

November 1, 2001

United States Sentencing Commission
Attention: Public Affairs
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, D.C. 2002-8002

Commissioners of the United States Sentencing Commission:

Since the Organizational Sentencing Guidelines were promulgated in 1991, they have had an immense cross-industry impact on corporations. The organizational guidelines have refocused corporate management and Boards on the obligation to prevent violations, while concurrently implementing meaningful incentives and defining actions that corporations should take in managing compliance. The organizational guidelines and decisions such as the *Caremark* case have helped corporate America converge on a commonly understood and accepted standard for compliance management. As a result, many corporations have established high-level compliance and ethics programs to prevent violations and have voluntarily come together in organizations such as the Ethics Officer Association to facilitate the exchange of ideas and information.

Although the organizational guidelines have achieved a great deal in promoting effective compliance management in corporations, I strongly support the proposal that the Commission has put forth to establish an ad hoc advisory group to consider viable methods to improve the operation of the organizational guidelines. If such an advisory group is established, the scope of issues addressed should extend beyond the sentencing of organizations to include discussion on the operation and impact of the Guidelines in the corporate environment. Issues identified by corporate ethics officers could provide insight on how the Commission could move to enhance the effectiveness of the organizational guidelines 1) to promote a more consistent approach to compliance and ethics management between and across industries, and 2) to improve compliance and ethics management in corporations that have established programs.

Commissioners of the United States Sentencing Commission

Page 2

November 1, 2001



If an ad hoc advisory group is established and the scope of work for that group includes the operation and impact of the organizational guidelines in the corporate environment, I recommend that membership of the advisory group include ethics officers and a representative from the Ethics Officer Association or the Coalition for Ethics and Compliance Initiatives. Membership should not be exclusively a legal constituency. Ethics officers have first hand experience in applying the organizational guidelines, especially in terms of criminal conduct, which is the primary aspect of the Commission's emphasis on deterrence in Chapter Eight.

If the Commission decides to form an ad hoc advisory group that includes ethics officers, I would be honored to serve as a member of that advisory group. Attached is information on my qualifications to serve in this capacity.

Thank you for the opportunity to comment on the establishment of an ad hoc advisory group on the Organization Sentencing Guidelines.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Pressler". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

Eric Pressler
Director, Legal Compliance and Business Ethics
PG&E Corporation
Phone: (415) 973-6607
eric.pressler@pge-corp.com

EP:mb

Enclosure

Eric Pressler - Qualifications for USSC Advisory Group

Ethics Officer Experience: I have served as the Director of Legal Compliance and Business Ethics at PG&E Corporation for more than 5 years. PG&E Corporation is one of the largest utility and energy services companies in the United States, with over 23,000 employees and over \$20 Billion in annual revenues. The PG&E Corporation compliance and ethics program was designed in accordance with the requirements of the Organizational Sentencing Guidelines. I have worked for the Corporation for 22 years.

Ethics Officer Association (EOA): I have been the EOA Sponsoring Partner Representative for PG&E Corporation since 1996. In 2000, I was elected to serve a three-year term as a member of the EOA Board of Directors. I have made numerous presentations at EOA conferences on compliance and ethics topics and will be teaching the session on compliance risk assessment in the EOA course, Managing Ethics in Organizations.

Bay Area Compliance Association (BACA): BACA is a regional organization in the San Francisco Bay Area focused on enhancing compliance management activities for BACA member companies. BACA currently has 20 corporate members and meets bi-monthly. I co-founded this organization in May 2000 with another local EOA member and was elected by the BACA membership as the BACA Chairperson for 2000 and 2001.

USSC Regional Forum: PG&E Corporation co-sponsored and helped organize the USSC Regional Forum in San Francisco in September 1999.

Education: I hold a B.S. in Business and a MBA in Management from the University of California, Berkeley.