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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

CALIF. ENERGY COMMISSION

MAY 19 1983

BUSINESS MEETING

RECEIVED IN DOCKETS

AGENDA ITEM 11

EXECUTIVE DIRECTOR'S REPORT

1516 NINTH STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 18, 1983

11:00 O'CLOCK A.M.

Reported by: Amber Whitsett
Video/Audio Recording Services, Inc.
2100-28th Street
Sacramento, California
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COMMISSIONERS PRESENT

- Arturo Gandara, Vice Chairman
- Russell Schweickart, Commissioner
- Karen Edson, Commissioner
- Geoffrey Commons, Commissioner

STAFF PRESENT

- John Geesman, Executive Director
- Bill Chamberlain
- Mark Urban
- Karen Mathies, Secretary

EX OFFICIOS

- Bill Foley, PUC
- Gordon Snow, Resources Agency

PUBLIC ADVISER'S OFFICE

- Ernesto Perez

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P R O C E E D I N G S

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3 VICE CHAIRMAN GANDARA: Let's proceed for now,
4 then, to the Executive Director's Report.

5 EXECUTIVE DIRECTOR GEESMAN: I distributed a
6 memo to you, dated yesterday, on some printing problems
7 we're having with the Biennial Report. It indicates as
8 much as I know about those problems.

9 COMMISSIONER SCHWEICKART: Mr. Geesman, has there
10 been any contact with the Governor's Office -- excuse me.
11 I'm curious, as the Presiding Member on the Biennial Report,
12 and having, as you're well aware, a long record of trying
13 to get this report out, I'm concerned that there is a further
14 delay here which appears to be, from what I see in your
15 report, without rationale.

16 Has there been any contact with the Governor's
17 Office as to what purpose Mr. Kahwajian had in mind in
18 confiscating the Biennial Report?

19 EXECUTIVE DIRECTOR GEESMAN: No, there is not.
20 The last information that I had was at the end of the day
21 yesterday. Deputy Resources Secretary Terry Eagan was
22 attempting to call Vice Chairman Gandara to discuss the
23 matter, but had not yet connected.

24 COMMISSIONER SCHWEICKART: Do we have any
25 indication from Mr. Eagan what the purpose of this

1 confiscation is, Commissioner Gandara?

2 VICE CHAIRMAN GANDARA: Mr. Eagan called me
3 yesterday afternoon. We were not able to talk because
4 as we were discussing at the time another matter. I called
5 him back at 9:15 this morning. He is -- we have not
6 connected yet, so, no, I have not spoken to Mr. Eagan yet
7 about it.

8 COMMISSIONER SCHWEICKART: Do we have any idea
9 what kind of delay we're looking at here, Mr. Geesman?

10 EXECUTIVE DIRECTOR GEESMAN: Well, the earlier
11 call that Mr. Eagan had made to Steve Ramirez in the
12 Chairman's office had indicated Mr. Eagan's request of
13 Steve that printing be held up as a favor to Chairman
14 Imbrecht while Chairman Imbrecht was out of town.

15 I don't know realistically if that is a finite
16 limit to the work delay or not. When Mr. Ramirez called
17 Mr. Eagan back, he did indicate that we were aware of the
18 fact that the mock-up of the BR had been seized by Mr.
19 Kahwajian some ten days earlier.

20 Mr. Eagan had not disclosed that in his first
21 call to Steve Ramirez. He acknowledged in the second call
22 that, yes, that was true. I couldn't tell you honestly
23 that it's a finite limit to the time suspension, or if it's
24 actually a plan to simply cancel the printing.

25 COMMISSIONER SCHWEICKART: I take it from what

1 you just said that the -- that Mr. Eagan's representation
2 to Mr. Ramirez was that this was at the Chairman's
3 request?

4 EXECUTIVE DIRECTOR GEESMAN: Not at his request.
5 In fact, I don't believe that the Chairman is aware of
6 the problem. Mr. Eagan called indicating concern with the
7 cost of the document during a period of fiscal restraint,
8 and I think presuming that Chairman Imbrecht would share
9 that concern, requested of Chairman Imbrecht's staff, Mr.
10 Ramirez, that the printing be held up until Chairman
11 Imbrecht returned.

