

### Third Supplement to Memorandum 2015-3

#### **State and Local Agency Access to Customer Information from Communication Service Providers: General Statutory Objectives**

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Commissioner Xochitl Carrion is unable to attend the February 12, 2015, meeting. However, she wanted to inform the Commission of her views on the issue presented in the Second Supplement to Memorandum 2015-3. In an email to the Chair and staff, she wrote:

Since I will not be attending the Commission meeting in Sacramento this week, can you please communicate my recommendation as to how to proceed to the Commission? I recommend the Commission proceed with a General Report, but suspend work on Legislative drafting. The Commission and staff members have done a great amount of work that may be useful in the event that SB 178 is not enacted or if enacted, for portions of our assignment not affected by SB 178. It seems wasteful to not compile this information in a format that could be used in the future.

I find it problematic for the Commission to unilaterally suspend work it has been assigned to complete. If possible, Brian, can you provide me a historical perspective on past assignments, if any, that the Commission has unilaterally suspended? I am concerned about creating such a precedent.

I also find it problematic to proceed as planned and inadvertently (or one can argue, advertently) impact the pending legislative process of SB 178. Furthermore, I see the Commission's purpose to clarify current law or recommend proposed law, not to create misimpressions about a political position. It behooves us to ensure our conduct falls squarely within our duties, and not a step outside.

The staff thanks Commissioner Carrion for sharing her views on this important issue.

Respectfully submitted,

Brian Hebert  
Executive Director