

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**LEGAL DIVISION****Resolution L-624****August 14, 2025****RESOLUTION****RESOLUTION L-624 - AFFIRMING STAFF'S REDACTION AND
WITHHOLDING OF RECORDS REQUESTED IN PUBLIC
RECORDS ACT #25-35 AND DENYING REQUESTOR SETH
ROSENFELD'S APPEAL**

SUMMARY

The California Public Records Act (PRA) establishes the public's right to access information concerning the conduct of the people's business, and it likewise creates categories of documents that are exempt from disclosure to the public. On January 16, 2025, Seth Rosenfeld (Mr. Rosenfeld) requested certain records from the California Public Utilities Commission (Commission or CPUC) pursuant to the PRA. The Commission's PRA staff in Legal Division assigned that request the identifying number PRA #25-35. On February 4, 2025, PRA staff provided Mr. Rosenfeld with records responsive to the requests and also informed Mr. Rosenfeld that they were withholding the remaining requested records as exempt from disclosure pursuant to Government Code sections 7927.705 and 7922.000. Following discussion with Mr. Rosenfeld, PRA staff produced additional documents on March 6, 2025, that were redacted of information exempt from disclosure pursuant to the above Government Code sections. Mr. Rosenfeld filed an appeal of his PRA request on March 11, 2025. After further discussion with Mr. Rosenfeld, PRA staff released a revised production of documents to Mr. Rosenfeld on May 23, 2025 that included fewer redactions. Despite ongoing discussions between PRA staff and Mr. Rosenfeld since May 23, this dispute remains unresolved.

This Resolution denies Mr. Rosenfeld's appeal of PRA staff's determination that the withheld records and/or portions of records are exempt from disclosure. Having reviewed the PRA request and the applicable privileges and exemptions, we conclude that the withheld records fall within one or more of the statutory exemptions identified above and discussed in detail below.

BACKGROUND

Pursuant to Government Code sections 1701 and 1731 et seq., the Commission has adopted guidelines for public access to Commission records embodied in General Order (G.O.) 66-D. (See *Order Instituting Rulemaking to Improve Public Access to Public*

Records Pursuant to the California Public Records Act [R.24-05-022], last amended by Commission Decision (D.) 25-01-005; see also *PegaStaff v. Public Utilities Com.* (2015) 236 Cal.App.4th 374, 388-389.)

When the Commission receives a PRA request, the Commission's PRA team in Legal Division analyzes the request to determine whether the information should be released or withheld pursuant to statutory exemptions. If documents are withheld, the PRA team informs the requestor and provides the basis for withholding the documents. (See G.O. 66-D, § 5.5(d).) The requestor may seek reconsideration of the matter by the full Commission by submitting a "Public Information Appeal Form" within ten days of receiving notice that the request has been denied. (Id.) The Commission will then reexamine the request and issue a Resolution on the matter (G.O. 66-D § 6.1 (a)-(c)).

If the Commission does not issue a Resolution within 120 days, the appeal will be deemed denied (See G.O. 66-D § 6.1(d)). Within 30 days after a Resolution is issued or the appeal is deemed denied, the requestor may file an Application for Rehearing pursuant to Public Utilities Code Section 1731 and Rule 16.1 of the Commission's Rules of Practice and Procedure, or may petition for a writ of review pursuant to Public Utilities Code section 1756. (G.O. 66-D § 6.1(e)).

Mr. Rosenfeld's PRA Request

On January 16, 2025, Mr. Rosenfeld submitted a PRA request to the Commission, subsequently identified as PRA #25-35. Mr. Rosenfeld's full request is as follows:¹

Dear CPUC,

We are requesting under the California Public Records Act a copy of the winning bid submitted and selected for "C PUC RFO 0318-00 2 California LifeLine Information Technology (IT)". Please send us a copy. Please note that these records were produced in response to request No. 18 - 285. Please see below for specific instructions.

As you know, the California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request.

It also requires that the CPUC promptly notify the requester of this determination, and of the estimated date and time when the records will be produced.

¹ Any misspellings or typographical errors in the quotation from Mr. Rosenfeld's request are from the text of the original request.

Please note that this request encompasses any records within the definition of the term “writing” as defined in Cal. Gov’t Code § 6252(g).

Please provide the requested records in electronic format whenever available.

If you have any questions regarding this request, please contact me. Thank you in advance for your cooperation.

