

State of California

Memorandum

Date: June 14, 2005

To: All Commissioners, All Advisors, Executive Director Larson, Chief ALJ Minkin, General Counsel Wu

From: **Richard W. Clark, Director,
Consumer Protection & Safety Division**

Subject: Agenda Item #4647 before the Commission at its June 16, 2005 meeting.

In this management report, the Commission will be asked to approve the designation of the individual named below as an employee authorized to exercise the limited powers of a peace officer within the scope of his duties as specified in Penal Code Section 830.11 and Public Utilities Code Section 308.5.

In the scope of their duties, these individuals “investigate the laws administered by the Commission or commence directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.” Penal Code Section 830.11 authorizes these individuals to exercise the powers of arrest, the power to serve search warrants and the ability to receive and review “rap sheets”. As a matter of policy, these individuals do not directly exercise their power of arrest or their power to serve search warrants. The CPUC’s policy is to rely upon local law enforcement to make arrests and serve search warrants. Consequently, the appointment of the below listed individual enables him to obtain and review “rap sheets”, file misdemeanor complaints, be the affiant for search warrants, assist local law enforcement in conducting searches after local law enforcement has served the warrant and secured the area, and obtain phone disconnects, when such activities are undertaken in the course of investigating entities subject to the Commission jurisdiction.

1. John E. McGuire