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**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

BRANDON RITTIMAN and TEGNA INC.

Petitioners,

v.

**PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA,**

Respondent.

After a decision of the Court of Appeals, First Appellate District,
Division One
Case No. A162842

PETITION FOR REVIEW

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Petitioners Brandon Rittiman and TEGNA Inc. (owner of Sacramento television station KXTV-TV/ABC10) hereby respectfully petition this honorable Court to review the decision of the Court of Appeals, First Appellate District, Division One, entered on July 21, 2021. A copy of that decision is attached hereto as **Attachment A**.

ISSUES PRESENTED

1. Is the California Public Utilities Commission subject to the mandatory “time limits” set forth in section 6253(c) of the California Public Records Act?¹
2. May the California Public Utilities Commission simply ignore all public records requests, indefinitely, and thereby *permanently* avoid judicial review?

¹That provision provides:

Each agency, upon a request for a copy of records, *shall, within 10 days from receipt* of the request, *determine* whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and *shall promptly notify the person making the request of the determination and the reasons therefor*. In unusual circumstances, *the time limit prescribed in this section* may be extended by written notice by the head of the agency or their designee to the person making the request, setting forth the reasons for the extension and *the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days*. When the agency *dispatches the determination*, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available.

3. Does the “Governor’s Office correspondence” exemption of the California Public Records Act apply to communications exchanged between two governmental offices?

INTRODUCTION: WHY REVIEW SHOULD BE GRANTED

In *Filarsky v. Superior Court*, (2002) 28 Cal. 4th 419 this Court held that no public agency can file a declaratory judgment action (which is a *generally* permitted mechanism to resolve legal disputes) in connection with a public records request under California’s Public Records Act (CPRA), because such a procedure would contravene the “clear legislative intent that *the determination of the [agency’s] obligation* to disclose records requested from a public agency *be made expeditiously*.” (emphasis added). This Petition asks the Court once again to prohibit public agencies from installing impermissible roadblocks, in the form of a “administrative exhaustion” requirement where the agency is under *no time limit* to respond, that similarly would eviscerate the “clear legislative intent” that CPRA disputes are to be resolved expeditiously.

The California Public Utilities Commission (CPUC) has taken the position – both in the present case and in *numerous others* in which citizens have attempted to exercise their rights under the

California Constitution and the CPRA – that *no court* has jurisdiction to review its denial of access to public records in its possession unless and until the citizen has “exhausted administrative remedies” before the Commission. The Court of Appeals ruling below fully endorses that view; it dismissed these Petitioners’ *original proceeding* in that court (as its own precedent requires²), on grounds that Petitioners did not “exhaust” the administrative remedies provided by the CPUC.

But here’s the catch³: Petitioners (like all other citizens of this State) *are without the power to exhaust their administrative remedies* before the CPUC; the CPUC alone determines *if* (and/or when) that exhaustion *may* occur. Only the CPUC can determine *if* or *when* it will address any internal “appeal” of that agency’s denial of a CPRA request. And its General Order 66-D, which CPUC promulgated to establish the internal “administrative appeal” process (over the objections of public records requesters), provides absolutely no

² See *Cal. Pub. Util. Comm’n v. Sup. Ct. of S.F. Cnty.*, (2016) 2 Cal.App.5th 1260 (holding that a petition for a writ of mandate against CPUC cannot be filed in the Superior Court but must be filed instead in either the Court of Appeals or this Court).

³ See Joseph Heller, CATCH-22 (1961) (“In short, the only time you can see Major Major in his office is when he’s out. If he’s in, you can’t see him.”).

deadline by which it must act. Thus, under its theory, by its own inaction CPUC can avoid judicial review indefinitely, i.e., forever.

Petitioners herein timely filed their administrative appeal (within 10 days of CPUC's denial decision). That was in December 2020. Now, *eight full months later*, CPUC has not even calendared a date on which the Commissioners will consider that appeal, nor have they been willing to announce any timeframe in which they might do so.

Under CPUC's position, as endorsed by the Court of Appeals, CPUC can ignore, forever, a citizen's "internal appeal" of its denial decision and thereby permanently avoid judicial review thereof.

Allowing the Court of Appeals' ruling to stand (to be applied in all other CPRA "original proceedings" before it) would be to exempt CPUC from CPRA's clear substantive mandates, including the one specifically referenced by this Court in *Filarsky, supra*, 28 Cal. 4th at 427 (recognizing CPRA's "provision regarding *a public agency's obligation to act promptly* upon receiving a request for disclosure") (citing Cal. Gov. Code § 6253(c)) (emphasis added).

The CPUC's denial decision, that was "transmit[ted]" to

Petitioners on November 30, 2020, cited the “Governor’s correspondence” exemption of the CPRA (Cal. Gov. Code § 6254(l)), as the sole basis for withholding communications exchanged exclusively between two governmental offices. *But see Cal. First Amend. Coal. v. Sup. Ct.*, (1998) 67 Cal.App.4th 159, 168 (holding that “the [Governor’s] correspondence exemption was intended to protect [only] communications to the Governor and members of the Governor’s staff *from correspondents outside of government*”) (emphasis added). Resolving Petitioners’ internal administrative appeal of the earlier denial decision should not require much time (certainly not more than eight months, and counting): either the Commissioners wish to abide by the published decision of the Court of Appeals or they may choose to challenge it.

What’s at stake in this Petition for Review is a far more pressing and significant issue than these Petitioners’ right *to access* the particular set of public records they asked to inspect last November. Indeed, this Petition presents a question of profound and far-reaching impact on *all California citizens*: whether they may seek relief, in any court of law, for a violation of their clear statutory right to receive the CPUC’s “determination” of its legal position on a

CPRA request within 24 days of CPUC receiving their request. *See* Cal Gov. Code § 6253(c) (set forth in full in footnote 1 *supra*). If the Court of Appeals’ ruling below is left undisturbed, the answer will clearly be “no.” Unlike *every other governmental agency* (state and local) in this State, the CPUC alone will thereby be exempt from that statutory provision, *leaving all Californians unable to petition any court* to challenge CPUC’s failure to comply with it.

