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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, January 15, 2014 12:41 PM  
**To:** 'Susan Kennedy'  
**Subject:** RE: Commissioner Ferron Issues Statement on Departure From CPUC: CPUC Press Release

Yes, holy cow.

Life is strange and unpredictable.

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**From:** Susan Kennedy [mailto:spkenned[REDACTED].com]  
**Sent:** Wednesday, January 15, 2014 12:38 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Commissioner Ferron Issues Statement on Departure From CPUC: CPUC Press Release

Holy cow

Sent from my iPhone

On Jan 15, 2014, at 12:30 PM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

FYI

**FOR IMMEDIATE RELEASE**

**PRESS RELEASE**

Media Contact: Terrie Prosper, 415.703.1366, [news@cpuc.ca.gov](mailto:news@cpuc.ca.gov)

**COMMISSIONER FERRON ISSUES STATEMENT  
ON DEPARTURE FROM CPUC**

SAN FRANCISCO, Jan. 15, 2014 - The California Public Utilities Commission (CPUC) today issued the following statement of Commissioner Mark J. Ferron:

"In January 2012, I was diagnosed with an aggressive form of prostate cancer, and over the last two years I have undergone extensive treatments at UCSF Medical Center. Unfortunately, I learned last week that my disease has moved to a new stage, and after consultation with my family, my medical advisors, the Governor, and President Peevey, I have decided that I can no longer continue to carry out my duties as Commissioner. Consequently, I am resigning my appointment. I would like to thank my staff, my fellow Commissioners, and all those at the CPUC for their tremendous support over my three years as Commissioner."

In response to Commissioner Ferron's statement, CPUC President Michael R. Peevey said, "I speak on behalf of my fellow Commissioners when I say that Mark has been an invaluable asset to us, and has

brought a real-world perspective to our work. He is a man with tremendous inner strength. We wish him the best and look forward to the day when we can raise our glasses in a toast to his recovery.”

Information on Commissioner Ferron is available at [www.cpuc.ca.gov/Ferron](http://www.cpuc.ca.gov/Ferron).

For more information on the CPUC, please visit [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

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Terrie Prosper  
Director, News and Public Information Office  
California Public Utilities Commission  
Press Line: (415) 703-1366; [news@cpuc.ca.gov](mailto:news@cpuc.ca.gov)  
[Facebook](#) | [Twitter](#) | [www.cpuc.ca.gov](http://www.cpuc.ca.gov)

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Thursday, January 16, 2014 10:34 AM  
**To:** 'Susan P Kennedy'  
**Subject:** Reassignment Process

The day Ferron leaves, all cases are automatically transferred to the President's office.

The president can do whatever he wants. The reassignment process, if any, proceeds as if it were a new case – carol brown plays the key role with direction from Peevey, if any.

Timothy Sullivan

Assistant Chief Administrative Law Judge 415-703-2726

ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

**From:** Susan P Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]  
**Sent:** Wednesday, January 15, 2014 3:50 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Commissioner Ferron Issues Statement on Departure From CPUC: CPUC Press Release

What is the process for reassigning Ferron's cases? I know the President's office decides, but who in Peevey's office (Carol Brown?) and when?

On Jan 15, 2014, at 12:40 PM, Sullivan, Timothy J. wrote:

Yes, holy cow.

Life is strange and unpredictable.

**From:** Susan Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]  
**Sent:** Wednesday, January 15, 2014 12:38 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Commissioner Ferron Issues Statement on Departure From CPUC: CPUC Press Release

Holy cow

Sent from my iPhone

On Jan 15, 2014, at 12:30 PM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

FYI

FOR IMMEDIATE RELEASE

PRESS RELEASE

## **COMMISSIONER FERRON ISSUES STATEMENT ON DEPARTURE FROM CPUC**

SAN FRANCISCO, Jan. 15, 2014 - The California Public Utilities Commission (CPUC) today issued the following statement of Commissioner Mark J. Ferron:

“In January 2012, I was diagnosed with an aggressive form of prostate cancer, and over the last two years I have undergone extensive treatments at UCSF Medical Center. Unfortunately, I learned last week that my disease has moved to a new stage, and after consultation with my family, my medical advisors, the Governor, and President Peevey, I have decided that I can no longer continue to carry out my duties as Commissioner. Consequently, I am resigning my appointment. I would like to thank my staff, my fellow Commissioners, and all those at the CPUC for their tremendous support over my three years as Commissioner.”