As used in this request, the terms “California Public Utilities Commission” and “CPUC” mean the California Public Utilities Commission itself as well as any and all agencies, arms, branches, bureaus, offices, subdivisions, officers, directors, employees, independent contractors or agents of the California Public Utilities Commission.

“Relating to” means referring to, constituting, representing, defining, depicting, concerning, embodying, reflecting, identifying, stating, mentioning, governing, addressing, or pertaining to the subject matter of the request in whole or in part, directly or indirectly.

Pursuant to the law, we hereby request copies of any and all studies, reports, summaries, memos, presentations, and/or records of any kind, produced by the CPUC and/or its staff, and/or by any other entity, based on, or drawing from, any and/or all of the annual reports submitted by any and/or all transportation network company or companies. For example, responsive records would include a memo noting the number of accidents or assaults reported by a given company, or the total number of accidents or assaults reported by all companies combined. As another example, responsive records would include an analysis of the causes of accidents, the kinds of assaults, or trends in such incidents.

Please note that by law even if part of a responsive record is deemed confidential, all remaining parts must be released, even if they are partial pages or title pages.

The period covered by this request is from 9-1-13 to the date you complete processing of this request.

We expect that you will release the requested records within the statutory period.

Please direct all correspondence concerning this matter to us via email.

Thank you very much for your attention to this matter.

The Commission has provided the winning bid in RFO 0318-002 California LifeLine Information Technology (IT) to Mr. Rosenfeld in response to numerous previous public records requests and as such he has this information already. The Commission instead focused in this request on providing, as requested further below, “any and all studies, reports, summaries, memos, presentations, and/or records of any kind, produced by the CPUC and/or its staff, and/or by any other entity, based on, or drawing from, any and/or all of the annual reports submitted by any and/or all transportation network company or companies.”

On January 16, 2025, via letter sent by electronic mail, PRA staff asked if Mr. Rosenfeld would consider narrowing his request by topic or date, as his request as written would require searching a large volume of records. Mr. Rosenfeld responded the same day with a narrowed date range from “6-1-19 to date.” On January 27, 2025, PRA staff sent Mr. Rosenfeld the statutorily required 10-day letter indicating that PRA staff was continuing to gather and review documents responsive to Mr. Rosenfeld’s request pursuant to Government Code section 7922.535(b), et seq.

PRA Staff’s Responses

On February 4, 2025, via a letter sent by electronic mail, PRA staff provided Mr. Rosenfeld with a record responsive to the request, namely a PowerPoint presentation entitled “CPUC Regulation of AV Passenger Service” which was presented at 3 Revolutions Future Mobility Research Workshop 2024 held at UC Davis on November 12, 2024. This is an annual event hosted by UC Davis’s Institute of Transportation Studies 3 Revolutions Future Mobility Program. The annual event discusses the program’s research and addresses key challenges facing government and industry decision makers, including vehicle use, traffic congestion, air pollution, energy use, and the equity gap between mobility haves and have-nots.

PRA staff’s February 4, 2025 letter also informed Mr. Rosenfeld that the remaining requested records were protected by the deliberative process privilege and the official information privilege and were thus exempt from disclosure pursuant to Government Code section 7927.705. This section exempts, in pertinent part, “records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.” (Gov. Code, § 7927.705.) PRA staff further stated that the records being withheld were also exempt from disclosure pursuant to the public interest exemption provided in Government Code section 7922.000. PRA staff explained that the withheld documents reveal which aspects of the transportation network companies (TNC) annual reports staff could potentially open investigations into in the future.

On February 10, 2025, Mr. Rosenfeld emailed PRA staff with an inquiry related to the February 4, 2025 response. Mr. Rosenfeld noted that his request sought “copies of all studies, reports, summaries, memos, presentations, and other records — produced by the CPUC, its staff, or any other entity — that were based on or derived from any annual reports submitted by transportation network companies” covering the period from June 1, 2019 to the present. He stated that in his request, “responsive records would include a memo noting the number accidents or assaults reported by a given company, or the total number of accidents or as saults reported by all companies combined. As another example, responsive records would include an analysis of the causes of accidents, the kinds of assaults, or trends in such incidents.” He further requested: “Please let me know if there are any other responsive records of any kind, as requested, including other records prepared for the public.” Mr. Rosenfeld concluded this letter noting that “under the law, even if part of a record is exempt, the remaining portions must be released.”