Because this Petition presents an issue of profound statewide concern, on which it is “necessary . . . to settle an important question of law,” the Court should grant review. Cal. R. Ct. Rule 8.500(b)(1).

PROCEDURAL HISTORY

Petitioner Brandon Rittiman is an investigative reporter at television station ABC10 (KXTV-TV) in Sacramento,⁴ who requested to inspect and copy a series of public records from CPUC. On November 19, 2020, Mr. Rittiman filed his four requests (CPUC’s Request Nos. 20-597, 20-598, 20-599, 20-600) as follows:

From the period of Marybel Batjer’s appointment [August 16, 2019] to date, all communications between Ms. Batjer or her principal executive staff and [20-597:] Ana Matasantos[; 20-598: Alice Reynolds; 20-599: Ann

⁴ ABC10 is the tradename for television station KXTV-TV. The station is owned and operated by KXTV, LLC which is a wholly-owned subsidiary of TEGNA Inc.

Paterson; 20-600: Rachel Wagoner].⁵ This request includes all documents, emails, or texts whether made on state-issued or personal devices.⁶

On November 30, 2020, CPUC notified Petitioners of its “determination,” as required by Cal. Gov. Code § 6253(c), that it would not disclose any the above referenced public records on the sole grounds that they purportedly constituted “communications of the Governor’s Office” that are exempt from disclosure pursuant to Cal. Gov. Code § 6254(l). **Attachment C** (Pet. Appx.) at 7-8.

On December 4, 2020, in compliance with CPUC’s General Order 66-D, Petitioners filed an appeal of the four denial decisions. at 9. Subsequently, Mr. Rittiman filed another appeal from a subsequent CPRA request (#20-619) and on January 7, 2021, CPUC acknowledged receipt of that appeal and notified Mr. Rittiman that it was being consolidated with his earlier-filed appeal of the four requests described above. *Id.* at 10.

⁵ All four women (Ana Matasantos, Alice Reynolds, Ann Paterson, and Rachel Wagoner) are members of the Governor’s staff.

⁶ These requests, and their subsequent processing and denials by CPUC, are available at: <https://cpuc.nextrequest.com/requests/20-597>; <https://cpuc.nextrequest.com/requests/20-598>; <https://cpuc.nextrequest.com/requests/20-599>; <https://cpuc.nextrequest.com/requests/20-600>.

Four months later, on April 14, 2021, Petitioners notified CPUC that unless the Commission set a hearing on Mr. Rittiman’s appeal at its next regularly scheduled meeting (April 22, 2021) Petitioners would file a Petition for a Writ of Mandate, asserting that CPUC had “constructively denied” his appeal by failing to timely consider it. *Id.* at 14-16. That same correspondence pointed out that the sole grounds that CPUC had cited as the basis for its withholding decision, (Cal. Gov. Code § 6254(1)), does not apply to the public records at issue because this Court has twice interpreted that exemption as limited exclusively to correspondence sent to the Governor’s Office by “correspondents outside of government.” *Id.* at 15-16.

On April 19, 2021, CPUC announced that the Commissioners would “*target* [resolving] Mr. Rittiman’s appeal” for its public meeting on the June 24, 2021, and would post a proposed Resolution online for public comment no later than May 21, 2021. *Id.* at 17 (emphasis added). No proposed Resolution was posted on May 21, 2021.

On May 25, 2021, CPUC announced that it was now “*targeting* the August 4th Commission meeting” for consideration of Petitioners’

appeal and would post a Resolution for public comment on July 2, 2021. *Id.* at 20.

On June 14, 2021, Petitioners filed their Petition for Writ of Mandate in the Court of Appeals.⁷ On June 24, 2021, CPUC filed its Initial Opposition to the Petition, asserting that the Court of Appeals lacked jurisdiction because Petitioners had failed to exhaust their administrative remedies. *Id.* The next day, June 25, 2021, CPUC notified Petitioners that, notwithstanding their most recent commitment, the Commissioners would not be addressing Petitioners' administrative appeal on August 4, and they did not set any date on which the Commissioners would do so. *See Attachment B, infra* at 2.

On July 2, 2021, Petitioners filed their Reply in Response to Respondent's Initial Opposition. In it, Petitioners cited numerous authorities holding that administrative exhaustion is excused where plaintiff's complaint or petition challenges the sufficiency of an agency's administrative appeal process.

⁷See Court of Appeals' docket at https://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=1&doc_id=2351376&doc_no=A162842&request_token=NilwLSEmTkw4W1BZSCItXEpJQFQ6UVxfJSI%2BJz5TUCAgCg%3D%3D.

On July 21, 2021, the Court of Appeals issued the Order from which this appeal arises. **Attachment A.** The Court of Appeals dismissed the Petition on grounds that Petitioners had not exhausted their administrative remedies. Furthermore, the Court “noted” that it would not consider any arguments in Petitioners’ Reply that did not appear in their Petition (notwithstanding the fact that in the “original proceeding” below, Petitioner’s “Reply” was actually a *Response* to CPUC’s “motion to dismiss,” or would be so construed if Petitioners were permitted to file their original writ petition in Superior Court).

ARGUMENT

I. THE CPUC IS SUBJECT TO ALL OF THE PROVISIONS OF THE CPRA

Not only is CPUC a state agency that is generally subject to the CPRA (*see* Cal Gov. Code §6252(d) & (f)(1)), that statute specifically mandates that CPUC must “establish written guidelines for accessibility of [its public] records.” Cal Gov. Code § 6253.4(b)(28). That section (6253.4) further mandates that any “[g]uidelines and regulations adopted pursuant to this section *shall be consistent with all other sections* of this chapter.” *Id.* § 6253.4(c) (emphasis added). Thus, any “written guidelines” CPUC adopts, including General Order 66-D, must “be consistent” with section 6253(c), which requires

CPUC to “dispatch” its “determination” to a records requester with 24 days (maximum) of receiving a CPRA request.

