

Senate Bill No. 1414

Passed the Senate August 26, 2010

Secretary of the Senate

Passed the Assembly August 25, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 321.6 and 1733 of, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, Kehoe. Public Utilities Commission: procedures: rehearings.

(1) Under existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law authorizes any party to an action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected by an order or decision of the CPUC, to apply for a rehearing with respect to any matter determined in the action or proceeding and specified in the application for rehearing. Existing law prohibits a cause of action arising out of any order or decision of the CPUC from accruing in a court to a corporation or person unless the corporation or person has filed an application to the CPUC for a rehearing within a specified amount of time after the date of issuance of the order or decision.

Existing law provides that any application for a rehearing made 10 days or more before the effective date of a CPUC order as to which a rehearing is sought, shall be either granted or denied before the effective date of the order, or the order is suspended until the application is granted or denied. Existing law provides that, absent a further order of the CPUC, the suspension ceases after 60 days, the order becomes effective, and the party making the application is authorized to take the application as having been denied. Existing law provides that if the application for rehearing is made less than 10 days before the effective date of the order as to which a rehearing is sought, and the application is not granted within 60 days, the party making the application is authorized to take the application as having been denied, unless the effective date of the order is extended for the period of the pendency of the application.

For applications for rehearing filed on or after January 1, 2011, if the commission has not acted on the application within 120 days,

this bill would authorize the commission, by order, to extend the period for acting on the application, but would prohibit any single order to extend the period for more than an additional 120 days.

(2) Existing law requires the CPUC to submit an annual report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would additionally require the CPUC to include data on the disposition of applications for rehearing in that report.

This bill would incorporate additional changes to Section 321.6 of the Public Utilities Code, proposed by AB 2769, to be operative only if AB 2769 and this bill are both chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.

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

SECTION 1. Section 321.6 of the Public Utilities Code is amended to read:

321.6. The commission shall do all of the following:

(a) Develop, publish, and annually update an annual work plan that describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year. The plan shall include, but is not limited to, information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided. The plan shall also include information on the operation of the office of the public advisor and identify the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided. The plan shall also include a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The commission shall post the plan under the Official Documents area of its Internet Web site and shall develop a program to disseminate the information in the plan utilizing computer mailing lists to provide regular updates on the information to those members of the public and organizations which request that information.

(b) Produce a complete accounting of its transactions and proceedings for the preceding year, together with other facts, suggestions, and recommendations that it deems of value to the people of the state and a statement that specifies the activities and achievements of the commission in reducing the costs of, and rates for, energy, including electricity, for state agriculture and other rural energy consumers.

(c) Create a report on the number of cases where resolution exceeded the time periods prescribed in scoping memos, data on the disposition of applications for rehearing, and the days that commissioners presided in hearings.

(d) Submit annually the plan, accounting, and report required by subdivisions (a), (b), and (c) to the Governor and Legislature no later than February 1 of each year.

SEC. 2. Section 321.6 of the Public Utilities Code is amended to read:

321.6. (a) The commission shall do all of the following:

(1) Develop, publish, and annually update an annual workplan that describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year. The plan shall include, but is not limited to, information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided. The plan shall also include information on the operation of the office of the public advisor and identify the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided. The plan shall also include a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The commission shall post the plan under the Official Documents area of its Internet Web site and shall develop a program to disseminate the information in the plan utilizing computer mailing lists to provide regular updates on the information to those members of the public and organizations which request that information.

(2) Produce a complete accounting of its transactions and proceedings for the preceding year, together with other facts, suggestions, and recommendations that it deems of value to the

people of the state and a statement that specifies the activities and achievements of the commission in reducing the costs of, and rates for, energy, including electricity, for state agriculture and other rural energy consumers.

(3) Create a report on the number of cases where resolution exceeded the time periods prescribed in scoping memos, data on the disposition of applications for rehearing, and the days that commissioners presided in hearings.

(4) Submit annually the plan, accounting, and report required by paragraphs (1), (2), and (3) to the Governor and Legislature no later than February 1 of each year.

(b) The president of the commission shall annually appear before the appropriate policy committees of the Senate and Assembly to report on the annual workplan access guide of the commission required pursuant to this section.

(c) The president of the commission shall annually appear before the appropriate policy committees of the Senate and Assembly to report on the annual report of the commission on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings, pursuant to Section 13 of Chapter 856 of the Statutes of 1996.

SEC. 3. Section 1733 of the Public Utilities Code is amended to read:

1733. (a) Any application for a rehearing filed 10 days or more before the effective date of the order as to which a rehearing is sought shall be either granted or denied before the effective date, or the order shall stand suspended until the application is granted or denied. Absent further order of the commission, the order shall not stand so suspended for more than 60 days after the date of filing of the application, at which time the suspension shall lapse, the order shall become effective, and the application may be taken by the party making it to be denied.

(b) Any application for a rehearing filed within less than 10 days before the effective date of the order as to which a rehearing is sought, and not granted within 60 days, may thereafter be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application.

(c) For any application filed January 1, 2011, or thereafter, if the commission has not acted on an application for rehearing within 120 days, the commission, by order, may extend the period for action upon the application, but any single order shall not extend the period for more than an additional 120 days.

SEC. 4. Section 2 of this bill incorporates amendments to Section 321.6 of the Public Utilities Code proposed by both this bill and AB 2769. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 321.6 of the Public Utilities Code, and (3) this bill is enacted after AB 2769, in which case Section 2 of this bill shall not become operative.

Approved _____, 2010

Governor