

AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 301

Introduced by Assembly Member Wright

February 8, 1999

An act to add Section ~~341.3~~ 1708.5 to the Public Utilities Code, relating to public utilities *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 301, as amended, R. Wright. Public Utilities Commission: rules: petition.

Under existing law, the Public Utilities Commission adopts Rules of Practice and Procedure, and the commission is required to submit amendments, revisions, or modifications by the commission of those rules to the Office of Administrative Law for review, as prescribed.

This bill would require the commission to ~~modify the rules to~~ permit interested persons to petition the commission to adopt, amend, or repeal a regulation, as specified, *including a requirement that the commission amend the rules, on or before July 1, 2001, to provide more specific procedures for handling a petition. The bill would appropriate \$136,345 from the Public Utilities Commission Reimbursement Account to the commission to reimburse the commission for those costs incurred in implementing the above provisions. The bill would make a statement of legislative intent relating to the*

construction of the terms “interested persons” and “regulation,” as used in that provision.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1. — Section 311.3 is added to the Public~~

2 *SECTION 1. (a) It is the intent of the Legislature*
3 *that the term “interested persons,” as used in subdivision*
4 *(a) of Section 1708.5 of the Public Utilities Code, be*
5 *construed broadly, and not as a bar to standing.*

6 *(b) It is the further intent of the Legislature that the*
7 *term “regulation,” as used in subdivision (a) of Section*
8 *1708.5 of the Public Utilities Code, not be construed to*
9 *refer to all orders and decisions of the Public Utilities*
10 *Commission, but, rather, be construed as a general*
11 *reference to rules of general applicability and future*
12 *effect. It is the intent of the Legislature that the Public*
13 *Utilities Commission have the authority to define more*
14 *precisely the term “regulation” for the purpose of Section*
15 *1708.5 of the Public Utilities Code.*

16 *SEC. 2. Section 1708.5 is added to the Public Utilities*
17 *Code, to read:*

18 *1708.5. (a) The commission shall permit interested*
19 *persons to petition the commission to adopt, amend, or*
20 *repeal a regulation.*

21 *(b) (1) The commission shall consider a petition and,*
22 *within six months from the date of receipt of the petition,*
23 *either deny the petition or institute a proceeding to*
24 *adopt, amend, or repeal the regulation.*

25 *(2) The commission may extend the six month period*
26 *for consideration of a petition pursuant to paragraph (1)*
27 *to allow public review and comment pursuant to*
28 *subdivision (g) of Section 311.*

29 *(c) If the commission denies a petition, the order or*
30 *resolution of the commission shall include a statement of*
31 *the reasons of the commission for that denial.*

32 *(d) If the commission finds that it is precluded by law*
33 *from granting a petition, the statement of reasons for*

1 denial pursuant to subdivision (c) shall identify the
2 relevant provisions of law.

3 (e) The commission shall implement this section
4 under the Rules of Practice and Procedure in effect on
5 January 1, 2000. On or before July 1, 2001, the commission
6 shall amend the Rules of Practice and Procedure to
7 provide more specific procedures for handling a petition
8 pursuant to this section.

9 (f) Notwithstanding Section 1708, the commission
10 may conduct any proceeding to adopt, amend, or repeal
11 a regulation using notice and comment rulemaking
12 procedures, without an evidentiary hearing.

13 SEC. 3. The sum of one hundred thirty-six thousand
14 three hundred forty-five dollars (\$136,345) is hereby
15 appropriated from the Public Utilities Commission
16 Reimbursement Account to the Public Utilities
17 Commission to reimburse the commission for those costs
18 incurred by the commission in implementing this act.

19 Utilities Code, to read:

20 ~~311.3. The commission shall modify its Rules of~~
21 ~~Practice and Procedure to permit interested persons to~~
22 ~~petition the commission to adopt, amend, or repeal a~~
23 ~~regulation. The rules shall establish a period, determined~~
24 ~~by the commission, but not to exceed six months, during~~
25 ~~which the commission may consider the petition and~~
26 ~~either deny the petition or institute a proceeding to~~
27 ~~adopt, amend, or repeal the regulation. If the commission~~
28 ~~denies a petition, the order or resolution of the~~
29 ~~commission shall include a statement of the reasons of the~~
30 ~~commission for that denial. If the commission finds that~~
31 ~~it is precluded by law from granting a petition, the~~
32 ~~statement of reasons for denial shall identify the relevant~~
33 ~~provisions of law.~~