

WORKSHOP ON DRAFT RESOLUTION L-436

Agenda

June 19-20, 2012

Day 1	Tuesday June 19
9:30 – 10:00	<p>Introductions & Overview</p> <ul style="list-style-type: none">▪ Purpose of Resolution L-436 – see: http://www.cpuc.ca.gov/PUC/events/ImproveDocAccess.htm<ul style="list-style-type: none">• Develop database of reports/records• Streamline protocols for release (where appropriate)• Streamline protocols for confidential treatment (where appropriate)• Better align CPUC’s GO 66 w/ Public Records Act & discovery laws▪ Workshop Goals<ul style="list-style-type: none">• Inform revisions to draft resolution• Inform next round of comments• Inform pending legislation (SB 1000, AB1541)▪ Discuss Organization of Day 1 & Day 2<ul style="list-style-type: none">• Any changes needed?
10:00 – 10:30	<p>Why Revise GO 66-C Now?</p> <ul style="list-style-type: none">▪ Legal Division’s perspective & experience (Fred Harris)▪ Q & A
10:30 – 10:45	Break
10:45 – 12:00	<p>Public Disclosure /Nondisclosure of “Safety Records”</p> <ul style="list-style-type: none">▪ Draft resolution lists 12 examples▪ Broad categories:<ul style="list-style-type: none">• Routine safety records/reports required by federal/state law or regulations• Accident investigation records/reports

<p>10:45 – 12:00 con't</p>	<p>Public Disclosure/Nondisclosure of “Safety Records”</p> <ul style="list-style-type: none"> ▪ Who prepares the records? <ul style="list-style-type: none"> • Regulated entity • CPUC (inspection/audit records) • Other? ▪ How do disclosure/nondisclosure issues arise at CPUC? <ul style="list-style-type: none"> • Constitutional/statutory “public business” requirements • Specific Public Records Act requests (from press, other governmental entities, individuals) • Discovery in formal proceedings (data requests/responses) • Requests to seal evidentiary record at hearing • Other? ▪ Nondisclosure concerns: substantive > define & identify potentially applicable Public Records Act exemptions & Evidence Code privileges <ul style="list-style-type: none"> • Privacy <ul style="list-style-type: none"> ○ Resolutions L-265 & L-272 ○ Formal v. informal complaints • Danger to public and/or utility infrastructure • Proprietary information • When information also available elsewhere (Google, CEC, etc.) • Other? ▪ Nondisclosure concerns: timing issues <ul style="list-style-type: none"> • When might/must disclosure be made? <ul style="list-style-type: none"> ○ During investigation? ○ Once investigation is complete? ○ What if other agencies are involved? ▪ Does manner of release matter? <ul style="list-style-type: none"> • Posting on CPUC’s internet website • Response to specific records request/subpoena
<p>12:00 – 1:15</p>	<p>Lunch</p>

1:15 -- 2:30	<p>Public Disclosure/Nondisclosure of Safety Records</p> <ul style="list-style-type: none"> ▪ Potential solutions <ul style="list-style-type: none"> • Draft Resolution L-436 framework <ul style="list-style-type: none"> ○ Develop database of reports/records ○ Streamline process for determining whether records/reports should/should not be disclosed ○ Proposed forms; Guidelines & Guidelines Appendix ○ Establish safety information portal • PG&E/SCE proposal for standing resolution at CPUC regular mtg <ul style="list-style-type: none"> ○ Would this resolve most concerns? ○ What concerns would continue? • Other?
2:30-2:45	Break
2:45 - 3:30	<p>Next Steps re: Safety Records</p> <ul style="list-style-type: none"> ▪ Identify inputs (records/reports) to master database development ▪ Refine process for assessing claim of confidentiality & disclosure/nondisclosure of documents <ul style="list-style-type: none"> • Specific & concrete suggestions most helpful > define & identify potentially applicable Public Records Act exemptions & Evidence Code privileges ▪ Schedule for “homework” ▪ Revise schedule for draft, comments, CPUC agenda target?
3:30- 4:00	Sum Up Day 1 & Quick Look at Day 2
Day 2	Wednesday, June 20
9:30 –10:00	<p>Overview</p> <ul style="list-style-type: none"> ▪ Purpose of Day 2 <ul style="list-style-type: none"> • Identify & discuss add’l confidentiality issues • Identify add’l and/or unique issues; discuss concerns, recommendations/solutions ▪ Discuss Organization of Day 2 Any changes needed?

10:00 – 10:45	<p>Add'l Confidentiality Issues</p> <ul style="list-style-type: none"> ▪ Undue business disadvantage <ul style="list-style-type: none"> • Define; identify potentially applicable Public Records Act exemptions & Evidence Code privileges ▪ Other?
10:45 – 11:00	Break
11:00 – 11:45	<p>Energy (other than safety)</p> <ul style="list-style-type: none"> ▪ Nature of records/reports ▪ Problems w/ current CPUC process/procedures ▪ Specific (unique?) concerns re: disclosure/nondisclosure ▪ Specific recommendations/solutions ▪ Schedule for “homework”
11:45 – 1:00	Lunch
1:00-1:45	<p>Communications</p> <ul style="list-style-type: none"> ▪ Nature of records/reports ▪ Problems w/ current CPUC process/procedures ▪ Specific (unique?) concerns re: disclosure/nondisclosure ▪ Specific recommendations/solutions ▪ Schedule for “homework”
1:45 – 2:00	Break
2:00 – 2:45	<p>Water</p> <ul style="list-style-type: none"> ▪ Nature of records/reports ▪ Problems w/ CPUC process/procedures ▪ Specific (unique?) concerns re: disclosure/nondisclosure ▪ Specific recommendations/solutions ▪ Schedule for “homework”
2:15 – 3:00	Sum Up Day 2 & Adjourn