

TURN/SBUA's claim that SDG&E improperly excluded the incumbent vendor's response from its evaluation of SM 2.0 alternatives should be rejected for the reasons set forth above, but it should, further, be noted that there is an important distinction between "consideration" of the RFQ response and assumed "equivalency" between the RFQ response and RFP proposals. SDG&E considered the RFQ response and the information it provided regarding continued support and the incumbent vendor's proposed transition approach. That consideration, however, did not (and could not) make the RFQ response *equivalent* to a conforming RFP proposal submitted under the RFP's common requirements.

That distinction matters because pricing alone does not establish commercial equivalency. A utility cannot determine whether one implementation path costs less or is more prudent by comparing selected prices while leaving material differences in scope, functionality, risk allocation, support obligations, implementation responsibility, and commercial enforceability unresolved. The relevant question is therefore not whether the incumbent vendor supplied a priced document; rather, it is whether that document defined a complete implementation pathway capable of being evaluated on the same basis as the conforming RFP proposals.

SDG&E reviewed the RFQ response for the purpose for which it was requested and engaged in follow-up discussions to understand the incumbent vendor's proposal. That review informed SDG&E's understanding of continuation and transition considerations, but it did not convert the submission into a conforming RFP proposal. Similarly, assumptions supplied later for common-basis modeling do not constitute vendor pricing, commitments, or contractual obligations. Accordingly, while SDG&E appropriately considered the RFQ response for the narrow purpose for which it was provided, it could not reasonably treat the RFQ response as equivalent to a conforming RFP proposal submitted under the RFP's common requirements.

[15] *Id.* at 11, Table 1: Summary of Recommendations.

V. CONCLUSION

SDG&E used a structured, requirements-based process to develop and evaluate SM 2.0 solutions. The process incorporated operating experience, market benchmarking, specialized AMI procurement support, common technical and commercial requirements, staged evaluation, bid refinement, vendor due diligence, and ongoing contract development and negotiation. Taken together, these elements provided a reasonable basis for SDG&E's evaluation and vendor selection.

The SM 1.0 RFQ and SM 2.0 RFP served distinct purposes. The RFQ sought information regarding continuation of the existing SM 1.0 environment, while the RFP solicited complete SM 2.0 solutions under common requirements and a structured competitive evaluation process. The incumbent vendor's RFQ response provided relevant information regarding continued support of portions of the existing SM 1.0 environment and the vendor's proposed transition approach. SDG&E reviewed and considered that information for its intended purpose, but the RFQ response was not submitted under the common requirements used to evaluate conforming RFP proposals. Furthermore, the incumbent's RFQ response remained outside the competitive SM 2.0 RFP process and would have required to engage with the incumbent vendor on a sole-source basis.

This concludes my rebuttal testimony.

VI. WITNESS QUALIFICATIONS

My name is Brittany Malowney, and my business address is 8680 Balboa Avenue, San Diego, California 92123. I serve as Director of Strategic Sourcing and Category Management for SDG&E and SoCalGas. In this role, I am responsible for leading strategic sourcing and category management activities across both utilities.

Prior to my current position, I held various leadership roles in Supply Management and Regulatory Affairs, with experience in strategic sourcing, category and supplier management, contracting, regulatory policy, and organizational transformation.

I received a Bachelor of Science and Master of Business Administration in Organizational Leadership from National University. I am also a Certified Professional Contracts Manager and hold a Lean Six Sigma Green Belt certification.

I have not previously testified before the Commission.

APPENDIX A

DECLARATION OF BRITTANY MALOWNEY

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DECLARATION OF BRITTANY A. MALOWNEY REGARDING CONFIDENTIALITY OF CERTAIN DATA/DOCUMENTS

I, Brittany A. Malowney, do declare as follows:

1. I am the Director of Strategic Sourcing & Category Management in the Procurement Division for San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas). I have been delegated authority to sign this declaration by Warren Ruis, Vice President, Procurement. I have reviewed the confidential information included within the following documents:

- Exh. SDGE-11 Rebuttal Procurement (Malowney) CONFIDENTIAL.pdf

2. 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.

3. I hereby provide this Declaration in accordance with Public Utilities Code Section 583 and General Order (GO) 66-D Revision 3 to demonstrate that the confidential information (Protected Materials) provided in the aforementioned Exhibit is within the scope of data protected as confidential under applicable law.

4. 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 20th day of November, 2026, at San Diego, California.

/s/ Brittany A. Malowney
Brittany A. Malowney
Director of Strategic Sourcing & Category Management

ATTACHMENT A

SDG&E Request for Confidentiality

Location of Protected Information	Legal Authority for Confidentiality	General Rationale
Yellow highlighted portions in: • Exh. SDGE-11 Rebuttal Procurement (Malowney) CONFIDENTIAL.pdf	Based on input received by SM 2.0 bidders, and based on SDG&E's concurring position, the produced documents are proprietary and represent and contain commercially sensitive information not intended for public disclosure. SM 2.0 bidders efforts involve communications which are intended only for access by designated members. Public disclosure would pose potential negative impacts and/or harm to SM 2.0 bidders. Gov't Code § 7927.705 ("Records, the disclosure of which is exempted or prohibited pursuant to federal or state law") • Cal. Civil Code §§ 3426 *et seq.* (Uniform Trade Secrets Act)	Disclosure of the information poses a risk of financial damage to the SM 2.0 bidders. Additionally, **NDA** There is an active non-disclosure agreement (NDA) contained in the RFP with bidders that requires SDG&E to seek confidential treatment of price quotes. **Uniform Trade Secrets Act** - While bidders represent that they are not disclosing trade secrets, price quotes typically have the potential to meet the definition of trade secrets under California Civil Code § 3426 et seq. - Disclosure would cause competitive harm. - NDA and internal controls show reasonable efforts to maintain secrecy. - SM 2.0 bidder general pricing is not publicly available. - Price quotes in connection with the bid submittal are particularly sensitive as they are more specific.