On March 6, 2025, via a letter sent by electronic mail, PRA staff provided Mr. Rosenfeld with additional records responsive to the request. The documents provided to Mr. Rosenfeld included annual reports, briefings, summary presentations and maps. PRA staff had previously withheld these documents in their entirety; however, in their second production, PRA staff provided documents to Mr. Rosenfeld having redacted those parts of the documents subject to the deliberative process privilege and official information privilege, as well as the public interest exemption.

Mr. Rosenfeld’s Appeal

On March 11, 2025, Mr. Rosenfeld emailed PRA staff to appeal its determination that the redacted portions of the documents were exempt from disclosure, using the Commission’s Public Information Appeal form. Mr. Rosenfeld’s appeal stated:

This is in appeal in the above referenced matter.

I respectfully submit the following in support of the above-referenced appeal. This appeal also incorporates all prior communications regarding this request.

While this appeal commences a formal process, I encourage the CPUC public records staff to review the below and attempt to meanwhile resolve outstanding issues informally and promptly as that would best serve the interests of the PRA.

As you know, the CPRA requires the release of all reasonably segregable portions of information. This potentially includes dates, titles, addresses and factual materials.

The CPRA and the state Constitution also require agencies to favor disclosure and release as much information as possible even in cases where such information could technically be withheld under an exemption. The CPUC's website states, "The CPUC is committed to transparency in its work to serve the people of California."

In this case, the CPUC has failed to release all responsive public records for reasons including but not limited to those set forth above and below:

- 1) The CPUC has not conducted an adequate search for the records.
- 2) The CPUC has not released all reasonably segregable parts of responsive records.
- 3) The CPUC has construed my request in a reductive and overly narrow manner.
- 4) The CPUC has not properly weighed the public interest in disclosure, as required by the CPRA and the State Constitution in order to make the fullest possible disclosure.
- 5) The public interest requires further disclosure of the requested records.
- 6) Even if the CPUC is withholding settlement discussions, drafts, or information provided under seal and/or confidentiality, it must release all reasonably segregable portions thereof.
- 7) Even if the CPUC is withholding documents it claims are part of a deliberative process, it must still release factual information contained therein.
- 8) Even if information in responsive records might potentially be used at some date in the future as part of an investigation, that does not necessarily make it non-public information.
- 9) The CPUC has applied exemption claims in an overly broad manner.

In conclusion, I respectfully ask that CPUC promptly release the requested information as required.

On May 16, 2025, PRA staff asked Mr. Rosenfeld if he would be willing to extend the deemed-denied deadline set forth in G.O. 66-D by one month, to August 15. On May 20, 2025, Mr. Rosenfeld agreed to the August 15 deemed-denied deadline extension.

On May 23, 2025, in an effort to resolve Mr. Rosenfeld's appeal, PRA staff released to Mr. Rosenfeld a revised production of documents responsive to the PRA request. PRA staff asked Mr. Rosenfeld to confirm by May 30, 2025 that the revised production satisfied the concerns outlined in the appeal. On June 3, 2025,

Mr. Rosenfeld emailed PRA staff stating: “Thank you very much for sending the additional release. I still believe that additional information should be released by the CPUC for the reasons set out in my appeal.”

On June 13, 2025, PRA staff contacted Mr. Rosenfeld by electronic mail, asking him to specify which particular documents he alleged to be over-redacted, and offering to re-review those documents. On June 16, 2025, Mr. Rosenfeld responded and stated: “I note that the released records are heavily redacted and as a result I cannot see the withheld information, making it difficult if not impossible for me to cite such records.” However, he renewed his request that the CPUC release more of the documents.

On June 26, 2025, PRA staff requested that Mr. Rosenfeld agree to extend the deemed-denied deadline until September 19, 2025 to provide the CPUC additional time to re-review the documents alleged to be over-redacted in light of the Commission’s recent decision, D.25-05-006 regarding the treatment of the 2014-2019 Annual Reports. The data in the 2014-2019 Annual Reports has been treated as confidential pursuant to D. 13-09-045, footnote 42 for the past 12 years, but D.25-05-006 potentially allows for the release of aggregated data from the 2014-2019 reports. Several of the documents in the production to Mr. Rosenfeld included data from 2014-2019 and as such were properly redacted but could potentially be released based on D.25-05-006. PRA staff stated: “We are reevaluating the production based on this decision and expect to provide you with a further revised production with fewer redactions.” Mr. Rosenfeld responded on June 26 and offered to extend the deadline until July 11, 2025, despite having previously agreed to an August 15 deadline extension, and rejected PRA staff’s request to extend the deemed-denied deadline until September 19, 2025.