In response to Commissioner Ferron’s statement, CPUC President Michael R. Peevey said, “I speak on behalf of my fellow Commissioners when I say that Mark has been an invaluable asset to us, and has brought a real-world perspective to our work. He is a man with tremendous inner strength. We wish him the best and look forward to the day when we can raise our glasses in a toast to his recovery.”

Information on Commissioner Ferron is available at [www.cpsc.ca.gov/Ferron](http://www.cpsc.ca.gov/Ferron).

For more information on the CPUC, please visit [www.cpsc.ca.gov](http://www.cpsc.ca.gov).

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Terrie Prosper  
Director, News and Public Information Office  
California Public Utilities Commission  
Press Line: (415) 703-1366; [news@cpuc.ca.gov](mailto:news@cpuc.ca.gov)  
[Facebook](#) | [Twitter](#) | [www.cpsc.ca.gov](http://www.cpsc.ca.gov)

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Friday, January 31, 2014 4:22 PM  
**To:** 'Susan P Kennedy'  
**Subject:** RE: Commissioner Michael Picker

I don't want to be an advisor again.

I like working with judges. I plan to leave the Commission in 11 months. It doesn't make any sense.

Timothy Sullivan  
Assistant Chief Administrative Law Judge 415-703-2726  
ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

**From:** Susan P Kennedy [mailto:spkenned[REDACTED].com]  
**Sent:** Friday, January 31, 2014 2:39 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Commissioner Michael Picker

Yes, I brought him in under GAS to cut red tape in permitting renewable generation. He did a spectacular job. Ironically, he was also my very first boss in politics back in 1980 when I first moved to CA.

Would you consider being an advisor again?

On Jan 31, 2014, at 2:36 PM, Sullivan, Timothy J. wrote:

Susan,

I see from the bio that Michael Picker was part of the Schwarzenegger administration. Was he one your appointees?

I met him Sacramento on ALJ business. He seems like a solid guy who wants to get things done. I've heard through the grapevine that he has let all the Ferron advisers go, but that Clanon has asked him to keep Terkeurst during the transition. I plan to try to run into him next week and offer ALJ support for his priorities.

[REDACTED] I spend a lot of time listening to people and then telling them things they don't want to hear. Also, I now realize that I am extremely outcome oriented – I want to get the job done, and am less concerned with who is right or how they feel. It also turns out that I'm a lot better than my colleagues in giving straight up feedback, so they ask me to do it a lot.

Timothy Sullivan  
Assistant Chief Administrative Law Judge 415-703-2726  
ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.



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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, February 03, 2014 9:39 AM  
**To:** 'Susan Kennedy'  
**Subject:** RE:

I'll send out a trial balloon.

Timothy Sullivan

Assistant Chief Administrative Law Judge 415-703-2726 ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

-----Original Message-----

From: Susan Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]  
Sent: Saturday, February 01, 2014 3:31 PM  
To: Sullivan, Timothy J.  
Subject:

Hey Tim... Peevey thinks he can't do an alternate with a case he inherited from Ferron because the PD has been issued. I told him that based on cursory research I thought he could - didn't mention names. Are you guys able to give him an affirmative on that question if asked?

It would save a lot of trouble if you could.

Thanks,  
Susan

Sent from my iPhone

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, February 03, 2014 11:55 AM  
**To:** 'Susan P Kennedy'  
**Subject:** RE:

That is what I expected.

Timothy Sullivan

Assistant Chief Administrative Law Judge 415-703-2726 ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

-----Original Message-----

From: Susan P Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]  
Sent: Monday, February 03, 2014 11:54 AM  
To: Sullivan, Timothy J.  
Subject: Re:

Legal does not think he is barred from issuing an alternate - FYI.

