

**From:** [94992-15550486@requests.muckrock.com](mailto:94992-15550486@requests.muckrock.com)  
**To:** [HKelly@sfgwater.org](mailto:HKelly@sfgwater.org)  
**Date:** Tue, 07 Jul 2020 06:58:55 -0000  
**Subject:** RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

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Public Utilities Commission  
PRA Office  
Polk Street  
525 Golden Gate Avenue  
SF, CA 94102

July 7, 2020

This is a follow up to a previous request:

Public Utilities Commission and Harlan Kelly Jr.:

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a PUBLICLY-VIEWABLE MAILBOX. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to [jaidin@pacbell.net](mailto:jaidin@pacbell.net), [jdngpr@pacbell.net](mailto:jdngpr@pacbell.net), or any email address ending with [jaidin.net](http://jaidin.net)) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed
2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

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Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 94992-15550486@requests.muckrock.com

Upload documents directly: <https://accounts.muckrock.com/accounts/login/>

url\_auth\_token=AABcOqUPSywBuLjkHxOMnKfWHe0:1jshZ6:IOqRO20CQcjtLq8imbk01wX3j8k&next=https://www.muckrock.com/account  
next=%2Faccounts%2Fagency\_login%2Fpublic-utilities-commission-4834%2Finter-agency-text-messages-immediate-disclosure-request-sf-  
puc-94992%2F%3Femail%3DHKelly%2540sfwater.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 94992  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On July 7, 2020:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)  
Public Utilities Commission and Harlan Kelly Jr.:

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2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
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that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).

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- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
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Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

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Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

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On July 7, 2020:

Subject: RE: [REDACTED]RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Dear Muckrock News,

Apologies and thanks for letting us know. Please use this link for Bates numbers 161 to 219.

<https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

Please note that it will expire in 7 days.

Bates 001 through 160 are under review and will be provided once they are ready.

Thanks for your patience.

SFPUC Public Records

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On July 3, 2020:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you - MuckRock staff will hopefully get the files within the week. If not, we will need to request you extend the deadline.

However, I think files may be missing. You mentioned for example text messages in Bates 161-219. But I only received Bates 161-168. Where are the rest?

I also didn't receive I assume what is Bates 001 thru 160. Was there a mistake in uploading?

Here's what I got:

Sink hole at 110 Alta Street 1\_Redacted for Privacy.pdf

Drawing of Fire Hydrant Location\_Redacted for Privacy.pdf

MLB1\_Redacted.pdf

Night Noise Permit requirements\_Redacted for Privacy ACP.pdf

Sewage Issue on 865 Market St\_Redacted for Privacy.pdf

3 street lights are out of order on Stockton & Jackson streets \_Redacted for Privacy.pdf

2401 Broadway\_Redacted for Privacy.pdf

Bell and snow flake\_Redacted for Privacy.pdf

Itinerary -California.pdf

letter is ready for pick up\_Redacted for Privacy.pdf

Node specifications\_Redacted for Privacy.pdf

Revised invitation for Vice Governor\_Redacted for Privacy.pdf

Revised invitation\_July 24\_Redacted for Privacy.pdf

street lights are out of order on Stockton & Jackson streets.\_Redacted for Privacy.pdf

The 9th Annual Chinatown Ping Pong Festival\_Redacted for Privacy.pdf

Vice governor Ye Zhenqin of Guangdong Province and the delegation (2)\_Redacted for Privacy.pdf

1317 20th Avenue Water Department Work Order Issued letter\_Redacted for Privacy.pdf

Bell Shaped and Snowflake LED.pdf

Revised invitation for Vice Governor (1)\_Redacted for Privacy.pdf

Sink hole at 110 Alta Street\_Redacted for Privacy.pdf

Sunset Boulevard Greenway Project - Funding Problems with SFPUC\_Redacted for Privacy.pdf

Sunset Boulevard Greenway Project - Funding Problems with SFPUC\_Redacted for Privacy.pdf

Vice governor Ye Zhenqin of Guangdong Province and the delegation\_Redacted for Privacy.pdf

叶贞琴副省长Name list\_Nov visit\_Redacted for Privacy.pdf

Drawing of Fire Hydrant Location 1\_Redacted for Privacy.pdf

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Sincerely,  
Anonymous

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On July 2, 2020:  
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages  
Dear Muckrock News

Please access documents responsive to your June 11 request below.

