

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PUBLIC SERVICE ) PSC DOCKET NO. 88-30  
COMMISSION'S RELEASE OF MINUTES OF ) AND OTHERS  
EXECUTIVE SESSIONS IN PRIOR DOCKETS )

**ORDER NO. 7057**

This 31<sup>st</sup> day of October, 2006, the Commission determines and Orders the following:

Since 1992, in each of the dockets listed in Exhibit "A" (attached hereto), the Commission sat in executive session in order: (a) to hear the advice of counsel, or to consider strategy, related to potential or pending administrative or judicial litigation (see 29 Del. C. § 10004(b)(4); or (b) to hear personnel matters related to particular dockets (see 29 Del. C. § 10004(b)(9)).<sup>1</sup> Until now, the minutes from the listed sessions have not been made available to the public. The Commission now believes that the minutes of the listed sessions can be made available for public review without jeopardizing the original reasons for the executive session. The minutes from the executive sessions described in Exhibit "A" are now released.<sup>2</sup>

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<sup>1</sup>Most of the sessions were held to hear counsel or to discuss litigation-related strategy. In one instance, the Commission also concurrently discussed a "personnel" issue: the compensation to be paid to retained counsel. In another instance, the Commission sat to review an informal inquiry about the appropriateness of continuing to employ a particular Commission consultant. The minutes from these sessions are being released. However, during this same period, the Commission also sat in executive session to discuss personnel issues related to another Commission employee. The minutes from that latter session are not now being released.

<sup>2</sup>This Order does not cover the release of the verbatim transcripts from these executive sessions. The Commission would anticipate that there would be nothing that would prevent public disclosure of such transcripts, particularly in the case of sessions held years ago. However, the Commission

Now, therefore, **IT IS ORDERED:**

1. That the minutes from the described executive sessions held in the dockets listed in Exhibit "A" attached hereto are now released for public review. That the Secretary shall make the minutes designated in Exhibit "A" available for public review as of the date of this Order.

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary

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simply does not have the resources to now have its Staff review the transcripts from all these sessions to determine whether any transcript might contain particular pieces of information that should still remain non-public. Instead, the Commission will respond to individual requests for disclosure of a particular transcript. If any such request is forthcoming, the governing presumption (although subject to rebuttal) will be that the transcript should be made available to the public.

E X H I B I T "A"

<u>Docket No.</u>	<u>Executive Session Date</u>	<u>Reason</u>
88-30	January 14, 1992	Advice from Counsel on Potential or Pending Litigation
300-90	February 11, 1992	Advice from Counsel on Potential or Pending Litigation
88-30	February 25, 1992	Advice from Counsel on Potential or Pending Litigation
88-30	March 24, 1992	Advice from Counsel on Potential or Pending Litigation
88-30	April 14, 1992	Advice from Counsel on Potential or Pending Litigation
304-93	October 27, 1992	Advice from Counsel on Potential or Pending Litigation
92-71F	July 6, 1993	Advice from Counsel on Potential or Pending Litigation
92-85	August 3, 1993	Advice from Counsel on Potential or Pending Litigation
93-28	August 24, 1993	Advice from Counsel on Potential or Pending Litigation
92-47	November 23, 1993	Advice from Counsel on Potential or Pending Litigation
92-47	November 30, 1993	Advice from Counsel on Potential or Pending Litigation
Reg. 42	April 19, 1994	Personnel Matter
Regs. 41 & 42	June 7, 1994	Advice from Counsel on Potential or Pending Litigation
Regs. 41 & 42	June 21, 1994	Advice from Counsel on Potential or Pending Litigation
N/A	October 4, 1994	Advice from Counsel on Potential or Pending Litigation

<u>Docket No.</u>	<u>Executive Session Date</u>	<u>Reason</u>
Reg. 42	June 17, 1997	Advice from Counsel on Potential or Pending Litigation
Reg. 42	July 8, 1997	Advice from Counsel on Potential or Pending Litigation
Reg. 42	September 9, 1997	Advice from Counsel on Potential or Pending Litigation
Reg. 44	April 14, 1998	Advice from Counsel on Potential or Pending Litigation
319-02	August 10, 2004	Advice from Counsel on Potential or Pending Filing of Cross- Appeal
N/A	July 25, 2006	Update Concerning the Confidential PJM Reliability Pricing Proceedings and Settlement Discussions Held Before FERC