On Feb 3, 2014, at 9:39 AM, Sullivan, Timothy J. wrote:

> I'll send out a trial balloon.

>

> Timothy Sullivan

> Assistant Chief Administrative Law Judge 415-703-2726 ALJ Vision

> Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

>

>

>

> -----Original Message-----

> From: Susan Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]

> Sent: Saturday, February 01, 2014 3:31 PM

> To: Sullivan, Timothy J.

> Subject:

>

> Hey Tim... Peevey thinks he can't do an alternate with a case he inherited from Ferron because the PD has been issued. I told him that based on cursory research I thought he could - didn't mention names. Are you guys able to give him an affirmative on that question if asked?

>

> It would save a lot of trouble if you could.

>

> Thanks,

> Susan

>

> Sent from my iPhone



---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Thursday, March 06, 2014 4:07 PM  
**To:** 'Susan P Kennedy'  
**Subject:** Tim Sullivan now Acting Chief Judge

Hi,

Frank Lindh, the General Counsel, left for a private firm. The Chief Judge is now Acting General Counsel, and I'm acting Chief ALJ. It was a surprising set of developments over the last week.

Since my time is so limited, I'm focusing on short-term goals: improving communications between judges and with the Commissioners; working on personnel matters, etc. I may get involved in legislative reform for Energy – Commissioner Picker is interested.

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, March 19, 2014 10:02 AM  
**To:** 'Susan P Kennedy'  
**Subject:** Thanks for offer of help

Susan,

Thanks for your offer of help. I have some ideas that I would like to discuss with you regarding possible legislative and administrative reforms.

Right now, I'm focusing on internal matters – filling vacancies (most in support staff) and improving communications.

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

ALJ Vision Statement: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.

**From:** Susan P Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]

**Sent:** Tuesday, March 11, 2014 9:15 PM

**To:** Sullivan, Timothy J.

**Subject:** Re: Tim Sullivan now Acting Chief Judge

Hey... It was not a surprise to me. I am so happy you get the chance to do something. I hope you have enough time to make an impact. I suspect you will - no matter how quickly the search and interview process goes, it will take time. Could be the best thing to happen to the CPUC. You know what to do.... better than anyone.

If there is any way I can help you - even just to listen as you think things through - call any time.

On Mar 6, 2014, at 4:06 PM, Sullivan, Timothy J. wrote:

Hi,

Frank Lindh, the General Counsel, left for a private firm. The Chief Judge is now Acting General Counsel, and I'm acting Chief ALJ. It was a surprising set of developments over the last week.

Since my time is so limited, I'm focusing on short-term goals: improving communications between judges and with the Commissioners; working on personnel matters, etc. I may get involved in legislative reform for Energy – Commissioner Picker is interested.

Timothy Sullivan 415-703-2726

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, May 19, 2014 11:28 AM  
**To:** Susan P Kennedy  
**Subject:** Automatic reply: Around for lunch?

Acting Chief Administrative Law Judge Timothy Sullivan is out today but will be back tomorrow. If you require immediate assistance, write Assistant Chief Maryam Ebke.

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, May 19, 2014 11:43 AM  
**To:** Susan P Kennedy  
**Subject:** RE: Around for lunch?

I'd love to.

I usually don't schedule lunch, so I am generally free, except for Mondays, which I am taking off to reduce a leave balance.

Tim

---

**From:** Susan P Kennedy [spkenned[REDACTED]com]  
**Sent:** Monday, May 19, 2014 11:28 AM  
**To:** Sullivan, Timothy J.  
**Subject:** Around for lunch?

One of these days?

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, May 19, 2014 6:33 PM  
**To:** Susan Kennedy  
**Subject:** Late Lunch Wednesday is Best

Hi,

A late lunch Wednesday would be best.

I meet with my trainer Wednesday a.m. in SoMa at 8, so breakfast is not good.

