

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 2, 2021

New Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the records marked as “1” below or parts thereof (request 2 is not petitioned here, but has been petitioned in prior petitions) requested *June 11, 2020* via *94992-15550486@requests.muckrock.com* are public and order *Public Utilities Commission* to disclose them:

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*, *jdnggrp@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))

...

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).

PUC provided on July 6, 2020 certain records responsive to request “1” above in Exhibit B. PUC redacted a majority of the messages. It is presumed that Harlan Kelly Jr. personally performed the redactions based on Exhibit A – a letter issued by PUC to me recently, purportedly in cooperation with your office, with regards to request “2.” Given that both parties Kelly and Breed are high-ranking City officials, their conversations must be presumed to be about the conduct of public business and not purely personal.

Harlan Kelly, Jr. was at the time of the request and response an employee of PUC and thus of the City; as the City Attorney’s memo regarding *City of San Jose v Superior Court* notes, the City is legally responsible for the judgment and actions of its employees, including production of records.

As now accepted by PUC in Exhibit A, PUC previously unlawfully redacted certain Harlan Kelly – Walter Wong text messages in request “2”. There is no reason to believe that the July 6 records provided in “1” were lawfully redacted. Each text message must be reviewed, and a determination made by you whether each is public. PUC’s supposed standard practices and Herrera’s supposedly long-standing advice as described in Exhibit A is not a defense to violations of the Public Records Act or Sunshine Ordinance.

All records in the constructive possession of the City at the time of my request must be produced. PUC’s failure to retain and preserve all respon-

sive records at the time of my request does not mean that you can refuse to make a determination when I allege that the response is incomplete.

Sincerely,

Anonymous