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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Landline Company, for authority to operate as a scheduled passenger stage corporation between points to Charles M. Schulz-Sonoma County Airport and San Francisco International Airport and to establish a Zone of Rate Freedom (ZORF) fare structure.

Application 26-03-027

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION
FOR LEAVE TO FILE CONFIDENTIAL INFORMATION UNDER SEAL
FOR THREE YEARS**

1. Background

On March 18, 2026, The Landline Company (Applicant) filed the underlying Application (Application) requesting a certificate of public convenience and necessity (CPCN) to establish and operate as a passenger stage corporation to provide scheduled passenger stage service for the transportation between Charles M. Schulz-Sonoma County Airport (STS) and San Francisco International Airport (SFO) that would be open to the general public.

In accordance with Rule 3.3(a)(8) of the California Public Utilities Commission Rules of Practice and Procedure,¹ Applicant is required to include financial statements with the Application. The financial statements contain Applicant's confidential financial information. Applicant filed and served an

¹ Cal. Code Regs. tit. 20, Div. 1, Ch1, Rule 3.3 (2026).

unredacted version of the financial statements (Exhibit G to the Application) in conjunction with their redacted statement presently on file on this docket.

Applicant also lodged the unredacted financial records labeled Exhibit G under seal with the accompanying Application to the California Public Utilities Commission (CPUC or Commission). The Commission is in receipt of both sets of documents.

On March 20, 2026, Applicant filed its Motion for Leave to File Confidential Information Under Seal pursuant to Rules 11.1 and 11.4. The information at issue is Applicant's financial statements. As legal justification for its Motion, Applicant cites Public Utilities Code Section 583, General Order 66-D, and Government Code Section 6255(a).

The Application is eligible to be approved by Commission staff via an Executive Director's Order under a delegated approval process established by Decision 15-05-029,² as it is a CPCN application with no protest. Rule 11.4³ governs how parties may move to file pleadings or portions thereof under seal in Commission proceedings:

- (a) A motion for leave to file under seal shall attach a proposed ruling that clearly indicates the relief requested.
- (b) Responses to motions to file pleadings, or portions of pleadings under seal shall be filed and served within 10 days of the date the motion was served.

But before approving the Application, I must resolve Applicant's pending Motion for Leave to File Confidential Information Under Seal (Motion) which is unopposed.

² D. 15-05-029.

³ *Id.* Rule 11.4.

2. Standard for Grant of Leave to File Confidential Information Under Seal.

2.1. Public Utilities Code Section 583

Applicant first cites to Public Utilities Code Section 583(a), which provides that information provided to the Commission shall not be made public except on order of the Commission or the assigned Commissioner:

No information furnished to the commission by a public utility, a business that is a subsidiary or affiliate of a public utility, or a corporation that holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public, except on order of the commission or by the commission or a commissioner in the course of a hearing or proceeding. A present or former officer or employee of the commission who divulges that information is guilty of a misdemeanor.

Section 583, however, does not address motions for confidentiality, nor does it grant a particular class of documents confidential treatment.⁴ Instead, it is a directive to Commission staff not to disclose information furnished to the Commission “except on order of the commission or by the commission or a commissioner in the course of a hearing or proceeding.” Thus, the determination of whether a document should be filed under seal in the first instance is within the province of the assigned Commissioner or Administrative Law Judge to decide.

2.2. General Order 66-D

To obtain a positive ruling on a request for confidentiality, the moving party must comply with the requirements of General Order 66-D. This General

⁴ See D.06-06-066 at 25-26.

Order distinguishes between requests for confidentiality in informal proceedings (GO 66-D, 3.2) and formal proceedings (GO 66-D, 3.3). In informal proceedings, the moving party must (1) identify with specificity the information sought to be filed under seal,⁵ accompanied by a written reference to the legal authority that supports the claim for confidential treatment,⁶ and a declaration with the necessary granular detail to justify the request.⁷

But in formal proceedings such as this one, GO 66-D, 3.3, provides for a less strenuous process unless the Administrative Law Judge adopts a different approach:

The requirements of Section 3.2 of this GO do not apply when a party in a formal proceeding files information in the docket. To obtain confidential treatment of information to be filed in the docket of a formal proceeding, the information submitter must file a motion pursuant to Rule 11.4 of the Commission's Rules, or comply with a process established by the Administrative Law Judge for that specific proceeding.