The Court of Appeals, too, has held that “[t]he CPUC is required to comply with the PRA,” and “our limited holding [requiring that petitions for writs of mandate under the CPRA be filed only in the appellate courts] does not exempt the CPUC from the requirements of the PRA.” *Pub. Util. Comm’n*, 2 Cal.App.5th at 1277, 1270.

One of the “requirements of the PRA,” is that CPUC must (it “shall”) “dispatch” to the records requester its “*determination*” of whether it will provide or withhold public records “*no later than*” 24 days after it receives the CPRA request. Cal. Gov. Code § 6253(c) (emphasis added). Therefore, CPUC’s deadline to comply with section 6253(c) of the CPRA, with respect to Petitioners’ CPRA requests, expired on December 13, 2020, 24 days after it received Mr. Rittiman’s four PRA requests. *See* Vol. 1 at 3 - 6.

II. BECAUSE THE INTERNAL APPEALS PROCESS CPUC HAS ERECTED DOES NOT COMPLY WITH SECTION 6253(c) OF THE CPRA, IT IS VOID

CPUC has adopted General Order 66-D, which sets forth the process for filing and resolution of internal “appeals” of CPRA

denials. Notably, that General Order imposes no deadline on, or timetable by which, CPUC must complete that process. General Order 66-D was adopted pursuant to CPUC's statutory authority under Cal. Pub. Util. Code § 701. However, that authority is not unlimited; this Court has made clear that regulations adopted, or other actions taken, by CPUC that are *in conflict with other state statutes*, are void and have no lawful effect:

Whatever may be the scope of regulatory power under this section [701], it does not authorize disregard by the commission of *express legislative directions* to it, or *restrictions upon its power found . . . elsewhere in general law.*"

S. Cal. Gas Co. v. Pub. Util. Com., (1979) 24 Cal.3d 653, 658

(holding CPUC lacked authority to adopt a regulation mandating participation by utilities in a program the legislature had established as permissive only) (emphasis added).

The CPRA is a "general law" – it applies equally to *all* agencies (state and local) in the State. CPUC is no more authorized to adopt a General Order that violates the express time limitations set forth therein, *see* Cal. Gov. Code § 6253(c), than it is to exempt its officers and employees from the State's criminal laws, or to require public utilities to participate in a program the legislature established on a

permissive-only basis. For the same reason, General Order 66-D is *ultra vires* and void because it “disregard[s] . . . *express legislative directions* [and] restrictions *upon [CPUC’s] power found . . . elsewhere in general law.*”

III. PETITIONERS NEED NOT “EXHAUST” CPUC’S GENERAL ORDER 66-D TO SECURE JUDICIAL REVIEW OF CPUC’S VIOLATION OF THE CPRA

Even if CPUC’s General Order 66-D were not void *ab initio*, Petitioners are excused from “the general rule” of administrative exhaustion because under General Order 66-D, as implemented, CPUC is incapable (at this point) of providing them an “adequate” remedy, as mandated by Cal Gov. Code § 6253(c). *See, e.g., Tiernan v. Trustees of Cal. State Univ. & Colleges* (1982) 33 Cal.3d 211, 217-218 (administrative remedy is inadequate if the decisionmaker lacks the power to fashion an appropriate remedy); *Glendale City Employees’ Assn. v. City of Glendale*, 15 Cal.3d 328, 342 (1975) (“The requirement of exhaustion of administrative remedies does not apply if the remedy is inadequate .”); *City of Oakland v. Oakland Police & Fire Retirement Sys.*, (2014) 224 Cal.App.4th 210, 236 (“exhaustion of administrative remedies is not required where the available remedy is inadequate”) (emphasis added).

Moreover, **the Petition places directly at issue the question whether CPUC’s administrative appeals process complies with the CPRA’s specific timing deadlines, or whether it *fails* to do so, and thereby is unlawful and void (i.e., need not be exhausted).**

Accordingly, the Petition fits squarely within the ambit of another well-recognized exception to the “general rule” requiring administrative exhaustion. *See Brown v. City of Los Angeles*, (2002) 102 Cal.App.4th 155, 168 (holding that an administrative remedy is inadequate, and therefore need not be exhausted, where the challenged administrative procedures “are the very source of the asserted injury” for which the plaintiff sought a remedy) (citations omitted); *Unnamed Physician v. Bd, of Trustees of St. Agnes Med. Ctr.* (2001), 93 Cal.App.4th 607, 621 (“A party is not required to exhaust the available administrative remedies when *those administrative procedures are the very source of the asserted injury*”) (emphasis added). Exhaustion of administrative remedies is not required where the plaintiff, as here, *is challenging the adequacy of administrative appeal procedures. Brown, supra*, at 168. “This rule is merely another facet of the inadequate administrative remedy exception to the exhaustion rule.” *Unnamed Physician, supra* at p. 621.

IV. THE GOVERNOR'S CORRESPONDENCE EXEMPTION DOES NOT APPLY TO PURELY INTRA-GOVERNMENTAL COMMUNICATIONS

[The following discussion of the substantive merits of CPUC's denial decision is included herein to fully preserve the issue for briefing in the event the Petition for Review is granted:]

All of the public records requests sought by Petitioners' CPRA requests were communications exchanged exclusively between public employees of (1) the CPUC, and (2) the Office of the Governor. Nevertheless, CPUC has withheld all of those records on the sole grounds that they constitute "correspondence of and to the Governor or employees of the Governor's office . . .". Cal. Gov. Code § 6254(1).

On two separate occasions, the California Court of Appeals has narrowly construed section 6254(1) as limited exclusively to communications sent *to* the Governor's Office from private "correspondents *outside of government*." See *Cal. First Amend. Coal. v. Sup. Ct.*, (1998) 67 Cal.App.4th 159, 168 (holding that this "exemption was intended to protect communications *to* the Governor and members of the Governor's staff [only] *from correspondents outside of government*." (emphasis added); see also *ACLU of N. Cal.*

v. Superior Ct., (2011) 202 Cal.App.4th 55, 65 (finding that the trial court had properly found the exemption inapplicable to documents exchanged between governmental offices; that exemption is “intended to protect communications to the Governor and members of the Governor’s staff from correspondents outside of government”).