12 COMMISSIONER SCHWEICKART: To your knowledge
13 had we received, either before the confiscation or after-
14 ward, any request for information on the cost of the report?

15 EXECUTIVE DIRECTOR GEESMAN: No.

16 COMMISSIONER SCHWEICKART: Or comparative costs
17 with earlier reports --

18 EXECUTIVE DIRECTOR GEESMAN: No.

19 COMMISSIONER SCHWEICKART: -- in previous biennial
20 cycles?

21 EXECUTIVE DIRECTOR GEESMAN: No.

22 COMMISSIONER EDSON: Is it correct that, in fact,
23 most of the costs have already been incurred?

24 EXECUTIVE DIRECTOR GEESMAN: Yes, our current
25 estimate is that the report will cost \$55,000 to produce.

1 That's about half of what BR-III costed to produce. Of that
2 \$55,000, \$35,000 is for art work and composition. Although
3 we've not yet been invoiced by the State Printer for that
4 \$35,000, we've already incurred virtually all of that cost.

5 The printing cost, itself, is \$20,000, and it's
6 that \$20,000 figure that potentially would be affected
7 by a work stoppage.

8 COMMISSIONER EDSON: Who actually has the report
9 now?

10 EXECUTIVE DIRECTOR GEESMAN: I don't know the
11 answer to that. I know that there are a number of mock-ups
12 so that it wasn't as if Mr. Kahwajian's seizure of the
13 mock-up that the State Printer was using represents the
14 only mock-up available to help with paste-up.

15 COMMISSIONER SCHWEICKART: Is work progressing
16 at this time?

17 EXECUTIVE DIRECTOR GEESMAN: I have directed
18 our staff to complete the paste-up of the report. Their
19 estimate is that that should be able to be done early next
20 week. The key issue is whether the printing presses
21 actually run or not.

22 COMMISSIONER SCHWEICKART: All right. I guess
23 one other question I had was whether to your knowledge,
24 John, there is awareness on the part, either of Mr.
25 Kahwajian or Mr. Eagan, that in fact the Commission made

1 very specific -- took very specific actions in moving from
2 an earlier four-color precedent down to two-color, and
3 reducing the run from something like 10,000 previous to,
4 I believe, four, in order to specifically reduce costs.
5 Do you know for a fact --

6 EXECUTIVE DIRECTOR GEESMAN: I don't know if
7 they're aware of that or not.

8 COMMISSIONER SCHWEICKART: -- that they're aware
9 of that?

10 EXECUTIVE DIRECTOR GEESMAN: I don't know if
11 they're aware of that.

12 VICE CHAIRMAN GANDARA: Excuse me, if I might.
13 Dr. Snow here has had his hand up here for a few minutes
14 here. He might be able to relay some information.

15 DR. SNOW: I'm from the Resources Agency, and
16 I'm somewhat familiar with this, although I'm not familiar
17 with all the details.

18 First of all, I would like to issue a dissent
19 from the use of the word "confiscation." "Confiscation"
20 means a permanent removal, and it's not a permanent removal,
21 at all.

22 What we're looking for is some explanation on
23 costs, the use of colors, why if you're only going to print
24 4,000 copies of this document there are 11,000 covers
25 printed. We would like to know what the unit cost is going

1 to be, what you expect to charge for this, how many you
2 had left over from the last report, and how many of those
3 were sold out of the total printing.

4 There is a lot of questions on costs that we
5 would like to see answers for before we go too much farther
6 down the road.

7 EXECUTIVE DIRECTOR GEESMAN: We can certainly --

8 DR. SNOW: So, could you supply those?

9 EXECUTIVE DIRECTOR GEESMAN: We can certainly
10 provide that information. The word "confiscate" was the
11 way in which Mr. Kahwajian described his seizure of the
12 document to the employees at the State Printing Plant when
13 he removed it from their possession.

14 DR. SNOW: I'm not responsible for his comment,
15 but a confiscation to me means a permanent removal, and
16 there is no plan to stop the printing of the report. The
17 report will come out. But we would like to see some answers
18 to some of these questions..