Tim

---

From: Susan Kennedy [spkenned[REDACTED].com]  
Sent: Monday, May 19, 2014 11:46 AM  
To: Sullivan, Timothy J.  
Subject: Re: Around for lunch?

Good for you. I am in SF or East Bay most days. I like breakfasts as well. How about breakfast Wed? Or a late lunch....

Sent from my iPhone

> On May 19, 2014, at 11:42 AM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

>

> I'd love to.

>

> I usually don't schedule lunch, so I am generally free, except for Mondays, which I am taking off to reduce a leave balance.

>

> Tim

>

---

> From: Susan P Kennedy [spkenned[REDACTED].com]

> Sent: Monday, May 19, 2014 11:28 AM

> To: Sullivan, Timothy J.

> Subject: Around for lunch?

>

> One of these days?

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, May 19, 2014 9:03 PM  
**To:** Susan Kennedy  
**Subject:** Lunch Wednesday at 1

Great!

---

From: Susan Kennedy [spkenned[REDACTED].com]  
Sent: Monday, May 19, 2014 6:35 PM  
To: Sullivan, Timothy J.  
Subject: Re: Late Lunch Wednesday is Best

Great.... Can we say 1?

Sent from my iPhone

> On May 19, 2014, at 6:33 PM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

>

> Hi,

>

> A late lunch Wednesday would be best.

>

> I meet with my trainer Wednesday a.m. in SoMa at 8, so breakfast is not good.

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>

> From: Susan Kennedy [spkenned[REDACTED].com]

> Sent: Monday, May 19, 2014 11:46 AM

> To: Sullivan, Timothy J.

> Subject: Re: Around for lunch?

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> Sent from my iPhone

>

>> On May 19, 2014, at 11:42 AM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

>>

>> I'd love to.

>>

>> I usually don't schedule lunch, so I am generally free, except for Mondays, which I am taking off to reduce a leave balance.

>>

>> Tim

>>

>> From: Susan P Kennedy [spkenned[REDACTED].com]

>> Sent: Monday, May 19, 2014 11:28 AM

>> To: Sullivan, Timothy J.

>> Subject: Around for lunch?



>>

>> One of these days?

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, May 21, 2014 11:06 AM  
**To:** 'Susan P Kennedy'  
**Subject:** Lunch today at 1. Where to meet?

Hi,

Will you be in the Civic Center area?

Give me a call at the office or at my cell 510- [REDACTED]

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

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**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, May 21, 2014 2:29 PM  
**To:** 'Susan P Kennedy'  
**Subject:** No Telecom Advisor in Picker's Office Yet

Hi,

There is no telecommunications advisor in Picker's office yet.

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

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---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Thursday, October 23, 2014 4:34 PM  
**To:** 'Susan Kennedy'  
**Subject:** Picker President? Randolph Executive Director??

I am not sure what Picker thought . He seemed easily distracted, but I gave it my best shot.

Picker did seem to get my point about their being both a political problem and a performance problem, but he still sees things through a political prism. He wanted to know what influence he could exert in Sacramento to help us get budget authority for more resources. I told him that we have had authority to hire 5 judges since July 1 and had so far hired none. I told him our HR was less responsive than DOF and did not seem able to perform the basic task of helping us hire people. He asked if we had talked to the head of HR/IT, Michelle Cooke, and we told him that we had to no avail.

In my view, Picker has either gotten the word that he will be the next president or is running for the office. He is meeting with each division chief. I wasn't clear whether he was meeting with me in good faith or just going through the motions. I tried to work a small briefing into the meeting, but I think he was mostly in a "meet and greet" mode, not a thinking mode.

Timothy Sullivan 415-703-2726  
Chief Administrative Law Judge (Acting)  
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---

**From:** Susan Kennedy [[mailto:spkenned\[REDACTED\].com](mailto:spkenned[REDACTED].com)]  
**Sent:** Thursday, October 23, 2014 3:47 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Monthly Report to Michael Picker October

Did he find it helpful?

