

Bond Case Briefs

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Casey v. Beeker

Supreme Court of Alabama - September 4, 2020 - So.3d - 2020 WL 5268491

Attendee of Public Service Commission (PSC) hearing regarding capacity-reservation charges, at which hearing, which was presided over by an administrative law judge (ALJ), attendee had her cellular telephone confiscated until she agreed not to record the hearing, brought action against individual PSC commissioners, in their official capacity, over allegation that the presence of the commissioners at the hearing constituted a “meeting” under the Open Meetings Act and that the commissioners’ failure to give the required notice under the Act and attendee’s inability to record the hearing violated the Act.

The Circuit Court entered a final judgment in favor of commissioners. Attendee appealed.

The Supreme Court held that the commissioners’ attendance at the hearing did not constitute a “deliberation” by the commissioners of a matter at the hearing.

Attendance by commissioners of the Public Service Commission (PSC) at a hearing regarding capacity-reservation charges, which was a hearing presided over by an administrative law judge (ALJ), did not constitute a “deliberation” by the commissioners of a matter at the hearing, and thus the commissioners’ attendance did not constitute a “meeting” by the commissioners under the Open Meetings Act; despite argument that commissioners sat at the bench during the hearing, that they heard expert testimony regarding the capacity-reservation charges, that they could have asked questions, and that one of them instructed the public to follow the ALJ’s directions not to record the hearing, nothing indicated that they exchanged any relevant information, much less relevant ideas, during the hearing.