19 VICE CHAIRMAN GANDARA: Mr. Geesman is -- Commis-
20 sioner Commons?

21 COMMISSIONER COMMONS: Just, I think, Mr. Snow,
22 I would have two comments.

23 First of all, I think the questions you raise are
24 certainly appropriate and either the Chairman or the
25 Executive Director or the Presiding Member of the Biennial

1 Committee should prepare that information and there should
2 be discussions.

3 I guess my concern would be that I believe you
4 -- Mr. Geesman said that this occurred almost two weeks
5 ago.

6 EXECUTIVE DIRECTOR GEESMAN: That's correct.

7 COMMISSIONER COMMONS: My concern is -- you know,
8 one of the reasons that you sit here with us is that we
9 should have good communication, and apparently we only found
10 out about this yesterday, and I don't think that would be
11 good communication between the two of us.

12 DR. SNOW: I couldn't agree with you more. We
13 haven't received a copy of the -- whatever it is you said
14 was distributed yesterday; a memorandum or a letter?

15 EXECUTIVE DIRECTOR GEESMAN: It's a memorandum
16 from me to the Commissioners.

17 DR. SNOW: Okay, we haven't received that either.
18 So good communications certainly is to be desired.

19 EXECUTIVE DIRECTOR GEESMAN: Well, I have to say
20 that as an independent Commission, my memos to the Commis-
21 sioners have not, as a matter of custom, been distributed
22 outside the Commission. I'll certainly make a copy avail-
23 able to you.

24 DR. SNOW: I would remind you that the Resources
25 Agency sits here as an ex officio member of this Commission.

1 EXECUTIVE DIRECTOR GEESMAN: I'll make a copy
2 available to you.

3 COMMISSIONER SCHWEICKART: You're certainly
4 welcome here, Mr. Snow. I'd point out this is the first
5 time you have been here, as a matter of fact.

6 DR. SNOW: No.

7 VICE CHAIRMAN GANDARA: No, it's his second time.

8 COMMISSIONER SCHWEICKART: Second time? Maybe
9 I wasn't here when you were here.

10 DR. SNOW: That's right.

11 COMMISSIONER COMMONS: And he's also going to
12 be here in the future.

13 COMMISSIONER SCHWEICKART: But let me ask a
14 question, are you suggesting that the procedure that either
15 will be used or is suggested here, or however you want to
16 word it, seizing or confiscating -- to use Mr. Kahwajian's
17 word -- or whatever, prior to any request for such informa-
18 tion as you very rightly indicated here, is an appropriate
19 procedure?

20 DR. SNOW: I really couldn't answer that because
21 I'm not privy to what went on at that time or who did what,
22 but certainly there should have been some communication
23 between the two parties.

24 COMMISSIONER SCHWEICKART: Which two parties, sir?

25 DR. SNOW: Resources Agency and your Commission.

1 VICE CHAIRMAN GANDARA: Has there ever been a
2 formal request for any information regarding the Biennial
3 Report? Any request? Informal?

4 EXECUTIVE DIRECTOR GEESMAN: No.

5 VICE CHAIRMAN GANDARA: An informal request?

6 EXECUTIVE DIRECTOR GEESMAN: No.

7 VICE CHAIRMAN GANDARA: A telephone call?

8 EXECUTIVE DIRECTOR GEESMAN: No.

9 COMMISSIONER EDSON: I think, in fact, Mr. Snow,
10 your request today is the first time we've had any request --

11 COMMISSIONER SCHWEICKART: Right.

12 COMMISSIONER EDSON: -- for information on the
13 cost of this publication from the Resources Agency.

14 DR. SNOW: Well, then I would make it an official
15 request.

16 COMMISSIONER SCHWEICKART: Could we have that
17 in writing, sir?

18 DR. SNOW: Oh, sure.

19 COMMISSIONER SCHWEICKART: I mean, we'll certainly
20 respond to that, and begin gathering the information, but
21 it would be helpful if we could have it documented.