Sent from my iPhone

On Oct 23, 2014, at 3:29 PM, "Sullivan, Timothy J." <[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

Susan,

I met with Picker today and used the attached memo as talking points.

Tim

<Monthly Report to Michael Picker October.docx>

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Thursday, October 16, 2014 8:35 AM  
**To:** Susan P. Kennedy  
**Subject:** RE:

Hi, I got confused yesterday. I will call you today.

---

From: Susan P. Kennedy [spkenned[REDACTED].com]  
Sent: Thursday, October 16, 2014 5:20 AM  
To: Sullivan, Timothy J.  
Subject: Re:

Wow - this email from me was dated July 30. I did not send this yesterday. But I do have an idea I'd love to get your feedback on when you have time.

On 10/15/14, 8:36 PM, "Sullivan, Timothy J."  
<[timothy.sullivan@cpuc.ca.gov](mailto:timothy.sullivan@cpuc.ca.gov)> wrote:

>Sorry, meetings all day. Is tomorrow okay?

>

---

>From: Susan Kennedy [spkenned[REDACTED].com]

>Sent: Wednesday, July 30, 2014 7:58 AM

>To: Sullivan, Timothy J.

>Subject:

>

>Hey - around for a quick call/question this morning?

>Susan

>

>Sent from my iPhone

Hi, I got confused last night. I will call today

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, October 15, 2014 8:36 PM  
**To:** Susan Kennedy  
**Subject:** RE:

Sorry, meetings all day. Is tomorrow okay?

---

**From:** Susan Kennedy [spkenne[REDACTED].com]  
**Sent:** Wednesday, July 30, 2014 7:58 AM  
**To:** Sullivan, Timothy J.  
**Subject:**

Hey - around for a quick call/question this morning?  
Susan

Sent from my iPhone



---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, August 25, 2014 11:56 AM  
**To:** Susan P. Kennedy  
**Subject:** RE: <no subject>

[karl.bemesderfer@cpuc.ca.gov](mailto:karl.bemesderfer@cpuc.ca.gov)

---

**From:** Susan P. Kennedy [spkenned[REDACTED]com]  
**Sent:** Monday, August 25, 2014 10:37 AM  
**To:** Sullivan, Timothy J.  
**Subject:** <no subject>

Can you give me Karl's email address? I don't have my old contact list...

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Monday, August 25, 2014 10:37 AM  
**To:** Susan P. Kennedy  
**Subject:** Automatic reply: <no subject>

Acting Chief Administrative Law Judge Timothy Sullivan is out today but will be back tomorrow. If you require immediate assistance, write Assistant Chief Maryam Ebke.

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Tuesday, November 25, 2014 4:30 PM  
**To:** 'Susan Kennedy'  
**Subject:** Interim Executive Director  
**Attachments:** resume 2014.doc

**Importance:** High  
**Sensitivity:** Confidential

Hi,

I had a great talk with Michael Picker. He likes the idea of an interim Executive Director and is interested in me. I sent him the note below and a copy of my resume.

He mentioned that Weisenmiller may be chosen to act as Commission president, and said he was fine if that happened. He said he would recommend that Weisenmiller consider me as an interim. He also indicated that Weisenmiller would check with you. I hope you'll give me a plug if that happens.

Hope you have a good Thanksgiving. I'll be here tomorrow, but will leave a bit early.

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

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**From:** Sullivan, Timothy J.  
**Sent:** Tuesday, November 25, 2014 4:26 PM  
**To:** Picker, Michael  
**Subject:** Preliminary Transition Ideas  
**Importance:** High  
**Sensitivity:** Confidential

Hi,

Thanks for calling. It was very encouraging to talk to you and find that the Commission is considering using an interim before filling the Executive Director position. I think that this is a good approach and I would be glad to work with either Robert Weisenmiller or you.

In the last year as Acting Chief ALJ, I've learned that an interim appointment gives one a lot of freedom and an opportunity to make change, as long as you can focus on things that you can accomplish in a short time and without major new resources.

