

Assembly Bill No. 301

Passed the Assembly September 9, 1999

Chief Clerk of the Assembly

Passed the Senate September 7, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

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, 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.

Appropriation: yes.

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

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

(b) It is the further intent of the Legislature that the term “regulation,” as used in subdivision (a) of Section 1708.5 of the Public Utilities Code, not be construed to refer to all orders and decisions of the Public Utilities



Commission, but, rather, be construed as a general reference to rules of general applicability and future effect. It is the intent of the Legislature that the Public Utilities Commission have the authority to define more precisely the term “regulation” for the purpose of Section 1708.5 of the Public Utilities Code.

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

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

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

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

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

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

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

(e) The commission shall implement this section under the Rules of Practice and Procedure in effect on January 1, 2000. On or before July 1, 2001, the commission



shall amend the Rules of Practice and Procedure to provide more specific procedures for handling a petition pursuant to this section.

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

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



Approved _____, 1999

Governor