22 DR. SNOW: Surely.

23 COMMISSIONER SCHWEICKART: All right.

24 DR. SNOW: I would be happy to write all the
25 questions down about the costs.

1 VICE CHAIRMAN GANDARA: I guess again speaking
2 to the issues raised by Commissioner Schweickart, I guess
3 with respect to the Energy Commission publications that
4 would go to the State Printer, are we to expect inquiries
5 before or after any interference with Energy Commission
6 publications?

7 DR. SNOW: I'm sorry.

8 VICE CHAIRMAN GANDARA: Are we to expect any
9 inquiries with respect to Energy Commission publications
10 before or after any interference with the publication
11 schedule?

12 DR. SNOW: Well, I'm not sure, but did I quit
13 beating my wife on Saturday night, but the previous publica-
14 tions have been very expensive. We're not sure how much
15 you're going to charge for this, how many you would expect
16 to sell, or how many people would buy it at, say, \$14, \$15
17 a copy.

18 MR. PEREZ: Vice Chairman Gandara?

19 DR. SNOW: And having them left over, sitting on
20 a shelf or in a box someplace in a basement is not efficient
21 government at all. And somebody has to speak to the
22 effect on the State budget, and the people of California
23 who have to, in the end, pay for these things.

24 VICE CHAIRMAN GANDARA: We have a comment from
25 the Public Adviser, a question.

1 MR. PEREZ: Yes, a comment. The provisions of
2 the Public Records Act require that the State Government
3 provide public documents to the public upon its request.

4 The California Energy Commission currently has
5 at least 1,222 requests for this document. I understand
6 its legal status is that it is signed, sealed and delivered
7 to the Legislature pursuant to the Warren-Alquist Act, and
8 is it appropriate at this time for the California Energy
9 Commission to contemplate the development of a notice of
10 availability explaining the current lack of availability of
11 the document, pursuant either to the Secretary of the
12 Resources Agency action or the action of the Government.

13 I raise those as comments. I have to keep the
14 public of California informed about the status of availability
15 of documents that they're legally entitled to, and I do
16 not understand the status of the availability of this docu-
17 ment at this time.

18 VICE CHAIRMAN GANDARA: Mr. Geesman, let me
19 ask another additional question. Do we have an inter-agency
20 agreement with the State Printers? Is there a legal obliga-
21 tion on their part, with respect to the contract or under-
22 standing, or whatever it is we have with them, with respect
23 to confidentiality of the document, commitment to produce
24 whatever is sent to them? How exactly does this work?
25 It's an unusual case, certainly.

1 EXECUTIVE DIRECTOR GEESMAN: Under the Government
2 Code and the State Administrative Manual, the procedure
3 for dealing with the State Printer is through a work order
4 process. It doesn't actually constitute a contract, but
5 rather is akin to a purchase order. We do have such a
6 purchase order on file with the State Printer.

7 The graphics art supervisor who was on lunch hour
8 when Mr. Kahwajian removed the document from the Printing
9 Plant, called him immediately to ask why that had happened
10 and he has reiterated to us that it is not the policy of
11 the State Printer to allow anyone other than a representative
12 of the client department to remove jobs from the State
13 Printing Plant.

14 Now, that policy of the State Printer appears
15 to be an internal matter of professional conduct. It is
16 not a part of statute or regulations.

17 VICE CHAIRMAN GANDARA: Why did they not inform
18 us earlier? Did they attempt to inform us that work was
19 not progressing, or --

20 EXECUTIVE DIRECTOR GEESMAN: They were told by
21 Mr. Kahwajian that the Governor's Office would take care
22 of that, and, in fact, when our employee, on Monday, went
23 over to the State Printing Plant to assist with paste-up,
24 he was informed by the graphics supervisor that this had
25 occurred some ten days previously. The graphic supervisor

1 called Mr. Kahwajian again to inquire as to what Mr.
2 Kahwajian's desire was. Mr. Kahwajian indicated that work
3 was still to be halted, and Mr. Eagan in the Resources
4 Agency would handle the matter further.