Accordingly, under those published precedents, the exemption cited by CPUC does *not* apply to correspondence exchanged exclusively between *public officials* within CPUC and the Governor’s Office.

V. UNLESS THIS COURT GRANTS REVIEW AND REVERSES THE COURT OF APPEALS’ DECISION, ALL CALIFORNIANS WILL BE DENIED THEIR STATUTORY RIGHT FOR SPEEDY PROCESSING, AND EXPEDITED JUDICIAL REVIEW, OF CPRA REQUESTS SUBMITTED TO THE CPUC

To Petitioners’ knowledge, no other governmental agency, at the state or local level, takes the position that CPUC has taken, not only in this appeal, but *in numerous others*: that it, alone, can determine when a court of law has jurisdiction to review its decision denying access to public records under the CPRA. The import of approving CPUC’s position – that it need not comply with Cal. Gov. Code § 6253(c) – can hardly be overstated.

CPUC not only regulates all public utilities in the State, it is

also empowered to, and does, impose rates on some 39 million ratepayers, totaling over \$25 billion in fees paid to the three largest of those utilities in one year. CPUC is one of the largest and most well-funded agencies in the State, with an annual budget of approximately \$1.7 billion paid by taxpayers. For an agency of this size, with its gargantuan impact on lives of this State's residents, to be exempt from the clear and specific deadlines set forth in the CPRA (effectively allowing it to ignore all public records requests with impunity) would make a mockery of that statute and trample the public's right, codified therein and in California's Constitution, to monitor the conduct of their public servants, and thereby hold them accountable. *See, e.g.,* Cal. Const. art. 1, § 3(b)(1) ("The people have the right of access to information concerning the conduct of the people's business, and, therefore, . . . *the writings of public officials and agencies shall be open to public scrutiny.*") (emphasis added); *Id.* art. 1, § 3(b)(2) ("A statute, court rule, or other authority . . . shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access"); Cal. Gov. Code § 6250 ("[T]he Legislature . . . finds and declares that *access to information concerning the conduct of the people's business is a fundamental and*

necessary right of every person in this state”) (emphasis added).

CONCLUSION

For the foregoing reasons, this Court should grant review.

Dated: July 30, 2020

/s/ Steven D. Zansberg
Steven D. Zansberg
Law Office of Steven D. Zansberg,
LLC

Attorney for Petitioners

VERIFICATION

I hereby verify that all of the above is true and correct to the best of my knowledge, and I so state under penalty of perjury under the laws of the State of California and of the United States.

Dated: July 30, 2020

/s/ Steven D. Zansberg
Steven D. Zansberg

CERTIFICATE OF WORD COUNT

(Cal. Rules of Court, rule 8.504(d)(1))

The text of this petition consists of 3,419 words as counted by the Microsoft Word for Microsoft365 word processing program used to generate the Petition.

Dated: July 30, 2020

/s/ Steven D. Zansberg
Steven D. Zansberg

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

BRANDON RITTIMAN et al.,
Petitioners,
v.
PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA,
Respondent.

A162842

(Public Utilities Commission
Nos. 20597, 20598, 20599 &
20600)

BY THE COURT:

The petition for writ of mandate is denied. (Gov. Code, § 6253.4, subd. (a), (b)(28); *Consumers Lobby Against Monopolies v. Public Utilities Com.* (1979) 25 Cal.3d 891, 903 [“[I]f the petitioner presents a question that he could have litigated before the commission but did not, we are barred from addressing it by the doctrine of exhaustion of administrative remedies.”], disapproved on another ground in *Kowis v. Howard* (1992) 3 Cal.4th 888, 899; *Abelleira v. District Court of Appeal* (1941) 17 Cal.2d 280, 291–292 [“[Petitioners] still have their appeal to the commission, which appeal has not yet been decided adversely to them, and prior to the prosecution of this appeal they have no right to demand an extraordinary writ from a court.”]; *Contractors’ State License Bd. v. Superior Court* (2018) 28 Cal.App.5th 771, 778 [“A party generally must exhaust administrative remedies before seeking relief in court.”]; see Asimow, et al., Cal. Practice Guide: Administrative Law (The Rutter Group Dec. 2020 update) ¶ 29:946 [“Unlike the 10-day deadline and possible 14-day extension Gov.C. § 6253(c) specifies for providing the notice of determination [citation], *there is no deadline expressed in a number*

of days for actually producing the records. Rather, Gov.C. § 6253(b) says the agency ‘shall make the records promptly available.’ And Gov.C. § 6253(d) provides that nothing in the PRA ‘shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.’ ”], italics added.)

We note that we will not reach arguments first presented in petitioners’ reply brief. (*Magana v. Superior Court* (2018) 22 Cal.App.5th 840, 854, fn. 2; *County of Los Angeles v. Superior Court* (2013) 222 Cal.App.4th 434, 452, fn. 14.)

Date: 07/21/2021

Humes, P. J.

P.J.

Before: Humes, P.J., Margulies, J., and Banke, J.

PRESIDING JUSTICE

PUBLIC UTILITIES COMMISSION

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June 25, 2021

Steven D. Zansberg
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Re: California Public Utilities Commission Public Record Act Request Reference
Nos. #20-605, #20-619, #20-685, #20-686, #20-688, #20-689 and #21-291

Dear Mr. Zansberg:

This letter is in response to your letter dated June 21, 2021 regarding the above-referenced Public Record Act (PRA) requests. We apologize for our delay in response and provide the following status report:

Open PRAs**PRA #20-605**

Attached please find a document responsive to your request. The Commission's review of existing, potentially relevant documents is ongoing, and production will be conducted on a rolling basis.

PRA #20-685

The Commission's review of existing, potentially relevant documents is ongoing, and production will be conducted on a rolling basis.

PRA #20-686

Attached please find documents responsive to your request. This closes PRA #20-686. No documents have been withheld.

