

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Legal Division

Laguna Hills, California

Date: October 8, 1998

Resolution No. L-273

**RESOLUTION**

**The Resolution Orders The Release Of Documents Related  
To An Accident That Occurred February 25, 1998 Involving  
An Edison Electric Installation Near Ridgecrest, California.**

**BACKGROUND**

On May 26, 1998, the Walt Disney Company (Disney) requested a copy of an accident report filed by the Southern California Edison Company (Edison) with respect to an incident that occurred on February 25, 1998 near Ridgecrest, California in which one Disney employee died and two were injured after coming in contact with an Edison electric installation. On June 10, 1998 the staff attorney informed Disney that the report was not available pursuant to Commission General Order (GO) 66-C. Disney then requested that the Commission itself release the records pursuant to GO 66-C.

**DISCUSSION**

The material in the Commission's investigative file regarding the accident are "public records," as defined by the California Public Records Act, (Government Code Section 6250 et seq.). Both Public Utilities Code Section 583 and General Order 66-C prohibit staff disclosure of the materials in question. Neither the statute nor the general order, however, create an absolute privilege of nondisclosure of materials related to an accident. The general policy of the Public Records Act favors disclosure of public records, and a justification for withholding a public record must be found either among the specified exemptions enumerated in the Act, or on a showing that the public interest in confidentiality clearly outweighs the public interest in disclosure. The investigative file for the accident appears to meet the specific exemptions of the Public Records Act § 6254 (f). Public Utilities Code 315 expressly prohibits the introduction of the report in question "as evidence in any action for damages based on or arising out of such loss of life," and therefore offers the utility sufficient protection.

Applying the relevant statutes to the facts of this case argues for the release of the requested records. One person was killed and two injured by contact with a high voltage mechanism.

In deciding whether to release the documents, the Commission uses a balancing test to determine whether the public interest in releasing the documents outweighs the utility's interest in privacy. Decision No. 82-04-072, (1972), 8 CPUC 2<sup>nd</sup> 663, 667. The test does not require the Commission to take a position on the merits of petitioner's claim, which is the responsibility of the trier of fact.

Further, there are no compelling public policy or any other reason to withhold the requested information. California citizens who are injured are entitled to pursue discovery for the cause of that injury. We have, in a number of recent resolutions, ordered release of such records which may lead to discovery of admissible evidence. (E.g., Commission Resolution Nos. L-240 Re *San Diego Gas and Electric Company* [D.93-05-020] (1993) 49 Cal. P.U.C. 2d 241), L-247 Re *U.S.A. Airporter*, (March 22, 1995); L-248 Re *Lopez 1*, April 26, 1995; L-249 Re *Lopez 2*, August 11, 1995; L-255 Re *Murillo*, May 21, 1997; L-257 Re *Johanson*, June 25, 1997 [summary incident information]; L-260 Re *Banda*, August 1, 1997 and L-261 Re *Peralta and Boyadjian*, September 24, 1997.) We have found that Public Utilities Code Section 315, which expressly prohibits the introduction of the reports in question "as evidence in any action for damages based on or arising out of such loss of life, or injury to person or property" offers utilities sufficient protection. Most of the above resolutions responded to disclosure requests filed by individuals involved in an electric utility incident, by the families of such individuals, or by the legal representatives of such families or individuals. Further, if Edison objects to this order, it will have 30 days to file for rehearing and request a stay. The records will not be released until this order becomes final.

### FINDINGS OF FACT

1. On June 26, 1998, Disneyland Corporation filed a request to the Commission pursuant to GO 66-C for a copy of the reports maintained by the Commission regarding an accident that took place on February 25, 1998 at Ridgecrest, California involving an Edison power installation.
2. The public interest in confidentiality of the requested documents is outweighed by the public interest in disclosure.

### CONCLUSIONS OF LAW

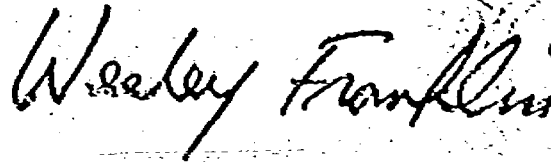
1. The requested records are public records pursuant to Government Code Section 6250, et seq.

2. The general policy of the California Public Records Act favors disclosure of records.
3. Justification for withholding of a public record must be found among specified exemptions in the Public Records Act or upon a showing that the public interest in confidentiality clearly outweighs the public interest in disclosure.

**ORDER**

1. The request for release of the Commission records is granted.
2. This order is effective today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 8, 1998. The following Commissioners approved it:



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WESLEY M. FRANKLIN  
Executive Director

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