5 It was then that Mr. Eagan called Steve Ramirez
6 here at the Commission to discuss it.

7 VICE CHAIRMAN GANDARA: Well, --

8 COMMISSIONER SCHWEICKART: I think the issue
9 here is whether or not the Commission requests some formal
10 explanation of, in fact, what is happening here. I mean,
11 it's clear that there is some concern. I frankly don't
12 know where we address that. Is that to Mr. Eagan or is
13 to the Governor's Office, and perhaps Mr. Snow can inform
14 us.

15 DR. SNOW: Well, I really couldn't advise you,
16 but if I was writing the letter, I would mail it to the
17 Governor's Office.

18 COMMISSIONER SCHWEICKART: All right.

19 DR. SNOW: But I would certainly contact Terry
20 Eagan.

21 COMMISSIONER SCHWEICKART: I think that's -- my
22 understanding is that at least in the last two days, that
23 has been going both ways. He's been trying to contact us,
24 and we've been trying to contact him. Unfortunately, that's
25 only the last two days.

1 Mr. Snow, just as a point of information, is it
2 to your knowledge, did this concern originate within the
3 Governor's Office, or did the concern originate within
4 Mr. Eagan's office?

5 DR. SNOW: I couldn't answer that. I don't know.

6 MR. FOLEY: May I ask a question? Has BR-IV
7 been officially approved by Governor Brown in December?

8 COMMISSIONER SCHWEICKART: The date the
9 Commission formally adopted BR-IV --

10 VICE CHAIRMAN GANDARA: October 15th.

11 EXECUTIVE DIRECTOR GEESMAN: No, I think it was
12 some time in November.

13 COMMISSIONER SCHWEICKART: I think it's a November
14 date. That's right. Early November. It was transmitted,
15 as we always have, because of the necessary delays in
16 printing, it was -- a very few -- a limited number of
17 xerox copies was made, and they were delivered formally
18 to the Governor's Office and the Legislature, and Governor
19 Brown commented pursuant to the Nestandé Bill -- I don't
20 remember the --

21 EXECUTIVE DIRECTOR GEESMAN: 25309.2.

22 COMMISSIONER SCHWEICKART: -- section of Code.

23 COMMISSIONER EDSON: 25309.2.

24 COMMISSIONER SCHWEICKART: 25309.2.

25 EXECUTIVE DIRECTOR GEESMAN: 25309.2 of the Public

1 Resources Code.

2 COMMISSIONER SCHWEICKART: Of the Public Resources
3 Code, I believe sometime in December, on the report. So,
4 it is an official document, duly delivered, pursuant to
5 law, and to my knowledge the response required a report
6 to the Legislature from the Governor's Office in response
7 to it. So, it is clearly an official document, albeit now
8 with only limited distribution, and we've been -- I frankly
9 have been beating on the staff to get it out of the State
10 Printer. We are, unfortunately, taking record time, and
11 this is adding to it.

12 MR. FOLEY: Thank you. The question came up in
13 a PUC proceeding a couple weeks ago. We weren't sure.

14 COMMISSIONER EDSON: I would like to ask the
15 Commission to comment on this suggestion, and that would
16 be that we direct the Executive Director to officially
17 protest the manner in which this work stoppage occurred,
18 and protest the fact that a work stoppage occurred nearly
19 two weeks before any questions were offered to the
20 Commission that might lead to some restart of work.

21 VICE CHAIRMAN GANDARA: Commissioner Commons?

22 COMMISSIONER COMMONS: I think we're moving into
23 areas where we should -- without our Chairman being present,
24 and he is, in essence, the official representative of the
25 Governor, and we do not know if this emanates from the

1 Governor's Office or from the Department. That -- he'll
2 be back next Monday, and the difference of two or three
3 days in the printing, I think Mr. Snow has raised some
4 questions, and until the Chairman, I think, met with the
5 Department and we've provided the answers, I see nothing
6 here that has transpired, other than the fact that there
7 probably wasn't as good of communication as we should have
8 had.

9 I think what will happen is that we'll just roll
10 right by this unless we make it a big issue, which will then
11 just do no one any particular good, and what I'd really like
12 to see is, let's let our Chairman take care of this early
13 next week, and then if he has a problem -- I believe we're
14 putting over the Executive Session, continuing it until
15 next Wednesday, in any event, and maybe we have the
16 ability -- we'll have the ability to respond if there is
17 a problem that continues.