PRA #20-688

In accordance with GO 66-D Rev.1, Section 5, the Commission will not be providing you with these records, which are exempt from disclosure under the deliberative process privilege (*see, e.g., Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325) and the official information privilege (Cal. Evid. Code § 1040). Such records are exempt from disclosure pursuant to Cal. Gov't. Code § 6254(k), which exempts: "Records, the disclosure of which is exempted or

ATTACHMENT B

prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.”

PRA #20-689

Attached please find a document responsive to your request. This closes PRA #20-689. No documents have been withheld.

PRA #21-291

This PRA requests, in part, resolution of PRA #19-664. The Commission’s response to PRA #19-664 was sent June 16, 2021, and this PRA was closed. As noted below, we acknowledge your appeal of our disposition of PRA #19-664. The Commission is reviewing its files for non-exempt documents responsive to the remainder of PRA #21-291.

PRAs Under Appeal

PRA #19-664

The Commission denied your request for documents under PRA #19-664 on June 16, 2021. On June 23, 2021, you appealed the Commission’s determination on this PRA, and we acknowledged your appeal on that same day. The Commission is preparing its response to your appeal received two days ago.

PRA #20-619

On December 4, 2020, the Commission denied your request for documents under PRA #20-619 Item 2, which you appealed on that same day. On December 30, 2021, the Commission denied your request for documents under PRA #20-619, Item 1, which you appealed on January 6, 2021. On January 7, 2021, the Commission acknowledged your appeal of PRA #20-619, Item 1, and indicated that this appeal would be consolidation with the appeal of Item 2 of PRA #20-619 as well as the appeal of PRA Nos. #20-597-#20-600.

On May 25, 2021, the Commission sent an email to you indicating a target date of August 5, 2021 to hear the appeal of these five PRAs. Although we are working diligently on your appeal, we are unable to meet the July 2nd deadline for circulating a Resolution intended for the August 5th meeting. We will inform you when we have a better sense of the timing for this appeal.

Summary

The Commission’s review for responsive, non-exempt documents is ongoing for PRA Nos. #20-605, #20-685 and #21-291. We will provide a status of our review for these PRAs and any additional responsive documents by close of business on July 30, 2021.

The Commission has provided all documents responsive to PRA Nos. #20-686 and #20-689, and these PRAs are closed. The Commission is denying your request for documents under PRA #20-688, as described above.

The Commission has initiated its appeal process for PRA #19-664 and continues its appeal process for PRA #20-619, with a hearing date forthcoming.

Kindest regards,

/s/ Kathleen S. Chovan
Kathleen S. Chovan
Attorney, Legal Division

Case No. A162842

**IN THE COURT OF APPEALS OF THE STATE OF CALIFORNIA
IN AND FOR THE FIRST APPELLATE DISTRICT
DIVISION FOUR**

BRANDON RITTIMAN and TEGNA INC.

Petitioners, v.

PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA, Respondent.

PRA Request Nos. 20-597, 20-598, 20-599 and 20-600

**CORRECTED PETITIONERS' APPENDIX
(EXHIBITS ACCOMPANYING THE PETITION)**

Steven D. Zansberg (SBN 177528)
LAW OFFICE OF STEVEN D. ZANSBERG, L.L.C.
100 Fillmore Street, Suite 500 Denver, CO 80206
Telephone: (303) 385-8698
Facsimile: (720) 650-4763 steve@zansberglaw.com

Attorney for Petitioners

Dated: June 15, 2021

ATTACHMENT C

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BRANDON RITTIMAN
Special Projects Reporter

November 19, 2020

California Public Utilities Commission

RE: Public Records Act Request

To whom it may concern:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain records of the following, which I understand to be held by your agency:

- Any and all communications with any commissioner regarding cooperation with the Butte County district attorney's criminal investigation of the 2018 Camp Fire. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

Please provide responsive documents in their native format with metadata. For example, if a spreadsheet or email (.eml) file is available, do not print and scan documents. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or physical media if not.

I ask that you notify me of any duplication costs exceeding \$0.25/page before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,

Brandon Rittiman
Special Projects Reporter, ABC10

Mobile: 916-584-1266
brittiman@abc10.com



BRANDON RITTIMAN
Special Projects Reporter

November 19, 2020

California Public Utilities Commission

RE: Public Records Act Request

To whom it may concern:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain records of the following, which I understand to be held by your agency:

- From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Ana Matasantos. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

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I ask that you notify me of any duplication costs exceeding \$0.25/page before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,

Brandon Rittiman
Special Projects Reporter, ABC10

Mobile: 916-584-1266
brittiman@abc10.com



BRANDON RITTIMAN
Special Projects Reporter

November 19, 2020

California Public Utilities Commission

RE: Public Records Act Request

To whom it may concern:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain records of the following, which I understand to be held by your agency:

- From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Alice Reynolds. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

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Thank you for your time and attention to this matter.

Sincerely,

Brandon Rittiman
Special Projects Reporter, ABC10

Mobile: 916-584-1266
brittiman@abc10.com



BRANDON RITTIMAN
Special Projects Reporter

November 19, 2020

California Public Utilities Commission

RE: Public Records Act Request

To whom it may concern:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain records of the following, which I understand to be held by your agency:

- From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Ann Patterson. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

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Please provide responsive documents in their native format with metadata. For example, if a spreadsheet or email (.eml) file is available, do not print and scan documents. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or physical media if not.

I ask that you notify me of any duplication costs exceeding \$0.25/page before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,

Brandon Rittiman
Special Projects Reporter, ABC10

Mobile: 916-584-1266
brittiman@abc10.com

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 30, 2020

VIA ELECTRONIC MAIL

Brandon Rittiman
Special Projects Reporter
ABC10
400 Broadway
Sacramento, CA 95818
brittman@abc10.com

**Re: Public Records Act Requests
CPUC Reference Nos.: PRA #20-596, #20-597, #20-598, #20-599 and #20-600**

Dear Mr. Rittiman:

On November 19, 2020 you submitted the following Public Record Act (PRA) requests to the California Public Utilities Commission (Commission):

PRA #20-596:

Any and all communications with any commissioner regarding cooperation with the Butte County district attorney's criminal investigation of the 2018 Camp Fire. This request includes all documents, emails, or texts whether made on state-issued or personal devices

PRA #20-597:

From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Ana Matasantos. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

PRA #20-598:

From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Alice Reynolds. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

PRA #20-599:

From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Ann Patterson. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

PRA #20-600:

From the period of Marybel Batjer's appointment to date, all communications between Ms. Batjer or her principal executive staff and Rachel Wagoner. This request includes all documents, emails, or texts whether made on state-issued or personal devices.

