

public has a high interest. The City joins DRA and the City of San Bruno in requesting an order requiring CPSD and PG&E to publicly disclose those portions of the financial testimony that have been designated as confidential, absent a sufficient showing by PG&E of a need to keep specific information confidential. The City agrees with DRA that the order should extend to supporting documents produced in discovery, and related discovery responses.

As detailed in San Bruno's response to DRA's motion, the public has a strong and legitimate interest in understanding the basis for any penalty the Commission applies in this case. Moreover, as the Commission itself recently detailed in Resolution L-436, "the California Constitution, the [California Public Records Act (CPRA)], and discovery law require that most government records be available to the public." See Resolution L-436 at 2-3. Indeed, the law is clear that the Commission, as a state agency, is to conduct its business in public.¹ Moreover, the Commission's important consumer protection responsibilities² require the Commission to inform the public of what steps the Commission is taking to ensure safe and reliable utility service and provide for meaningful public participation.

¹ The Bagley-Keene Open Meeting Act states:

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

² See, e.g., Decision No. 99-09-028, (I. 98-12-013), 1999 Cal. PUC LEXIS 635 at p. *22-23, (recognizing Commission's consumer protection mandate in investigating a major electrical outage on PG&E's system).

For these reasons, the City strongly supports DRA's motion for public disclosure.

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Respectfully submitted,

DENNIS J. HERRERA
City Attorney
THERESA L. MUELLER
JEANNE M. SOLÉ
Deputy City Attorneys

By: /S/
Theresa L. Mueller

Attorneys for
CITY AND COUNTY OF SAN FRANCISCO
City Hall Room 234
San Francisco, California 94102-4682
Telephone: (415) 554-4640
Facsimile: (415) 554-4757
E-Mail: theresa.mueller@sfgov.org