

ORIGINAL

Decision 93201 JUN 16 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the regulation of
 employment practices of Pacific
 Telephone and Telegraph Company,
 Pacific Gas and Electric Company,
 General Telephone Company, Southern
 California Gas Company, San Diego
 Gas & Electric Company, Southern
 California Edison Company,
 California Water Service Company,
 Southern California Water Company,
 Sierra Pacific Power Company, CP
 National Corporation, Southwest
 Gas Corporation, Citizens Utilities
 Company of California, and
 Continental Telephone Company of
 California.

Case 10308
(Filed April 12, 1977) -

ORDER GRANTING STAFF'S MOTION TO ALLOW SMALL
 AND MINORITY BUSINESS PROCUREMENT ASSISTANCE
 DIVISION LIMITED ACCESS TO RESPONSES TO DATA REQUESTS

On March 18, 1981 the staff of the California Public Utilities Commission (staff) filed a motion for an order granting the Small and Minority Business Procurement Assistance Division (SMBPAD) of the California Department of General Services access to data furnished the staff in response to staff's data request of July 18, 1980, modified by letter dated September 2, 1980.

This data request was the subject of a motion to require confidentiality by Southern California Edison Company, supported by other respondents. The motion was denied by Decision (D.) 92753 on March 3, 1981. D.92753 provided that any party of record in this proceeding, after certification that the material is for use only in this proceeding and will not be disclosed to others not a party to the proceeding, may be furnished a copy of the response any respondent has made to the data request.

D.92753 was the subject of several applications for rehearing which suspended the order until the applications were denied on June 2, 1981.

Staff states that since SMBPAD is not a party to this proceeding, a narrow exception to Ordering Paragraph 2 of D.92753 is necessary to permit SMBPAD to review the responses to the data request, as a consulting agency to the Commission staff.

SMBPAD is charged with the duty of providing adequate opportunities for minority businesses to contract with the State of California. As such, SMBPAD has expertise directly relevant to the issues which may arise in the contracting phase of Case (C.) 10308. If SMBPAD participates as a consulting agency to the staff, it would analyze the respondents' contracting data and provide a witness to recommend minority contracting rules or guidelines. If it does this, staff explains, the task could use substantial personnel resources of SMBPAD and therefore, before deciding whether to undertake the task, SMBPAD would need to know the size of the task. This is also critical to drafting a realistic and equitable intra-agency agreement. Staff asserts that if the exception is not granted, its participation in this proceeding will be impeded.

SMBPAD has agreed not to disclose the data to any other nonparty if the motion is granted. The staff's motion was served on all parties to C.10308 and there has been no response.

Having considered the arguments of staff, we conclude that good cause exists to permit SMBPAD to examine the portion of the responses to the staff's data request which pertain to contracting practices after receipt of certification from SMBPAD that it will not disclose the data to any other nonparties. Since we wish to pursue the substantive issues in this proceeding as rapidly as possible, and since effective staff participation is required, we will make this order effective today.

IT IS ORDERED that the staff shall provide access to those portions of respondents' responses to the Data Request dated July 18, 1980, and amended by letter dated September 2, 1980, which concern contracting practices upon receipt of written certification from the Department of General Services, Small and Minority Business Procurement Assistance Division that the data will not be disclosed to others not a party to this proceeding and will not be used in any other proceeding either before this Commission or before any other court or agency.

This order is effective today.

Dated JUN 16 1981, at San Francisco, California.

John E. Coyle
President
William D. ...
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...
Commissioners