

Decision 93485 SEP 1 1981**ORIGINAL**

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  
 CALIFORNIA FAIR EMPLOYMENT AND HOUSING COMMISSION  
 LIMITED ACCESS TO RESPONSES TO DATA REQUESTS

On August 3, 1981, the staff of the California Public Utilities Commission (staff) filed a motion for an order granting the California Fair Employment and Housing Commission (FEH) access to data furnished to the staff in response to its data request of July 18, 1980 as modified September 2, 1980.

Similar authority was granted to the Small and Minority Business Procurement Assistance Division (SMBPAD) of California Department of General Services by Decision (D.) 93201 dated June 16, 1981.

The purpose for granting the exception to FEH is alleged to be the same as that stated in D.93201 for SMBPAD,

that is, to permit FEH to review the responses to the data request as a consulting agency to the Commission staff.

D.92753 in this proceeding ordered that the information supplied in response to the data requests is confidential, and provided in Ordering Paragraph 2 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.

Staff now seeks an exception to Ordering Paragraph 2, to permit FEH to inspect and review the documents. FEH is not currently a party to the proceeding, so it is not now permitted to review the data.

FEH is a State of California department charged with duties of monitoring and enforcing fair and nondiscriminatory employment practices. Because of FEH's expertise in employment practices, the Commission staff has sought FEH's aid in evaluating the respondents' employment practices and in making recommendations to the Commission for adopting utility employment guidelines or rules. Accordingly, staff and FEH have had discussions designed to ascertain whether an intra-agency agreement can be reached pertaining to this proceeding.

If FEH does participate in this proceeding, its analysis of the data submitted by the respondents will be a substantial task. In order to determine the size of the task, FEH must be permitted to examine the data. This is the only means by which a fair and realistic intra-agency agreement may be reached.

If granted access to the data, FEH has agreed not to disclose any of its contents to nonparties. Accordingly, respondents will not suffer harm if this motion is granted.

Having considered the arguments of staff, we conclude that good cause exists to permit FEH to examine the responses to the staff's data request after receipt of certification from FEH 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 respondents' responses to the Data Request dated July 18, 1980, and amended by letter dated September 2, 1980, upon receipt of written certification from the California Fair Employment and Housing Commission 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 SEP 1 1981, at San Francisco, California.

Jed S. Boyer President  
Richard D. Powell  
Thomas J. King  
Walter Calvo  
James C. Green Commissioners