

COMMISSIONER DIAZ' COMMENTS ON COMSECY-99-006

I approve the draft Federal Register Notice subject to a revision along the lines suggested by Commissioner Merrifield. I recommend the following edits to his proposed language for insertion in the paragraph beginning at the bottom of page 18:

1. Insert "and contained in our regulations" after "FCC v. ITT World Communications".
2. Revise the second sentence to read as follows:

Applying this guidance, the Commission may consider conducting a non-Sunshine Act discussion when the discussion will be casual, general, informational, or preliminary, so long as the discussion will not effectively predetermine final agency action.

3. Revise the last sentence to read:

For instance, the ABA cautioned that a non-Sunshine Act discussion "does not pose specific problems for agency resolution" and agency "members are not deliberating in the sense of confronting and weighing choices."

4. Change question 10 (p. 18) to read: "How does the Commission intend to differentiate between "meetings" and non-Sunshine Act discussions?"