

# Assembly Committee on Utilities and Commerce

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Assemblymember Anthony Rendon, Chair

California Legislature

May 19, 2015

The Honorable Michael Picker, President  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

RE: Southern California Edison's April 29, 2015 response to the ruling to disclose communications

Dear President Picker:

In my March 19, 2015 letter, I requested that the California Public Utilities Commission (CPUC) provide all internal and external emails relative to the San Onofre Nuclear Generation Station (SONGS), the investigation of the steam generators at SONGS, and the potential settlement or eventual settlement of the SONGS decommissioning. Specifically, I am seeking communications that occurred from September 8, 2011 to present. I look forward to seeing those documents delivered to the Utilities and Commerce Committee.

I am writing to you now to express my concern regarding the Southern California Edison Company (SCE) response to the ruling by Administrative Law Judges Melanie Darling and Kevin Dudney directing SCE to provide additional information related to late-filed notices of ex parte communications. The ruling was limited in scope in that it ordered SCE to produce all documents pertaining to oral and written communications about the potential settlement and the actual settlement of the SONGS Order Instituting Investigation between any SCE employee and CPUC decision maker(s) between March 1, 2013 and November 31, 2014.

On April 29, 2015, SCE responded to the CPUC's ruling by providing only 28 documents and a log of documents withheld based on privilege. According to SCE's response, SCE collected more than 2 million documents from 13 employees who were believed to be most likely to have potentially responsive documents, but the technique SCE used to narrow the search may have excluded numerous other documents that could reveal additional ex parte communications. For example, SCE employed an algorithm in its document search that did not include communications between SCE and the parties to the SONGS settlement.

As the CPUC provides a response to my March 19<sup>th</sup> request, I hope that it will be more expansive. Ideally, it will include emails on the personal accounts of CPUC employees. Also, CPUC staff most closely linked in press accounts with the SONGS settlement should be included in the document search, such as former Executive Director Paul Clanon, Frank Lindh (former

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Chief Counsel to the CPUC until March 2014), Ed Randolph (Director, Energy Division), and Marzia Zafar (Director, Policy and Planning Division).

We previously have discussed and share a commitment to transparency. I encourage you to continue pursuing greater transparency and tell the companies that the CPUC regulates that they must not use methods that could be construed as tricks and sleight of hand to avoid disclosing improper conduct. Anything short of total transparency will be viewed by the public, this committee, and history as a complete failure to meet the duties of the commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony Rendón', with a large, stylized flourish at the end.

ANTHONY RENDON, Chair  
Assembly Committee on Utilities and Commerce