18 VICE CHAIRMAN GANDARA: I was not aware we were
19 putting off the Executive Session.

20 COMMISSIONER COMMONS: Not putting off, but we're
21 going to be continuing it --

22 COMMISSIONER SCHWEICKART: Well, this is not a mat-
23 ter for the Executive Session.

24 COMMISSIONER EDSON: Yes, this --

25 COMMISSIONER COMMONS: That's probably not --

1 COMMISSIONER SCHWEICKART: Unless we're going to
2 sue somebody. (Laughter) Which doesn't appear to be
3 appropriate.

4 COMMISSIONER COMMONS: I really encourage the
5 Commission that -- let's give our Chairman an opportunity
6 next Monday. I believe the memo suggests that Mr. Eagan
7 did want to talk with the Chairman on the matter, and
8 you're going to put into a letter form some of the questions
9 that you wanted responded to.

10 DR. SNOW: I think Commissioner Commons has
11 reflected my thoughts very precisely, and I would only add
12 that I think that since Mr. Eagan and Chairman Imbrecht have
13 had conversations on that subject, that --

14 COMMISSIONER SCHWEICKART: On this matter, sir?

15 DR. SNOW: I think so. And since Mr. Imbrecht
16 is not here, then it might be appropriate to wait until
17 he returns, because he seems to be a missing part of the
18 puzzle.

19 VICE CHAIRMAN GANDARA: Let me say that I spoke
20 to Commissioner Imbrecht when he called in, and he indicated
21 to me that he was requesting his staff to make a request
22 of Mr. Eagan's office to call me, as Mr. -- and that was
23 Tuesday, and Mr. Eagan did call me Wednesday afternoon. I
24 called him back this morning, but we have not connected.

25 I clearly am not privy to his conversations, but

1 Commissioner Imbrecht did not indicate to me, at all, that
2 this was anything he had knowledge of, or indicate to me
3 that he had -- was aware of the situation.

4 DR. SNOW: It's possible I'm mistaken, it's just
5 that I kind of picked that one up -- I thought -- in the
6 conversation with Terry Eagan.

7 EXECUTIVE DIRECTOR GEESMAN: My understanding
8 from Commissioner Imbrecht's staff was that he was as
9 surprised as any of us to learn of these developments.

10 DR. SNOW: It's possible I'm mistaken.

11 COMMISSIONER SCHWEICKART: I guess I would like
12 to respond to Commissioner Edson's recommendation and
13 Commissioner Common's rejoinder. I think while it's
14 entirely appropriate that the Chairman, when he returns,
15 take a major role in the matter, I think the action taken
16 is protestable, and there should be no -- there isn't any
17 obviating of that basic position, at least on my part.

18 The Chairman gave no indication, no one in his
19 office was at all aware of it until two days ago, I believe,
20 is correct. It was a total surprise to everyone in his
21 office, and apparently on the phone with Commissioner Gandara.

22 I certainly have no problem here indicating a
23 strong protest to this kind of action, but that's a -- I
24 would defer until the Chairman's return for anything more
25 formal.

1 VICE CHAIRMAN GANDARA: Commissioner Commons?

2 COMMISSIONER COMMONS: Yeah. It may turn out,
3 Commissioner Schweickart, that we have a basis of a formal
4 protest, but without having direct conversations with the
5 parties, I would prefer not to take the action until we've
6 had more communications to find out really what did happen.
7 We just have too much, I think, missing information now, and
8 it would be premature for us to make a formal protest with-
9 out having additional facts.

10 VICE CHAIRMAN GANDARA: Well, is that the end
11 of the discussion, here, or is there some request for
12 a direction to the Executive Office? The Public Adviser,
13 who has raised the issue of that there are, what, over
14 1,000 requests for the document. You know, is there going
15 to be a notice of unavailability issued, or -- I mean, what
16 will you be informing the public of, Mr. Perez?

17 MR. PEREZ: The -- one thing I need clarification
18 on is whether or not this was an action by the Secretary
19 of the Resources Agency, or an action by the Governor of
20 California.

