

CHAIRMAN Resource

From: joeholtzman@gmail.com
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Subject: [External_Sender] Southern California Edison /California Public Utilities Commission caught

Memo to the California PUC: You can't run, and you can't hide. If you are involved in a criminal conspiracy to defraud ratepayers, or other corruption, your emails are public records that should be out in the open.

The San Francisco Superior Court just ruled that the PUC can no longer withhold public records surrounding an ex parte meeting in a Warsaw hotel room between then PUC President Michael Peevey and a SoCal Edison executive in which they decided to bill ratepayers 70 percent of the \$4.7 billion tab for closing the defective San Onofre nuclear generating station. Even if it involves the Governor or his staff.

Superior Court Judge Ernest Goldsmith found the PUC committed "a violation of the Public Records Act by withholding public records." The Court agreed with the plaintiff, San Diego lawyer Mike Aguirre, that it is "the right of citizens in a democracy to know the actions taken by their public officials, the reasons for them, and the circumstances under which they were taken."

This is a major breakthrough for the people of California. And it means the PUC corruption scandal has now entered the Governor's foyer.

Judge Goldsmith ruled that the PUC "takes the extraordinary position that the passing of utility company losses to ratepayers is simply an ordinary rate setting matter and therefore regulatory. This Court disagrees."

No more bypassing trial courts for the PUC if public records are at stake, according to this judge. "This instant case is factually and legally distinguishable from a regulatory matter," Goldsmith ruled. "Second, there is undisputed evidence consisting of documents seized by a search warrant from former CPUC President [Michael] Peevey, including a memorandum memorializing an ex parte agreement between Peevey and SCE shifting \$3.3 billion of utility company losses to ratepayers which has implicated violations of...criminal statute."

Goldsmith found that "withholding recordings involving allegedly illegal secret ex parte deals between CPUC officials and utility companies in violation of the Public Records Act is not a regulatory function of the CPUC." The Act was never intended "to insulate CPUC officials accused of illegal acts from public scrutiny in a trial court," the judge wrote.

When ratepayers are duped out of \$3.3 billion, it's time to let the sunshine in. This is a big victory, and it means that Peevey's accomplices may come to justice, including potentially those in Governor Brown's office, new PUC President Michael Picker, as fresh evidence from Aguirre shows, and possibly Brown himself. Other commissioners such as Mike Florio could be implicated too.

We may find that So Cal Edison shareholders, not ratepayers, should swallow the whole \$4.7 billion closure tab. And that public officials who helped SCE put most of the costs onto ratepayers might have acted illegally against the public they are paid to protect.

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