PRA #20-597, PRA #20-598, PRA #20-599 and PRA #20-600 all request communications between President Marybel Batjer or her principal executive staff and an employee of the Governor's Office. In accordance with GO 66-D Rev.1, Section 5, these records are exempt from disclosure pursuant to Cal. Gov't. Code § 6254(1). Therefore, these four PRA requests are closed.

The Commission is undertaking its identification and review of documents responsive to PRA #20-596. We will update you on the status of our review no later than December 14, 2020.

Please refer to PRA #20-596 in your communications with the Commission regarding the above-referenced matter.

Kindest regards,

/s/ Kathleen S. Chovan
Kathleen S. Chovan
Attorney, Legal Division

From: Rittiman, Brandon <brittiman@abc10.com>

Sent: Friday, December 4, 2020 3:40 PM

To: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>; Public Records <publicrecords@cpuc.ca.gov>

Cc: Elizondo, Guillermo <Guillermo.Elizondo@cpuc.ca.gov>

Subject: Re: California Public Utilities Commission Public Records Act Reference Nos.: PRA #20-596, #20-597, #20-598, #20-599 and #20-600

Kathleen:

I write to appeal the CPUC's decision to withhold production of records under Cal. Gov't. Code § 6254(l) (Governor Correspondence) for ABC10's PRA #20-597, PRA #20-598, PRA #20-599 and PRA #20-600 (Related PRAs).

The CPUC proposes to “limit access” to the Governor Correspondence requested in the Related PRAs. Therefore, pursuant to Article 1, Sec. 3 of the California Constitution, the CPUC must narrowly construe “correspondence” as used in Govt Code 6254(l); it “must be confined to communications by letter.” (Times Mirror Co. v. Superior Court (1991) 53 Cal.3d 1325, 1337.

As such, I ask that the CPUC please provide all text messages, emails, and calendar entries applicable to the information requested in the Related PRAs.

I ask for written confirmation of the CPUC's receipt of this appeal.

Thank you,

Brandon Rittiman | Special Projects Reporter, Director of the [FIRE-POWER-MONEY](#) reporting project

[ABC10/TEGNA](#)

400 Broadway | Sacramento, CA 95818

brittiman@abc10.com | 916-584-1266 (m)

From: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>
Sent: Friday, December 4, 2020 4:01 PM
To: Rittiman, Brandon <brittiman@abc10.com>; Public Records <publicrecords@cpuc.ca.gov>
Cc: Elizondo, Guillermo <Guillermo.Elizondo@cpuc.ca.gov>
Subject: RE: California Public Utilities Commission Public Records Act Reference Nos.: PRA #20-596, #20-597, #20-598, #20-599 and #20-600

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegna.com.

Good afternoon Mr. Rittiman:

The Commission is in receipt of your appeal of the Commission's response to the above-referenced Public Records Act requests.

Kindest regards,

Kathleen

Kathleen Chovan
Attorney, Legal Division
California Public Utilities Commission
300 Capitol Mall
Sacramento, CA 95814
(916) 327-6774

From: Rittiman, Brandon <brittiman@abc10.com>
Sent: Friday, December 4, 2020 3:40 PM
To: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>; Public Records <publicrecords@cpuc.ca.gov>
Cc: Elizondo, Guillermo <Guillermo.Elizondo@cpuc.ca.gov>
Subject: Re: California Public Utilities Commission Public Records Act Reference Nos.: PRA #20-596, #20-597, #20-598, #20-599 and #20-600

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As such, I ask that the CPUC please provide all text messages, emails, and calendar entries applicable to the information requested in the Related PRAs.

I ask for written confirmation of the CPUC's receipt of this appeal.

Thank you,

Brandon Rittiman | Special Projects Reporter, Director of the [FIRE-POWER-MONEY](#) reporting project

[ABC10/TEGNA](#)

400 Broadway | Sacramento, CA 95818

brittman@abc10.com | 916-584-1266 (m)

RE: California Public Utilities Commission Public Records Act Reference No.: PRA #20-619

Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>

Thu 1/7/2021 3:01 PM

To: Rittiman, Brandon <brittman@abc10.com>

Cc: Elizondo, Guillermo Guillermo.Elizondo@cpuc.ca.gov

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegna.com.

Good afternoon Mr. Rittiman:

The Commission acknowledges your appeal of our decision on item 1 of PRA #20-619. This appeal will be consolidated with the appeal of item 2 of PRA #20-619, as well as your appeal of PRA #20-596- #20-600.

A Vaughn index appears to be comparable to what is commonly called a "privilege log" in California. The Vaughn Index is applicable in cases under the federal Freedom of Information Act, but is not a requirement in California. The Public Records Act does not require that an agency create a privilege log. *Haynie v. Superior Court* (2001) 26 Cal. 4th 1061, 1075.

Thank you and Happy New Year to you.

Kindest regards,
Kathleen

Kathleen Chovan
Attorney, Legal Division
California Public Utilities Commission
300 Capitol Mall
Sacramento, CA 95814
(916) 327-6774

From: Rittiman, Brandon <brittman@abc10.com>

Sent: Wednesday, January 6, 2021 10:57 AM

To: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>

Cc: Elizondo, Guillermo <Guillermo.Elizondo@cpuc.ca.gov>

Subject: Re: California Public Utilities Commission Public Records Act Reference No.: PRA #20-619

Hi Kathleen:

By this email I am appealing your decision to deny to me records requested under item 1 of PRA #20-619 under the conclusion that "all responsive documents are exempt from disclosure based on the lawyer-client privilege; attorney work product doctrine and/or the deliberative process privilege." Please provide a Vaughn index for the claimed privileged or exempt records you assert.