21 The Public Records Act is extremely specific
22 in stating that certain public documents shall be available
23 to any member of the public who requests a copy.

24 As Commissioner Schweickart has pointed out, this
25 particular year's publication is unusually overdue. I don't

1 want to make a mountain out of a molehill, but to the
2 extent that the delay that is being effected is going to
3 be significant, and that is something that only the person
4 who made this decision can answer to the Commission, the
5 public of California is entitled, under California law,
6 to such an answer. The sanctions for violating the provisions
7 of the Public Records Act knowingly do include criminal
8 misdemeanor penalties, and I'm not suggesting that the
9 action reaches that level, but I am saying that under the
10 law I am required to advise the Commission on the applica-
11 bility of various governmental codes, and this is one that
12 clearly comes into play on this issue.

13 DR. SNOW: Sure sounds like a mountain to me,
14 but let me, once again, reiterate --

15 MR. PEREZ: I should perhaps rephrase my statement
16 that the interest of public access to public documents is
17 a mountain.

18 DR. SNOW: I have no quarrel with that. I under-
19 stand the Freedom of Information Act very well, but what
20 I'm saying is the document will be produced. It is not
21 being taken away from the public, and you have no basis
22 for the comments you just made.

23 MR. PEREZ: The basis for my comments is a request
24 for clarification as to what will be the actual status of
25 availability of this publication, in light of the action by

1 either--and at this point is the basis of my clarification
2 request, by the -- as a result of the action by either
3 the Governor's Office or the Secretary of the Resources
4 Agency. That's the basis for my request for clarification.

5 DR. SNOW: Then you would have to ask those two
6 parties.

7 COMMISSIONER SCHWEICKART: Well, hold on.

8 COMMISSIONER EDSON: Let me --

9 COMMISSIONER SCHWEICKART: Mr. Perez, as Presiding
10 Member on the Committee let me suggest, absent any other
11 suggestion from the Commission, that the response that you
12 have to give at this point is that it is uncertain when
13 the document will be available, and that it has, at this
14 point, been -- production has been interrupted by the
15 Governor's Office, and that we are awaiting clarification
16 of the availability. I think that's a legitimate, straight-
17 forward statement which you owe the public in response to
18 any questions you get, but I don't think you can indicate
19 one way or the other, and I think people deserve a response.

20 Now, I don't know if other people have other
21 -- but that's a straightfoward statement of where we stand.

22 VICE CHAIRMAN GANDARA: Commissioner Commons --
23 I'm sorry, Commissioner Edson. (Laughter)

24 COMMISSIONER EDSON: That's the second time in
25 my career here that I've been mistaken for Commissioner

1 Commons.

2 Let me suggest that rather than elevate this
3 to the nature of a formal protest, that in our formal
4 response to the Resources Agency's questions, we make note
5 of the rather unorthodox way in which this issue came to
6 our attention, and that otherwise we defer the matter
7 until we have made actual contact with Mr. Eagan and the
8 Governor's Office and had an actual explanation of what
9 transpired and why.

10 VICE CHAIRMAN GANDARA: Okay, is that the
11 Commission's wish? Any objection?

12 Mr. Geesman, you are so directed.

13 (Whereupon, Item 11. Executive Director's Report
14 of the Business Meeting was concluded.)

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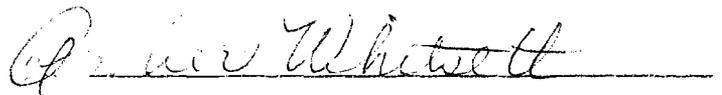
1 REPORTER'S CERTIFICATE

2
3 I, AMBER WHITSETT, an electronic court reporter,
4 do hereby certify under penalty of perjury:

5 That I am a disinterested person herein; that the
6 foregoing hearing of the California Energy Resources
7 Conservation and Development Commission was reported by me,
8 Amber Whitsett, an electronic court reporter, and that the
9 foregoing pages constitute a true, complete and accurate
10 transcription of the aforementioned proceedings.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said hearing, nor in any
13 way interested in the outcome of said hearing.

14 I have hereunto set my hand this 19th day of
15 May, 1983.

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18 Amber Whitsett
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