

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Legal Division

San Francisco, California

Date: June 4, 1998

Resolution No. I-270

RESOLUTION
SUBPOENA REQUEST

BACKGROUND

Commission Staff has received a subpoena for the most recent Commission records containing financial data of Kurz Truck Service, Inc. (T-074962) and Jeff Kurz dba Jeff Kurz Trucking (T-182638). This data consist of the carrier's quarterly reports of gross operating revenue and other financial data disclosed pursuant to audit.

DISCUSSION

California Public Utilities Code section 583 and Commission General Order (G.O.) 66-C prohibit staff disclosure of the financial data in question, unless authorized by formal Commission action. These legal authorities do not, however, provide for any absolute privilege of nondisclosure.

The financial records in question are "public records," as defined by the California Public Records Act (Act), codified at California Government Code section 6250 et seq. The general policy of the Act favors disclosure. Non-disclosure of public records must be supported by a specific exemption enumerated in the Act or on a showing that the public interest in confidentiality clearly outweighs the need for disclosure.

The financial records at issue do not appear to meet a specific exemption of the Act. Further, the public interest in disclosure of these records outweigh the legal requirement of non-disclosure. In this case, a trial was held, and the California trial court found the carrier in question legally liable for the automobile accident that caused the plaintiff serious physical and emotional injuries. Plaintiff is now requesting Commission records to enforce its money judgment award. Based on these facts, the request for disclosure is granted.

FINDINGS OF FACT

1. On or about November 2, 1997, Commission Staff received a subpoena from the attorney representing Rosalva Miranda.
2. The subpoena requested the most current Commission financial data regarding Kurz Truck Service, Inc. (T-074962) and Jeff Kurz dba as Jeff Kurz Truck Service (T-182638).
3. The carrier in question had seriously injured Ms. Miranda in an automobile accident.
After a trial, the court decided against the carrier and awarded Ms. Miranda a money judgment in excess of \$ 1 million.

CONCLUSIONS OF LAW

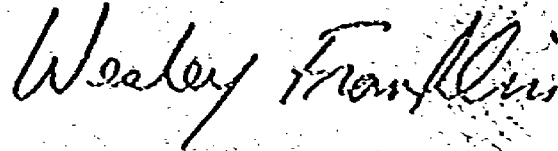
1. Both the California Public Utilities Code section 583 and G.O. 66-C prohibit disclosure of the financial data, unless ordered by formal Commission action or disclosed at an evidentiary hearing.
2. Neither section 583 nor G.O. 66-C provide for an absolute privilege of nondisclosure regarding these records.
3. The financial records at issue are "public records," as defined by the California Public Records Act (Act) at California Government Code section 6252(d).
4. The Act favors disclosure of public records, and non-disclosure must be supported by a specific exemption in the Act or upon a showing that the public interest in confidentiality clearly outweighs the public interest in disclosure.
5. The financial records in question do not fall within a specific exemption of the Act.
6. The Commission finds that in this specific case, the public interest in disclosure of the records in question clearly outweighs the public interest in nondisclosure.

ORDER

The request for release of the most recent financial records regarding Kurz Truck Service, Inc. (T-074962) and Jeff Kurz dba Jeff Kurz Trucking (T-182638), is granted.

1. The effective date of this order is today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on June 4, 1998. The following Commissioners approved it:



WESLEY M. FRANKLIN
Executive Director

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners