

Peter E. Scheer
Executive Director

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Promoting And Defending The People's Right To Know

October 18, 2004

Mark J. P. Anson
Chief Investment Officer
California Public Employees Retirement System ("CalPERS")
Lincoln Plaza
400 P Street
Sacramento, CA 95814

RE: Public Records Act Request

Dear Mr. Anson:

This request for records pursuant to the California Public Records Act (Government Code Section 6250 et seq.) is submitted on behalf of the California First Amendment Coalition (CFAC), of which I am executive director. It is related to a request filed by CFAC on May 24, 2004, and which is now the subject of litigation with your agency. *CFAC v. CalPERS*, SFSupCNo. CPF 04 504529.

Although we believe the May 24 letter, fairly read, was certainly broad enough to encompass this request, we nonetheless are submitting this separate request out of an abundance of caution and to remove any uncertainty as to whether CalPERS has been given full and fair notice of the information we are seeking.

We hereby request records as follows:

For each venture capital fund, hedge fund, and other private equity fund (hereinafter, "private equity funds") in which CalPERS invested from 1999 to the present, and separately for each year 1999 to the present, records sufficient to show, in dollars, the gain (or loss) of the fund's general partners that is attributable to their so-called "carried interest" in CalPERS' investment in the fund. For purposes of responding to this request, gains (and losses) of general partners of a

Peter Scheer, page 2

fund may be consolidated into a single gain or loss for each fund and for each year. Also, in lieu of producing copies of preexisting records, you may (indeed, are encouraged to) provide the information on a spreadsheet or other record created for the purpose of replying to this request

I ask for a determination on this request within 10 days of your receipt of it, and an even earlier reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

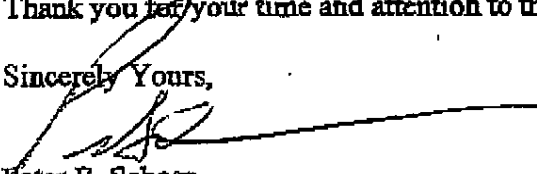
If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-460-5060 or by email to pscheer@earthlink.net. I ask that you notify me of any duplication costs exceeding \$200 before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely Yours,



Peter E. Scheer
Executive Director
California First Amendment Coalition

cc: Jonathan K. Renner, Deputy Attorney General
Karel Olson, Levy Ram & Olson