

AMENDED IN SENATE AUGUST 17, 1999

AMENDED IN SENATE JULY 7, 1999

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 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 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 those provisions, and to the petitions described above.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

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

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

15 (c) It is the further intent of the Legislature that the
16 petitions authorized by Section 1708.5 of the Public
17 Utilities Code are not to be a vehicle for asking the
18 commission to reconsider any or all of its decisions, or for
19 asking the Public Utilities Commission to reconsider
20 recently decided matters where there has been no
21 change in circumstances. Therefore, the Legislature
22 intends that the Public Utilities Commission delegate to
23 its staff the authority to deny petitions, in order to provide
24 for the efficient administration of Section 1708.5 of the
25 Public Utilities Code.

26 SEC. 2. Section 1708.5 is added to the Public Utilities
27 Code, to read:

28 1708.5. (a) The commission shall permit interested
29 persons to petition the commission to adopt, amend, or
30 repeal a regulation.

1 (b) (1) The commission shall consider a petition and,
2 within six months from the date of receipt of the petition,
3 either deny the petition or institute a proceeding to
4 adopt, amend, or repeal the regulation.

5 (2) The commission may extend the six month period
6 for consideration of a petition pursuant to paragraph (1)
7 to allow public review and comment pursuant to
8 subdivision (g) of Section 311.

9 (c) If the commission denies a petition, the order or
10 resolution of the commission shall include a statement of
11 the reasons of the commission for that denial.

12 (d) If the commission finds that it is precluded by law
13 from granting a petition, the statement of reasons for
14 denial pursuant to subdivision (c) shall identify the
15 relevant provisions of law.

16 (e) The commission shall implement this section
17 under the Rules of Practice and Procedure in effect on
18 January 1, 2000. On or before July 1, 2001, the commission
19 shall amend the Rules of Practice and Procedure to
20 provide more specific procedures for handling a petition
21 pursuant to this section.

22 (f) Notwithstanding Section 1708, the commission
23 may conduct any proceeding to adopt, amend, or repeal
24 a regulation using notice and comment rulemaking
25 procedures, without an evidentiary hearing, *except with*
26 *respect to a regulation being amended or repealed that*
27 *was adopted after an evidentiary hearing, in which case*
28 *the parties to the original proceeding shall retain any*
29 *right to an evidentiary hearing accorded by Section 1708.*

30 SEC. 3. The sum of one hundred thirty-six thousand
31 three hundred forty-five dollars (\$136,345) is hereby
32 appropriated from the Public Utilities Commission
33 Reimbursement Account to the Public Utilities
34 Commission to reimburse the commission for those costs
35 incurred by the commission in implementing this act.

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