

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
November 2, 2022

**DATE DECISION ISSUED**  
October 5, 2022

**CASE TITLE - File No. 20084**

Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

**HEARING AND ACTION ON THE COMPLAINT**

On July 19, 2022, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Member Wolfe, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

On October 5, 2022, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

**Moved by Member Schmidt, seconded by Member Stein, to find that Harlan Kelly and the Public Utilities Commission violated Administrative Code, Sunshine Ordinance, Section(s) 67.21(b) by failing to respond to the records request in a timely and/or complete manner; 67.26 by failing to keep withholding to a minimum; 67.27 by failing to provide a specific justification for withholdings; California Public Records Act (CPRA) Section(s) 6253(b) by failing to provide responsive records in a timely and complete manner; and 6253(d)(3) by failing to identify the name and title of all persons responsible for denying access to the records. In addition, the SOTF orders the Public Utilities Commission to produce any and all attachments to the emails and text records that were sought in the Petitioner's (Anonymous') request.**

The motion was passed by the following vote:

Ayes: 6 - Schmidt, Stein, LaHood, Yankee, Hyland, B. Wolfe  
Noes: 0 - None  
Absent: 4 - Padmanabhan, Hill, Neighbors and Wong

Approved by the Sunshine Ordinance Task Force: November 2, 2022

cc. Anonymous (Complainant)  
Mayara Ruski Augusto Sa, Public Utilities Commission (Respondent)  
Harlen Kelly (Respondent)