DISCUSSION

The PRA was modeled on the federal Freedom of Information Act (5 U.S.C. § 552 et seq.) for the purpose of giving members of the public access to information possessed by public agencies. (*Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 425.) In enacting the PRA, the Legislature declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Gov. Code, § 7921.000, previously § 6250.) To that end, the PRA establishes a statutory scheme under which a state agency must respond to a request for public records, either by complying with the request or by notifying the requestor that records are not subject to disclosure and providing the reason why. (See Gov. Code, §§ 7922.525-7927.500, previously §§ 6253-6254; *Filarsky*, supra, 28 Cal.4th at 425.)

The California Constitution and the PRA confer a public right to access a substantial amount of government information. However, “[t]he right of access to public records

under the CPRA is not absolute.” (*Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, 1282.) In pertinent part, Government Code section 7927.705 exempts from disclosure “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.” Government Code section 7922.000 provides that documents need not be disclosed where “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.” Finally, Government Code section 7927.700 exempts from disclosure personal information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

I. EXEMPTION UNDER GOVT. CODE SECTION 7927.705 AND APPLICABLE PRIVILEGES

A. The Deliberative Process Privilege

PRA staff cited the deliberative process privilege as a ground for withholding documents and/or portions of documents pursuant to the exemption set forth in Government Code section 7927.705. This privilege protects pre-decisional, deliberative advice given to agency decisionmakers and the confidential information used to develop such advice. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1339-1346.) This protection includes “mental processes by which a given decision was reached” and “the substance of conversations, discussions, debates, deliberations and like materials reflecting advice, opinions, and recommendations by which government policy is processed and formulated.” (*Regents of University of California v. Superior Court* (1999) 20 Cal.4th 509, 540.)

In determining whether the privilege applies, “[t]he key question in every case is ‘whether the disclosure of materials would expose an agency’s decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions.’” (*Times Mirror*, supra, 53 Cal.3d at 1342 (citation omitted).) “Even if the content of a document is purely factual, it is nonetheless exempt from public scrutiny if it is ‘actually... related to the process by which policies are formulated’ or ‘inextricably intertwined with ‘policy-making processes.’” (*Id.* (citations omitted).) The deliberative process privilege thus protects the public’s interest in allowing its policy makers to have “frank discussion of legal or policy matters,” an interest that would be “inhibited if ‘subjected to public scrutiny’” and “greatly hampered if, with respect to such matters, government agencies were ‘forced to operate in a fishbowl.’” (*Times Mirror*, supra, 53 Cal.3d at 1340.)

Mr. Rosenfeld’s PRA request seeks documents including “summaries, memos, and/or records of any kind, produced by the CPUC and/or its staff, and/or by any other entity, based on, or drawing from, any and/or all of the annual reports submitted by any and/or all transportation network company or companies.” However, some of these documents contain pre-decisional communications used to advise Commission decisionmakers.

Indeed, these documents were marked as confidential under the deliberative process privilege as staff used them in Commissioner and/or Administrative Law Judge briefings as part of the process of determining possible future action in Commission Rulemaking (R.) proceeding No. 12-12-011.

For example, as discussed above, several of the documents that were redacted are Commissioner briefing presentations. The PowerPoint presentations discuss the state of the transportation network company proceeding R. 12-12-011. It can be inferred which topics the Commissioner requested a briefing on from the presentations. These topics are either being actively addressed or are within the scope of issues to be addressed within the R.12-12-011 proceeding.

Additionally, a draft Proposed Decision within R. 12-12-011 was redacted within the production set. The draft Proposed Decision reveals the assigned Administrative Law Judges thoughts and impressions, which may change before the Proposed Decision is issued.

Upon conducting further review after Mr. Rosenfeld requested additional consideration, PRA staff provided these documents after having redacted the privileged and/or confidential information contained within them.

B. The Official Information Privilege

Next, some of the documents sought by Mr. Rosenfeld are exempt from disclosure pursuant to the official information privilege. The official information privilege is established by Evidence Code section 1040 and provides a lawful basis for the Commission to refrain from disclosing certain information acquired in confidence by the Commission, where disclosure is either prohibited by federal or state law, or where there is a need for confidentiality that outweighs the necessity for disclosure in the interests of justice. The conditional official information privilege in Evidence Code section 1040(b)(2) involves a careful balancing of the public interests served by disclosing or withholding information and can, where appropriate, justify withholding records in response to PRA requests pursuant to the exemption set forth in Government Code section 7927.705.