In my time as Acting Chief Judge, I am most proud of the work that I've done in the following areas:

- 1) creating metrics to manage work;
- 2) improving communications within the ALJ division and with other divisions; and
- 3) developing work expectations for the ALJs concerning case processing.

If I were to serve as interim executive director, I would suggest to the Commission President that it would be possible to accomplish the following:

- 1) develop Commission-wide metrics for case processing, rehearing, and advice letter review;
- 2) improve transparency of the Commission by improving the website (in particular its search function) and by posting information on case processing;
- 3) improve interdivisional communications by having substantive meetings that focus on Commission operations, performance and budgets;
- 4) develop a reporting format that allows Commissioners, in addition to setting policy, to function as “board members” overseeing operations;
- 5) focus HR on filling job vacancies in a timely way; and
- 6) raise Commission profile of OGA and ensure high-level Commission engagement in all parts of the legislative process, including bill analysis.

I think that the above things, since they do not require new budget authority, could be accomplished in a short time-frame and serve as a foundation on which a long-term Executive Director could build. I would be glad to make them happen and would love preparing for a successor.

Timothy Sullivan 415-703-2726

Chief Administrative Law Judge (Acting)

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---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Thursday, November 06, 2014 8:45 PM  
**To:** Susan P. Kennedy  
**Subject:** RE: Revised presentation

It went very well, but just after the presentation, the Commissioners found out that the AG, using a search warrant, seized the computers of Peevey, Florio, Clopton, and Clanon -- so all the attention got sucked away. I'll have to see what happens

---

**From:** Susan P. Kennedy [spkenned[REDACTED].com]  
**Sent:** Thursday, November 06, 2014 7:47 PM  
**To:** Sullivan, Timothy J.  
**Subject:** Re: Revised presentation

How did it go?

**From:** "Sullivan, Timothy J." <timothy.sullivan@cpuc.ca.gov>  
**Date:** Thursday, November 6, 2014 at 8:15 AM  
**To:** "Susan P. Kennedy" <spkenned[REDACTED].com>  
**Subject:** FW: Revised presentation

Hi,

I cut it from 16 to 11 pages, content from 15 to 10. I did it at FedEx. I present this a.m.

Tim Sullivan

---

**From:** Sullivan, Timothy J. <timothy.sullivan@cpuc.ca.gov>  
**Sent:** Wednesday, November 26, 2014 3:23 PM  
**To:** 'Susan Kennedy'  
**Subject:** More Florio Press Statements

Hi,

Did you see this? This is in a trade press ([Environment and Energy](#)). I found the article on google. Florio is still digging his hole. Tim

<http://www.eenews.net/stories/1060009290>

A top California utility regulator in hot water for agreeing to help influence an agency rulemaking on natural gas rates blamed an overly cozy relationship with a utility executive.

Speaking outside a panel on ethics yesterday at the National Association of Regulatory Utility Commissioners' annual conference here, California Public Utility Commissioner Mike Florio said he had been too familiar with one executive at Pacific Gas and Electric Co. in particular: former vice president of regulatory affairs Brian Cherry.

"Obviously I wrote an email that I very much wish I had never written," Florio said. "It'll follow me to my grave now."

Cherry stepped down after [emails](#) came out showing that he had asked Florio to influence the choice of judge in a rate case, tangentially related to another closely watched case that could penalize PG&E \$1.4 billion for a 2010 natural gas pipeline explosion in the San Francisco suburb of San Bruno that killed eight people ([EnergyWire](#), Sept. 3).

Florio had written "I'll do what I can on this end" in response to Cherry's request to assign a particular administrative law judge to the rate case, which would raise money to fund pipeline safety improvements.

When PG&E received its desired judge, 12 days later, Florio wrote, "I trust you're happier now?? Not sure how this came about, but John is the best ..."

Yesterday, Florio pointed out that he never actually helped PG&E get the judge they wanted but said he had been "lulled" into agreeing to help, partly because he thought the move would be in the commission's best interest and partly because of his long-term acquaintance with Cherry.