You have not carried your burden under the PRA and Art I, Sec 3 making your case the records are exempt.

Thanks and Happy New Year,

Brandon Rittiman |

Special Projects Reporter, Director of the [FIRE-POWER-MONEY](#) reporting project

[ABC10/TEGNA](#)

400 Broadway |

Sacramento, CA 95818

brittiman@abc10.com |

916-584-1266 (m)



LAW OFFICE OF
STEVEN D. ZANSBERG, LLC

April 14, 2021

Via Email: [Kathleen.Chovan@cpuc.ca.gov]

Kathleen S. Chovan, Esq.
Legal Division
California Public Utilities Commission
300 Capitol Mall
Sacramento, CA 95814

Re: CPRA Requests of Brandon Rittiman and ABC10

Dear Ms. Chovan:

This law firm represents KXTV-TV (ABC10) and its Special Projects Reporter, Brandon Rittiman. Mr. Rittiman has shared with me his correspondence with your office concerning PRA #20-597, PRA #20-598, PRA #20-599 and PRA #20-600 in which he requested, under California's Public Records Act (CPRA) access to a certain set of communications between CPUC President Marybel Batjer and four members of Governor Gavin Newsom's staff (specifically: Ana Matasantos, Alice Reynolds, Ann Paterson and Rachel Wagoner).

By letter dated November 30, 2020, the CPUC denied those requests, citing as its only statutory grounds for doing so, Cal. Govt. Code § 6254(l), which exempts from disclosure certain communications received by the Governor's office.

Mr. Rittiman subsequently filed another request (PRA #20-619) in which, as Part 2 thereof, he sought access to

“Any record or communication regarding the email responses between any CPUC employee and any agent or employee of the governor's office.”

in which “the email responses” referred to two enclosed emails sent to Mr. Rittiman by Terry D. Prosper.

On December 4, 2020 the CPUC denied this latter request (PRA # 20-619), again citing only Cal. Govt. Code § 6254(l), as the basis for denial.

On December 4, 2020, Mr. Rittiman filed his first appeal of the above CPRA records denials, citing the narrow construction the California Court of Appeals had given subsection 6254(l) in *Times Mirror Co. v. Superior Court*, (1991) 53 Cal. 3d 1325, 1337. By email that same date you acknowledged the receipt of Mr. Rittiman's appeal.

Kathleen S. Chovan, Esq.

April 14, 2021

Page 2

Subsequently, on January 7, 2021, you emailed Mr. Rittiman acknowledging his appeal of Part 1 of PRA #20-619, and you stated that that appeal “will be consolidated with the appeal of item 2 of PRA #20-619, as well as your appeal of PRA #20-596– #20-600.”

Now, a full *four months* after Mr. Rittiman filed his appeal, no date has been set for the Commission to consider a Resolution resolving that appeal. *But see* General Order No. 66-D section (6) and Appendix B thereto:

Once the . . . Appeal . . . is received, the Commission will place a draft resolution on a future agenda for the Commission to reconsider the determination to withhold information.

As we are sure you are aware, the California Public Records Act contemplates that public records requests are to be processed and resolved speedily, specifically to avoid prolonged delays in the public obtaining access to “public records” to which no statutory exemption applies. *See, e.g.*, Cal. Govt. Code § 6253(b) (“Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make *the records* promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable.”) (emphasis added); § 6253(c) (“ No notice [of extraordinary circumstances] shall specify a date that would result in an extension for more than 14 days.”); § 6253 (d) (“Nothing in this chapter shall be construed to permit an agency to *delay* or obstruct the inspection or copying of public records.”) (emphasis added).

Accordingly, we hereby notify you that unless the Commission places such a Resolution on a meeting calendar to be addressed by April 22, 2021 we shall consider its inaction and inexcusable delay as a constructive denial of Mr. Rittiman’s timely appeal, and, accordingly shall seek judicial review thereof by filing a petition in the California Court of Appeals.

Prior to our doing so, we respectfully urge the Commission to swiftly reconsider its denials of Mr. Rittiman’s PRA requests because the sole statutory basis for all five denials is completely inapplicable to those requests. California’s Court of Appeals has held that section 6254(l) provides confidentiality to a small subset of “letters” and other correspondence received by the Governor’s Office: it applies only to those communications sent from individuals, companies, and/or groups who are *outside of the government*. *See Cal. First Amend. Coal. v. Superior Ct.*, 67 Cal.App.4th 159, 168 (Cal. Ct. App. 1998) (“In our view, the correspondence exemption was intended to protect communications to the Governor and members of the Governor’s staff from ***correspondents outside of government***.”) (emphasis added); *see also ACLU of N. Cal. v. Superior Ct.*, 202 Cal.App.4th 55, 65 (Cal. Ct. App. 2011) (“as stated in *California First Amendment Coalition v. Superior Court* . . . that exception is ‘intended to protect

Kathleen S. Chovan, Esq.

April 14, 2021

Page 3

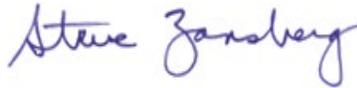
communications to the Governor and members of the Governor's staff from correspondents outside of government;" and stating that trial court properly found that provision inapplicable to documents exchanged between governmental offices).

Because all of Mr. Rittiman's above-referenced PRA requests were limited exclusively to exchanges of communications *between governmental offices*, section 6254(l) has no application, whatsoever, to the responsive public records.

We trust that upon your review of these authorities the Commission will promptly reconsider and withdraw its unfounded denials of Mr. Rittiman's PRA requests and will, without further delay, provide him with copies of all responsive public records in its possession.

Please contact me at (303) 385-8698 if you wish to discuss any of above.