The annual reports were provided to the Commission in confidence pursuant to D.13-09-045, footnote 42, which provided that the annual reports would be held confidentially. This changed in 2020 when the Commission ordered that future annual reports be provided to the Commission with accompanying General Order 66-D confidentiality claims that are then assessed by the Commission. Portions of the 2013-2019 and 2021 annual reports have been released, but portions have been held as confidential and will be treated as confidential in perpetuity (for example, granular information on assaults). PRA staff has asserted the official information privilege for those portions of the TNC Commissioner briefings that either include confidential

portions of annual reports or include information regarding topics staff could potentially open future investigations into. For example, there are several PowerPoints where staff analyze TNC Annual Report data and determine whether there are concerns with the operation of TNC vehicles. These analyses could be used to inform a determination to open an investigation into TNC companies. The public interest in disclosure of these records is outweighed by the public's interest in withholding them and therefore upholding the Commission's processes and procedures for handling confidential documents. There is a strong interest in the Commission's ability to conduct initial inquiries into whether there is a basis for a future investigation without a chilling effect that would occur if the Commission were to disclose confidential documents that form the basis as to whether the Commission may or may not open an investigation in the future.

Upon producing additional documents to Mr. Rosenfeld in its March 5 and May 23, 2025 productions, PRA staff redacted this specific privileged information in order to protect future investigatory processes.

C. The Public Interest Exemption

In withholding some documents from production, PRA staff also asserted the public interest exemption pursuant to Government Code section 7922.000. The public interest exemption states:

An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, 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.

In the present instance, the public interest is best served by withholding reports, presentations, briefings, and analyses that contain information prepared for a Commissioner's review and that have not otherwise been made public. The redacted material was specifically given to Commissioners to assist and advise them in their decision-making process, and to make such documents public could have a strong chilling effect on communications between Commissioners and their advisors. Commission staff may hesitate to share information and analysis with Commissioners and will not be able to deliberate freely with Commissioners on topics that come up in ongoing proceedings, if such information is to be made public. As such, the public interest is best served by redacting the portions of these records that include information and analysis prepared for and used to advise Commissioners.

Many of the records withheld from production include data from the 2013-2024 TNC Annual Reports provided to the Commission in R.12-12-011. For the 2019-2024 annual reports, the assigned Administrative Law Judge is currently reviewing G.O. 66-D confidentiality claims within the R.12-12-011 proceeding. Ongoing litigation related to

the G.O. 66-D confidentiality claims has delayed review of these confidentiality claims. Since the data is inexorably intertwined within the presentations, and reports that analyze the data, the PRA team properly redacted the documents to exclude this data.

As discussed above, the Annual Reports from 2013-2018 have been treated as confidential pursuant to D. 13-09-045, footnote 42. However, the Commission's recent decision in D. 25-05-006 makes the 2013-2018 aggregated data public. PRA staff is currently re-analyzing the production in light of this Decision. While the Commission issued the Decision on May 15, 2025, the window during which a party could seek rehearing of D.25-05-006 only passed as of June 19, 2025. At that time, PRA staff began reanalyzing the production in light of the Commission's orders in that Decision. Had Mr. Rosenfeld agreed to extend the deemed-denied deadline to September 19, 2025 as requested by PRA staff in order to provide him a further revised production of responsive documents, this Resolution may not have been necessary.

II. REASONABLE SEARCH FOR RECORDS AND PRODUCTION OF SEGREGABLE PORTIONS OF DOCUMENTS

Unless a records request is overbroad or unduly burdensome, agencies are obliged to disclose all records they can locate "with reasonable effort." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166.) Reasonable efforts do not require that agencies undertake extraordinarily extensive or intrusive searches, however. (See, e.g., *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453; *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 371-372.) In general, the scope of an agency's search for public records "need only be reasonably calculated to locate responsive documents." (*American Civil Liberties Union of Northern Cal. v. Superior Court* (2011) 202 Cal.App.4th 55, 85.)