<https://sfpuc.sharefile.com/d-s9194ec992cf4e6cb>

Please do so within a week as the link will expire.

With regard to the PDFs we are providing that contain text messages (Bates Stamp #s 161-219), please be advised that all of the redactions in those PDFs are of text messages that do not contain "information relating to the conduct of the public's business" and therefore do not constitute "public records" responsive to your request. (Cal. Gov. Code § 6252(e); see also City of San Jose v. Superior Court (2017) 2 Cal.5th 608, 626 ("Any personal information not related to the conduct of public business . . . can be redacted from public records that are produced or presented for review." (citing Cal. Gov. Code § 6253(a)); City Attorney memorandum dated March 24, 2017 titled "Public Records on Personal Electronic Devices, available at <https://www.sfcityattorney.org/legalopinions/>).

With regard to the email messages we are producing today at Bates Stamp #220-260, as indicated in these documents, we have redacted on privacy grounds personal email addresses, personal telephone numbers, dates and places of birth, personal identification numbers, and gender pursuant to California Government Code section 6254, subdivisions (c) and (k) and Article I, section 1, of the California Constitution. (See also San Francisco Administrative Code § 67.1(g)).

Finally, we have redacted from the email titled, "Night Noise permit requirements" (Bates Stamp #234-235) content constituting privileged and confidential attorney-client communications. (See, Cal. Gov. Code § 6254(k) (providing an exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege; Cal. Evid. Code § 954 (communications between attorneys and their clients are privileged); Cal. Gov. Code § 6276.04 (cross-referencing the attorney-client and attorney work product privileges); S.F. Admin. Code § 67.21(k)).

We are responding to your request on a rolling basis and expect to be producing additional responsive records next week.

Please be advised that we are responding to your records request on behalf of the SFPUC only, and only as to records that are within the SFPUC's possession. Each City department receives, searches, and responds to public records requests on behalf of its own department, not Citywide. Accordingly you may wish to also contact the Department of Public Works, the City Administrator's Office, and/or the Mayor's Office, as those departments and offices may also have records responsive to your request.

Best regards,  
SFPUC Public Records

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On June 22, 2020:  
Subject: Public Record Request submitted June 11, 2020 - Communications between Harlan L. Kelly Jr. and various others  
We are in receipt of your request dated June 11, 2020. We have identified records responsive to your request and are proceeding to review them for any necessary redactions or withholding. We have not yet completed our search for or review of responsive records. As explained in the attached memo, per emergency orders of the Mayor, the City's time to produce records in response to PRA requests has been extended during the emergency. We are providing this initial response within 10 days in accordance with those orders. Based on the volume and nature of the documents, we plan to provide initial documents by July 3, 2020. We will provide additional documents on a rolling basis thereafter.

SFPUC Public Records

Suzanne Gautier  
Manager, Communications and Public Outreach  
External Affairs  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 12<x-apple-data-detectors://5/0>th<x-apple-data-detectors://5/0> Floor<x-apple-data-detectors://5/0>  
San Francisco, CA 94102<x-apple-data-detectors://5/0>  
Phone - 415-513-2529<tel:415.583.2540>  
Email - [sgautier@sfgwater.org](mailto:sgautier@sfgwater.org)<<https://www.sfgwater.org/>>  
Note: I am working remotely until further notice

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On June 11, 2020:

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)  
Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngroup@pacbell.net, or any email address ending with jaidin.net ), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: [https://cdn.muckrock.com/foia\\_files/2020/04/14/Text\\_Messages\\_Breed\\_Scott\\_Redacted.pdf](https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf) and clearly referenced redaction justifications here: [https://cdn.muckrock.com/foia\\_files/2020/04/14/ChiefOfficeResponse201.pdf](https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf) (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

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Upload documents directly: <https://accounts.muckrock.com/accounts/login/>

url\_auth\_token=AABcOqUPSywBuLjkHxOMnKfWHe0:1jshZ6:IOqRO20CQcjtLq8imbk01wX3j8k&next=https://www.muckrock.com/account  
next=%2Faccounts%2Fagency\_login%2Fpublic-utilities-commission-4834%2Finter-agency-text-messages-immediate-disclosure-request-sf-  
puc-94992%2F%3Femail%3DHKelly%2540sfwater.org

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