

Citizens' Oversight Projects (COPs)

771 Jamacha Rd #148
El Cajon, CA 92019
CitizensOversight.org
619-447-3246

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PRESS RELEASE: FOR IMMEDIATE RELEASE

Citizens Oversight Says CPUC Violates Open Meeting Laws

Demand Letter is the First Step to Legal Action

SAN DIEGO, 2013-06-11 -- Citizens' Oversight, an organization that encourages citizens to take an active role in providing oversight to their democracy, today submitted a demand letter to the California Public Utilities Commission regarding having their camera kicked out of a recent public meeting.

Citizens Oversight National Coordinator Ray Lutz attempted to set up his camera in the back of the CPUC hearing room on May 13, 2013. According to the Bagley Keene Open Meeting Act of 1967, the public may record such public meetings. This meeting was a quasi-judicial hearing regarding the San Onofre Nuclear Generating Station (SONGS) outage during 2012 to determine if Southern California Edison, the operator and licensee of the plant, acted reasonably after the emergency shutdown of the Unit 3 reactor steam generator tube leak, and subsequent outage of both units at the plant. Although this hearing affected millions of ratepayers in the southern California area, it was held in CPUC Headquarters in San Francisco, about 450 miles from the affected area. So this made video recordings of the meeting extremely important.

Administrative Law Judge Melanie Darling felt that the privacy concerns of the participants outweighed the right for the public to record the meeting. Citizens Oversight believes this judgment was a disgusting reminder that the CPUC caters to the desires of the utilities rather than the public, and in this case, Southern California Edison wanted to avoid the embarrassment of the San Onofre outage affair, and would rather operate in relative secrecy rather than allowing full review by the public.

The first day of the proceedings were not recorded in any manner, and a transcript is not available to the public on their web site. However, ALJ Darling realized she was on thin ground and did order that a webcast be provided for the remaining days, but still ruled that the Bagley-Keene Open Meeting Act did not apply to her hearing room, and disallowed video and audio recordings.

The video of the confrontation, as well as the demand letter, can be viewed at this web page:

<http://www.copswiki.org/Common/M1358>

Also, the demand letter is included in this press release email as a separate attachment.

The letter demands that the Commission shall, by formal action:

1. declare the actions restricting recording of these public meetings by ALJ Darling on May 13, 2013, to be in violation to the Bagley-Keene Act;
2. declare the actions of ALJ Darling requiring that a member of the public identify him/herself to be in violation of California Government Code 11124;
3. formally reprimand ALJ Darling and remove her from presiding at this proceeding;
4. provide transcripts without charge and any audio recordings that may have been made on the CPUC website, particularly for the first day which is not available as a webcast recording; and
5. create a policy statement to support the Bagley-Keene Open Meeting Act by allowing audio and video recording by the public of all such future proceedings, without advance notice, and providing live webcasts when feasible.

Martha Sullivan, of the Coalition to Decommission San Onofre said, "It was disheartening to see the CPUC judge presiding over this investigation of multi-billion dollar regulated utilities be more concerned with their privacy than allowing the Southern California public to observe the evidentiary hearings."

Citizens Oversight, Inc., a 501(c)3 nonprofit corporation based in Delaware and with offices in Southern California, is a party in the CPUC investigation into the San Onofre outage DBA "The Coalition to Decommission San Onofre", along with other organizations who are members of the coalition. Citizens Oversight also acts as the corporate umbrella for this activity. However, the demand letter is submitted to the CPUC explicitly not as a party to the proceeding but representing the interests of the public.

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