Initially, as this application is uncontested, a process for making a claim for confidential treatment was not established. Facially, then, it appears that the

⁵ "If confidential treatment is sought for any portion of information, the information submitter must designate each page, section, or field, or any portion thereof, as confidential. If only a certain portion of information is claimed to be confidential, then only that portion rather than the entire submission should be designated as confidential." (GO 66-D, Section 3.2, a.)

⁶ "Specify the basis for the Commission to provide confidential treatment with specific citation to an applicable provision of the CPRA. A citation or general marking of confidentiality, such as "GO-66" and/or "Public Utilities Code Section 583" without additional justification of confidentiality does not satisfy the information submitter's burden to establish a basis for confidential treatment by the Commission." (GO 66-D, Section 3.2, b.)

⁷ "Provide a declaration in support of the legal authority cited in Section 3.2(b) of this GO signed by an officer of the information submitter or by an employee or agent designated by an officer. The officer delegating signing authority to an employee or agent must be identified in the declaration." (GO 66-D, Section 3.2, c.)

Motion is factually sufficient if it is filed pursuant to Rule 11.4 which Applicant has done.

2.3. Government Code Section 6255(a)

As Applicant has also cited to the public interest balancing test set forth in Government Code Section 6255(a) as justification for its Motion, I will make this balancing test part of my consideration in this confidentiality request, and I will, therefore, determine if there is a public interest in gaining unredacted access to Applicant's financial statements. Government Code Section 6255(a) states that an agency such as the Commission must "justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." Since Applicant does not claim that its financial statements are automatically exempt from disclosure under an "express provision of this chapter," the focus is on the public interest considerations and balancing the interests in disclosure versus the interests in not disclosing the Applicant's financial statements. Section 6255(a) does not define "public interest" nor does it set forth the criteria that must be taken into account in deciding what are the competition public interests. As such, "public interest" is something that must be decided on a case-by-case basis that is dependent upon the particular facts of the Application at issue.

In balancing these competing interests, Applicant has made the necessary showing to permit its financial statements to be filed under seal. Applicant states that public disclosure of the financial statements in Exhibit G of their Application could subject Applicant and its affiliated entities with which it does business to

potential fraud and security issues.⁸ Applicant states that it would similarly subject it to unfair business disadvantages in negotiations with vendors, customers, and other entities with which they have business dealings to have these records presently open to the public during the pendency of the CPCN application.

In contrast to the potential harm that Applicant claims it will experience if its Motion is not granted, Applicant argues that there would be no public interest in making its financial statements publicly available. The public would not need to see Applicant's financial statements because there have been no protests by agencies tasked with speaking on the public's behalf. The duty to review and evaluate the sufficiency of this Application rests solely with the Commission. While it is true that there is a presumption in California that the records in the possession of a state agency should be public to promote transparency in understanding how the government works, the right to transparency is not absolute. It must be balanced against the potential harm that unfettered access to government records might befall the person or entity that provided its records to the state agency.

3. Length of Time the Grant of Leave to File Confidential Information Under Seal Should Last

Finally, there is the issue of whether to impose a time limit on how long the grant to keep the financial statements under seal should last. While the Motion does not ask for a specific time limit, in other circumstances, the Commission has imposed a time limit, sometimes three years, for documents to remain under seal, with the moving party being able to request that the time

⁸ See Application (Exhibit G) and Motion.

limit be extended for good cause shown.⁹ Based on such precedent, Applicant's financial statements shall remain under seal for a period of three years. Applicant may file a new motion showing good cause for extending this order by filing a motion no later than 30 days before the expiration of the three-year period if it believes that it is necessary for this information to remain under seal for longer than three years.

IT IS RULED that:

1. Applicant's Motion for Leave to File Confidential Information under Seal contained in Exhibit G is granted for a period of three years.
2. Exhibit G may be filed and lodged under seal for a period of no more than three years after the issuance of the decision closing this matter.
3. This order may be renewed for one additional term of no more than three years by motion submitted no later than 30 days before the expiration of the first three-year period.

Dated August 10, 2026, at San Francisco, California.

/s/ ROBERT M. MASON III
Robert M. Mason III
Administrative Law Judge

⁹ See D.06-06-066 at 80, Ordering Paragraph 1.