The PRA does not prescribe specific methods of searching for relevant or responsive documents; no particular search method is required or necessarily adequate. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627.) While agencies may develop their own internal policies for conducting searches, some general principles have emerged. Once an agency receives a PRA request, it must "communicate the scope of the information requested to the custodians of its records," although it need not use the precise language of the request. (See *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1417; *City of San Jose*, supra, 2 Cal.5th at 627.)

Here, PRA staff contacted staff in the Consumer Protection and Enforcement Division's Transportation Licensing & Analysis Branch (TLAB) and requested all relevant records after Mr. Rosenfeld narrowed the dates for the records he sought. TLAB staff provided records which PRA staff then reviewed. However, TLAB staff indicated that CPED/TLAB staff had marked the documents as confidential and privileged under the deliberative process privilege as staff used those documents in Commissioner and/or

Administrative Law Judge briefings during the R.12-12-011 proceeding. TLAB staff also noted that many documents referenced data that is still subject to pending data confidentiality claims.

PRA staff released the records to Mr. Rosenthal that were not deemed subject to PRA exemptions on February 4, 2025. After Mr. Rosenfeld requested that PRA staff reconsider releasing withheld documents, PRA staff provided additional records and indicated the documents had been redacted, as described above in the Summary and Background sections.

Government Code section 7922.525, subdivision (b), provides: “Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.” As a general principle, ““where nonexempt materials are not inextricably intertwined with exempt materials and are otherwise reasonably segregable therefrom, segregation is required to serve the objective of the [PRA] to make public records available for public inspection and copying unless a particular statute makes them exempt.’ The burden of segregating exempt from nonexempt materials, however, remains one of the considerations which the court can take into account in determining whether the public interest favors disclosure under section 6255 [now 7922.000].” (*Deukmejian* 32 Cal.3d at 446 fn. 6; *Humane Society of U.S. v. Superior Court* (2013) 214 Cal.App.4th 1233, 1274; Gov. Code, § 6253(a).)

Upon our examination of the relevant records, we conclude that PRA staff released the reasonably segregable portions of the previously withheld records in their March 5 and May 23, 2025 productions of documents to Mr. Rosenfeld. PRA staff reasonably redacted the documents requested in order to remove protected information and material. The fact that PRA staff have made multiple efforts to review and re-review potentially responsive documents, and have amended any redactions in favor of disclosure when possible, demonstrates PRA staff’s considerable effort and good faith in responding to Mr. Rosenfeld’s request and appeal. We have thus determined that a reasonable and good faith effort was made by PRA staff to release all segregable portions of documents responsive to Mr. Rosenfeld’s request, while maintaining the confidentiality of material covered by applicable privileges and confidentiality provisions.

COMMENTS ON DRAFT RESOLUTION

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days comment. Any comments are due within 20 days of the date of its mailing and publication on the Commission’s website and in accordance with any instructions accompanying the notice. Section 311(g)(2) provides that this 30-

day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this Resolution was neither waived nor reduced. Accordingly, this draft Resolution was mailed to parties for comment on July 11, 2025, and will be placed on the Commission's agenda no earlier than 30 days from today.

Comments were received on _____ by _____.

FINDINGS OF FACT

1. On January 16, 2025, Mr. Rosenfeld made request PRA #25-35 to the Commission as follows:

Dear CPUC,

We are requesting under the California Public Records Act a copy of the winning bid submitted and selected for "C PUC RFO 0318-00 2 California LifeLine Information Technology (IT)".

Please send us a copy. Please note that these records were produced in response to request No. 18 - 285. Please see below for specific instructions.

As you know, the California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request.

It also requires that the CPUC promptly notify the requester of this determination, and of the estimated date and time when the records will be produced.

Please note that this request encompasses any records within the definition of the term "writing" as defined in Cal. Gov't Code § 6252(g).

Please provide the requested records in electronic format whenever available.

If you have any questions regarding this request, please contact me. Thank you in advance for your cooperation.

As used in this request, the terms "California Public Utilities Commission" and "CPUC" mean the California Public Utilities Commission itself as well as any and all agencies, arms,

branches, bureaus, offices, subdivisions, officers, directors, employees, independent contractors or agents of the California Public Utilities Commission.

“Relating to” means referring to, constituting, representing, defining, depicting, concerning, embodying, reflecting, identifying, stating, mentioning, governing, addressing, or pertaining to the subject matter of the request in whole or in part, directly or indirectly.

