



BRIAN SANDOVAL
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW
Chairman

REBECCA WAGNER
Commissioner

DAVID NOBLE
Commissioner

CRYSTAL JACKSON
Executive Director

July 2, 2013

VIA EMAIL

Attn: Ms. Angel De Fazio
ntefusa@aol.com

Re: Request for Application Materials

Ms. De Fazio:

Chapter 239 of the Nevada Revised Statutes ("NRS"), specifically NRS 239.0107(1), requires a governmental entity to respond to public records requests within five business days. Accordingly, the Public Utilities Commission of Nevada ("Commission") is responding to your July 1, 2013, request "to get copies of the applications/resumes for general counsel" prior to the Commission publicly voting to appoint a candidate to the position.

The application materials of the finalists¹ for the General Counsel position will be made available online prior to the Commission's vote, consistent with the Commission's usual practice of providing advanced public access to all supporting materials for an open meeting's agenda items. Once the documents have been prepared for the Commission's review and personal contact information has been redacted, the documents will be processed and become available for inspection on the Commission's website at puc.nv.gov. The documents will be made available to the public at the same time that they are made available to the Commissioners.

Pursuant to NRS 239.0107(1)(d), if a governmental entity denies a person's request to inspect a public record, or a part thereof, based on the confidential nature of the record, the governmental entity must provide written notice of the existence of the confidential record and a citation to the specific statute or other legal authority supporting the record's confidentiality. Your July 1, 2013, email to Ms. Jackson suggests that you seek copies of the application materials for not just the finalists for the general counsel position but for

¹ At the Commission's Administrative Agenda Meeting held on June 25, 2013, the Commission voted to adopt a process in which a selection committee (comprised of the Commission's Executive Director, Director of Regulatory Operations, Commission Secretary, and current General Counsel) reviews applications, conducts interviews, and proposes no more than two finalist candidates to be considered by the Commission.

all persons who applied to fill the opening. Therefore, the Commission now provides you with notice that the agency has or will have in its possession information and application materials beyond the documents made available prior to the Commission's vote to appoint a new General Counsel. However, the additional information and documents (personal contact information of finalists and all application materials of non-finalist applicants) are not subject to public disclosure because they are not supporting materials for an agenda item and will not be relied upon by the Commissioners when they deliberate and make an appointment decision. Further, the application materials for the non-finalists are confidential records under the Nevada Administrative Code ("NAC") 284.718(1)(d) and 284.718(1)(i).

Pursuant to NAC 284.718(1)(d) and 284.718(1)(i), and balancing the interest for nondisclosure (protecting the privacy of applicants, most of whom will not be selected to hold the applied-for public office) against the general policy in favor of an open and accessible government, the Commission is redacting the personal contact information of the finalists and not disclosing the application materials of non-finalists for the Commission's General Counsel position.²

Please feel free to contact me if you have any questions or need assistance locating documents on the Commission's website.

Sincerely,



Garrett Weir
Assistant General Counsel
Public Utilities Commission of Nevada
(775) 684-6185
gweir@puc.nv.gov

cc: Jan Cohen, General Counsel PUCN
Crystal Jackson, Executive Director PUCN

² There is a presumption that "all public records are open to public disclosure unless either (1) the Legislature has expressly and unequivocally created an exemption or exception by statute...or (2) balancing the private or law enforcement interests for nondisclosure against the general policy in favor of an open and accessible government requires restricting public access to government records." *Reno Newspapers v. Sherriff*, 234 P.3d 922, 925 (2010).