Sincerely,



Steven D. Zansberg

cc: Brandon Rittiman, ABC10
Gonzalo Magana, ABC10
Chris Moeser, Esq., TEGNA, Inc.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 19, 2021

Steven D. Zansberg, Esq.
Law Office of Steven D. Zansberg, LLC
100 Fillmore Street, Suite 500
Denver, CO 80206
steve@zansberglaw.com

Re: CPRA Requests of Brandon Rittiman and ABC10

Dear Mr. Zansberg:

This letter is in response to your letter dated April 14, 2021 regarding the appeal of Brandon Rittiman, of ABC10, to the California Public Utilities Commission (Commission) response to various Public Record Act (PRA) requests submitted by Mr. Rittiman.

In particular, Mr. Rittiman appealed the Commission's determination on PRA Nos.: #20-597, #20-598, #20-599, #20-600 and #20-619. You indicated that unless these matters were calendared for the April 22, 2021 Commission meeting, you would file a petition in the California Court of Appeals seeking judicial review of what you considered to be constructive denial of Mr. Rittiman's appeals.

As stated in our email to you dated April 14, 2021, we acknowledge and apologize for the delay in processing Mr. Rittiman's appeal. We also stated that the delay was based solely on workload issues and did not reflect any Commission or Commissioner position regarding the substance of Mr. Rittiman's appeal.

The Commission takes seriously your concerns regarding the delay, and whenever possible works to avoid unnecessary litigation. Unfortunately, we are not able to place Mr. Rittiman's appeals on the April 22, 2021 Commission meeting calendar, as agenda items require internal vetting and the opportunity for 30-day notice and public comment. In light of these requirements, we will target Mr. Rittiman's appeal for the June 24, 2021 Commission meeting, with the Commission's draft Resolution issued for public comment by May 21, 2021.

Your April 14th letter further challenges the bases for the Commission's decisions, and requests immediate production of the public records under dispute. The Commission will address the substantive issues of Mr. Rittiman's appeals in its draft Resolution as circulated for public comment by May 21st.

Again, we apologize for the delay and will fully address Mr. Rittiman's appeals in preparation for the June 24 Commission meeting.

Kindest regards,

/s/ Kathleen S. Chovan
Kathleen S. Chovan
Attorney, Legal Division

From: Steve Zansberg <steve@zansberglaw.com>
Sent: Tuesday, May 25, 2021 11:44 AM
To: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>
Cc: Rittiman, Brandon <brittiman@abc10.com>; gmagana@abc10.com; TEGNA, Inc. (cmoeser@tegna.com) <cmoeser@tegna.com>
Subject: [EXTERNAL] URGENT: REPLY REQUESTED

Dear Ms. Chovan:

Please respond by acknowledging your receipt of this email message and the one I sent yesterday morning (below).

Thank you.

Best,
Steve



LAW OFFICE OF
STEVEN D. ZANSBERG, LLC

100 Fillmore Street, Suite 500
Denver, CO 80206
(303) 385-8698
www.zansberglaw.com

From: Steve Zansberg
Sent: Monday, May 24, 2021 11:14 AM
To: Kathleen.Chovan@cpuc.ca.gov
Cc: Rittiman, Brandon <brittiman@abc10.com>; gmagana@abc10.com; TEGNA, Inc. (cmoeser@tegna.com) <cmoeser@tegna.com>
Subject: FW: CPRA requests of Brandon Rittiman, ABC10
Importance: High

Dear Ms. Chovan:

Could you please send me a copy of the draft Resolution that was, according to your letter of April 19, to be published for public comment on Friday?

(<https://docs.cpuc.ca.gov/SearchRes.aspx?ProposedDecisions=1&DaySearch=30>)

Thanks very much.

Best,
Steve



LAW OFFICE OF
STEVEN D. ZANSBERG, LLC

100 Fillmore Street, Suite 500
Denver, CO 80206
(303) 385-8698
www.zansberglaw.com

From: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>
Sent: Tuesday, May 25, 2021 1:08 PM
To: Steve Zansberg <steve@zansberglaw.com>
Cc: Rittiman, Brandon <brittiman@abc10.com>; gmagana@abc10.com; TEGNA, Inc. (cmoeser@tegna.com) <cmoeser@tegna.com>
Subject: RE: [EXTERNAL] URGENT: REPLY REQUESTED

Dear Mr. Zansberg:

This is to acknowledge receipt of the email messages from you today and yesterday. I apologize for the delay in response.

Unfortunately, we were unable to circulate a draft Resolution in time for the June 24th Commission meeting. At this time, we are targeting the August 5th Commission meeting, requiring circulation of a Resolution by July 2nd.

Please know that we take your appeal of our determination on these PRAs seriously and are conducting our due diligence to fully respond.

Kindest regards,

Kathleen

Kathleen Chovan
Attorney, Legal Division
California Public Utilities Commission
300 Capitol Mall
Sacramento, CA 95814

From: Steve Zansberg
Sent: Tuesday, May 25, 2021 1:16 PM
To: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>
Cc: Rittiman, Brandon <brittiman@abc10.com>; gmagana@abc10.com; TEGNA, Inc. (cmoeser@tegna.com) <cmoeser@tegna.com>
Subject: RE: [EXTERNAL] URGENT: REPLY REQUESTED

Thanks. We will so notify the court in our forthcoming lawsuit asserting the CPUC has constructively denied Mr. Rittiman's appeal.

Best,
Steve



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From: Chovan, Kathleen S. <Kathleen.Chovan@cpuc.ca.gov>
Sent: Tuesday, May 25, 2021 1:08 PM
To: Steve Zansberg <steve@zansberglaw.com>
Cc: Rittiman, Brandon <brittiman@abc10.com>; gmagana@abc10.com; TEGNA, Inc. (cmoeser@tegna.com) <cmoeser@tegna.com>
Subject: RE: [EXTERNAL] URGENT: REPLY REQUESTED

Dear Mr. Zansberg:

This is to acknowledge receipt of the email messages from you today and yesterday. I apologize for the delay in response. Unfortunately, we were unable to circulate a draft Resolution in time for the June 24th Commission meeting. At this time, we are targeting the August 5th Commission meeting, requiring circulation of a Resolution by July 2nd.

Please know that we take your appeal of our determination on these PRAs seriously and are conducting our due diligence to fully respond.

Kindest regards,

Kathleen

Kathleen Chovan
Attorney, Legal Division
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