

**Introduced by Senator Yee**  
**(Principal coauthor: Senator Alquist)**  
(Principal coauthor: Assembly Member Hill)  
**(Coauthor: Senator Blakeslee)**

February 6, 2012

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An act to amend Section 315 of, and to repeal and add Section 583 of, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, as introduced, Yee. Public Utilities Commission: records.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act requires the commission to investigate the cause of all accidents occurring upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and authorizes the commission to make any order or recommendation with respect to the investigation that it determines to be just and reasonable.

This bill would require that any order or recommendation made by the commission and any accident report filed with the commission pursuant to these requirements be made available and ready for public review in compliance with the California Public Records Act.

The Public Utilities Act prohibits the commission or an officer or employee of the commission from disclosing any information furnished to the commission by a public utility, a subsidiary, an affiliate, or corporation holding a controlling interest in a public utility, unless the

information is specifically required to be open to public inspection under the act, except on order of the commission or a commissioner in the course of a hearing or proceeding.

This bill would repeal that prohibition and instead require the California Public Records Act to apply to all records of, and records filed with, the commission unless expressly exempt from disclosure by other provisions of the Public Utilities Code or the California Public Records Act. The bill also would require the commission to immediately conduct a meeting to amend General Order 66 to be consistent with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 315 of the Public Utilities Code is  
2 amended to read:  
3 315. (a) The commission shall investigate the cause of all  
4 accidents occurring within this ~~State~~ *state* upon the property of  
5 any public utility or directly or indirectly arising from or connected  
6 with its maintenance or operation, resulting in loss of life or injury  
7 to person or property and requiring, in the judgment of the  
8 commission, investigation by it, and may make ~~such~~ *any* order or  
9 recommendation with respect thereto as in its judgment seems just  
10 and reasonable. ~~Neither the order or recommendation of the~~  
11 ~~commission nor any accident report filed with the commission~~  
12 ~~shall be admitted as evidence in any action for damages based on~~  
13 ~~or arising out of such loss of life, or injury to person or property.~~  
14 Every public utility shall file with the commission, under ~~such~~  
15 rules ~~as~~ the commission prescribes, a report of each accident so  
16 ~~occurring~~ *occurring* of ~~such~~ *the* kinds or classes as the commission  
17 from time to time designates.  
18 (b) *Any order or recommendation made by the commission*  
19 *pursuant to this section, and any accident report filed with the*  
20 *commission pursuant to this section, shall be made available and*  
21 *ready for public review in compliance with the California Public*  
22 *Records Act (Chapter 3.5 (commencing with Section 6250) of*  
23 *Division 7 of Title 1 of the Government Code). Neither the order*  
24 *or recommendation of the commission nor any accident report*  
25 *filed with the commission shall be admitted as evidence in any*

1 *action for damages based on or arising out of the loss of life or*  
2 *injury to person or property.*

3 SEC. 2. Section 583 of the Public Utilities Code is repealed.

4 ~~583. No information furnished to the commission by a public~~  
5 ~~utility, or any business which is a subsidiary or affiliate of a public~~  
6 ~~utility, or a corporation which holds a controlling interest in a~~  
7 ~~public utility, except those matters specifically required to be open~~  
8 ~~to public inspection by this part, shall be open to public inspection~~  
9 ~~or made public except on order of the commission, or by the~~  
10 ~~commission or a commissioner in the course of a hearing or~~  
11 ~~proceeding. Any present or former officer or employee of the~~  
12 ~~commission who divulges any such information is guilty of a~~  
13 ~~misdemeanor.~~

14 SEC. 3. Section 583 is added to the Public Utilities Code, to  
15 read:

16 583 (a) The California Public Records Act (Chapter 3.5  
17 (commencing with Section 6250) of Division 7 of Title 1 of the  
18 Government Code) shall apply to all records of, and records filed  
19 with, the commission unless expressly exempt from disclosure by  
20 this code or the California Public Records Act.

21 (b) The commission shall immediately conduct a hearing to  
22 amend General Order 66 to be consistent with this section.