

January 29, 1999

MEMORANDUM TO: Commissioner Diaz
FROM: Annette L. Vietti-Cook, Secretary /s/
SUBJECT: COMNJD-98-007/COMNJD-98-007A - COMMISSION DECISION-MAKING REGARDING THE EFFECTS OF LEGAL ADVICE AND LITIGATIVE RISK ON HIGH-PRIORITY POLICY MATTERS

This memorandum is to inform you that all Commissioners have provided comments on your proposal. The attached SRM provides staff direction on this issue.

This completes action on COMNJD-98-007/COMNJD-98-007A.

Attachment: As stated

cc: Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC

January 29, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations
Karen D. Cyr
General Counsel
FROM: Annette L. Vietti-Cook, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - COMNJD-98-007/COMNJD-98-007A - COMMISSION DECISION-MAKING REGARDING THE EFFECTS OF LEGAL ADVICE AND LITIGATIVE RISK ON HIGH-PRIORITY POLICY MATTERS

The staff, in coordination with the Office of the General Counsel, should ensure viable options are presented in papers submitted to the Commission, including options which may involve litigative risk. As a minimum, if the staff considers options which are not deemed feasible or practical because of litigative risk, the paper should mention the consideration of such options. OGC always has the option of submitting a paper to the Commission separate from the staff's paper that analyzes the litigative risk in detail or explains why it advised the staff that certain other options were not feasible under current law and explains what legislative relief may be available.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
CIO
CFO
OCA
OIG