"Part of it, I think, is that particular guy from PG&E was somebody I had known for years since before he even worked for PG&E," Florio said. "Looking back on it now, he was definitely the pushiest of the utility lobbyists, but we kind of had this relationship where he'd send me something and I'd make a smart remark, and he'd make a smart remark at me, and it was just kind of banter.

"I let my guard down in a way that I haven't with other people, and I was stupid and unguarded and dug myself in a hole. I'll probably be digging my way out of it for the rest of my life."

The mayor of San Bruno called yesterday for 65,000 more emails to be released, ahead of a commission vote today on whether to penalize PG&E for the communications. The CPUC [proposal](#) would deprive PG&E of the "incalculable benefits" of communicating with commissioners or their advisers outside of official meetings, for at least a year.



"The CPUC -- which has been wracked by scandal for months now -- has a golden opportunity to regain the public's trust by doing the right thing in demanding the immediate release of these emails," said Mayor Jim Ruane. "The eyes of the public will be watching whether the CPUC makes the right choice this week and abandons its business-as-usual mentality so that necessary reform can finally begin."

Florio said he and his staff had gone through all of his emails with utility officials, and Cherry was the only one with whom he had corresponded inappropriately.

"It is readily apparent that he is the only person who got me to engage in this kind of back and forth," he said. "The other utilities and other people at PG&E just didn't do it."

"There are a couple that would be embarrassing if they showed up in the newspaper, just because of how casual I was," he said.

CPUC President Michael Peevey announced last month that he would not seek reappointment at the end of his term in December, after emails showed that he had allegedly asked PG&E executives to contribute to a political campaign against a 2010 ballot initiative that would have suspended the state's marquee climate change law, A.B. 32.

Observers were more surprised at Florio's involvement than Peevey's, because he had previously worked for 32 years for a ratepayer advocacy group, the Utility Reform Network, that often criticizes the CPUC for being too cozy with utilities.

"I have put them in a very awkward position, no doubt about it," Florio said of TURN. "If you wrote this as a movie script, nobody would believe it."

## **Transparency and efficiency: mutually exclusive?**

The NARUC panel, on the last day of the conference, illustrated the ethical dilemmas that utility regulators can encounter in the field. NARUC staff presented a series of skits portraying commissioners being invited to lavish, industry-funded conferences; having power company executives offer to make charitable donations in their name; and being asked in a private meeting whether they support a particular policy that is up for debate.

Some audience participants said that such situations would not sway their decisions. Their main concern was optics.

"There is no problem as long as it's not in her name," one attendee said of the donation scenario.

"Those commissioners can't be had for the price of a spa," said Idaho Public Utilities Commissioner Marsha Smith. "The only thing that really matters is, can the commissioners survive if this story is on the front page of a local newspaper?"

Florio also pointed to intent as a rationale for his emails with Cherry.

"At the time that those conversations happened, I was particularly irritated with the judge that was going to be assigned because he was so late with this similar case that he was working on for me," he said. "I didn't really care what PG&E thought; I just didn't think it was good for the commission to put somebody who was so far behind in his work on a high-profile case."

Florio said he also didn't think the request was "overtly self-serving," noting that PG&E had also originally tried to get him to serve as the commissioner overseeing the case.

"What it seemed like they were saying is, well, they wanted the commissioner and the [administrative law judge] with the most experience with this type of case," he said. "If they said, 'We want Judge Patsy,' my alarm bells would have gone off."

Meanwhile, CPUC staffers are under new communications restrictions as of last month. Top staff members have to provide a log of all oral or written communications outside of public proceedings, with commissioners being asked to do the same voluntarily ([E&ENews PM](#), Oct. 9).

Florio said the rules have slowed the pace of rulemaking still further.

"Grinding the work of the commission to a virtual halt is not a good thing either," he said. "I think applying it to staff-level people is kind of overkill, because they've got the information, and we need it, and anything that prevents us from getting it is really making regulation less effective, and that's not a good thing."

"Transparency and efficiency are always in conflict," he said. "Last year's reform becomes next year's problem."

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