Pursuant to the law, we hereby request copies of any and all studies, reports, summaries, memos, presentations, and/or records of any kind, produced by the CPUC and/or its staff, and/or by any other entity, based on, or drawing from, any and/or all of the annual reports submitted by any and/or all transportation network company or companies. For example, responsive records would include a memo noting the number of accidents or assaults reported by a given company, or the total number of accidents or assaults reported by all companies combined. As another example, responsive records would include an analysis of the causes of accidents, the kinds of assaults, or trends in such incidents.

Please note that by law even if part of a responsive record is deemed confidential, all remaining parts must be released, even if they are partial pages or title pages.

The period covered by this request is from 9-1-13 to the date you complete processing of this request.

We expect that you will release the requested records within the statutory period.

Please direct all correspondence concerning this matter to us via email.

Thank you very much for your attention to this matter.

2. On February 4, 2025, via a letter sent by electronic mail, Commission PRA staff provided Mr. Rosenfeld with some records responsive to the request and also informed Mr. Rosenfeld that some of the requested records were exempt from disclosure pursuant to the deliberative process privilege, the official information privilege and public interest exemption (Govt. Code, § 7922.000), as these documents reveal which aspects of the TNC annual reports staff could potentially open investigations into in the future.

3. On February 10, 2025, Mr. Rosenfeld replied to the Commission's February 4, 2025 response, requesting that the Commission disclose the documents it originally withheld, noting that the PRA provides that "[e]ven if part of a responsive record is deemed confidential, all remaining parts must be released, even if they are partial pages or title pages."
4. On March 5, 2025, PRA staff provided Mr. Rosenfeld with an updated production of responsive documents with redactions, noting that the redacted information was protected from disclosure due to confidentiality and privacy reasons.
5. On March 11, 2025, Mr. Rosenfeld emailed Commission PRA staff to appeal the determination that some of the communications sought in PRA #25-35 were exempt from disclosure.
6. On May 16, 2025, PRA staff asked Mr. Rosenfeld if he would be willing to extend the deemed-denied deadline set forth in G.O. 66-D by one month, to August 15. Mr. Rosenfeld agreed to the August 15 deemed-denied deadline extension on May 20, 2025.
7. On May 23, 2025, PRA staff provided Mr. Rosenfeld with an updated production of documents and asked him to indicate by May 30, 2025 whether the additional production was sufficient to satisfy his appeal.
8. On June 3, 2025, Mr. Rosenfeld informed PRA staff via electronic mail that he continued to believe that additional documents should be released, and/or redactions eliminated, in response to his PRA request and appeal.
9. On June 13, 2025, PRA staff contacted Mr. Rosenfeld by electronic mail, asking him to specify which documents he alleged to be over-redacted, and offering to re-review those documents.
10. On June 16, 2025, Mr. Rosenfeld responded and re-affirmed that additional documents should be released, and/or redactions eliminated.
11. On June 26, 2025, PRA staff requested that Mr. Rosenfeld agree to extend the deemed-denied deadline until September 19, 2025 to respond to his appeal and to re-review the documents alleged to be over-redacted.
12. On June 26, 2025, Mr. Rosenfeld responded and offered to extend the deadline until July 11, 2025, and rejected PRA staff's request to extend the deemed-denied deadline until September 19, 2025.

13. On July 11, 2025, Mr. Rosenfeld received the draft Resolution and received notice that comments were due on August 4, 2025.

CONCLUSION OF LAW

1. Some of the documents sought by Mr. Rosenfeld in his PRA request #25-35 are exempt from disclosure pursuant to Government Code section 7927.705, formerly 6254(k), which exempts records from disclosure pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
2. The deliberative process privilege protects confidential, deliberative advice given to agency decisionmakers, and the confidential information used to develop such advice.
3. The official information privilege in California Evidence Code section 1040 provides a lawful basis for the Commission to refrain from disclosing certain information acquired in confidence by the Commission, where disclosure is either prohibited by federal or state law, or where there is a need for confidentiality that outweighs the necessity for disclosure in the interests of justice.
4. Confidential information shared between government agencies pursuant to confidential agreements is generally subject to each agency's official information privilege, pursuant to Evidence Code section 1040.
5. Government Code section 7927.700, formerly 6254(c), exempts from disclosure personal information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

THEREFORE, IT IS ORDERED that:

1. Mr. Rosenfeld's appeal of the Commission's determination withholding certain records sought under Public Records Act request #25-35 is hereby denied.

The Resolution is effective today.

The foregoing Resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on August 14, 2025 the following Commissioners voting favorably thereon: