

AMENDED IN ASSEMBLY AUGUST 28, 2015

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 24, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 48

Introduced by Senator Hill

December 18, 2014

An act to amend Sections 305, 306, 307, 308, 311.5, 321.6, 765, 960, 1701, and 1759 of, *to amend and renumber Sections 911 and 915 of, to amend, renumber, and add Section 910 of,* and to add ~~Section~~ Sections 910.1, 911.1, 916.4, and 1711 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Hill. Public Utilities Commission.

(1) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Existing law requires the Governor to designate the president of the commission from among its members and requires the president to direct the executive director, the attorney, and other staff of the commission, except for the Office of Ratepayer Advocates. Existing law authorizes

the executive director and the attorney to undertake certain actions if directed or authorized by the president, except as otherwise directed or authorized by vote of the commission.

This bill would repeal the requirement that the president direct the executive director, the attorney, and other commission staff. The bill would delete the authority of the president to direct or authorize the executive director and attorney to undertake certain actions, thereby requiring that they be directed or authorized to undertake those actions by the commission.

(2) The Public Utilities Act provides that the office of the commission be in the City and County of San Francisco, that the office always be open, legal holidays and nonjudicial days excepted, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to also meet at those other times and places as may be expedient and necessary for the proper performance of its duties.

This bill would require that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento and would require that the commission hold no less than 6 sessions each year in the City of Sacramento.

(3) The California Constitution authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission to publish and maintain certain documents on the Internet, including a docket card that lists all documents filed and all decisions or rulings issued in those proceedings, as provided.

This bill would make the Administrative Adjudication Code of Ethics applicable to administrative law judges of the commission. Except for in adjudication cases, the bill would require the commission, before instituting a proceeding on its own motion, where feasible and

appropriate, to seek the views of those who are likely to be affected by a decision in the proceeding, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. This bill would require the commission to include a docket card that lists the public versions of all prepared written testimony and advice letter filings, protests, and responses. The bill would require the commission to make additional information available on the Internet, including information on how members of the public and ratepayers can gain access to the commission's ratemaking process.

(4) The Public Utilities Act requires the commission to develop, publish, and annually update an annual workplan that does all of the following: (A) describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, (B) include 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, (C) include information on the operation of the office of the public adviser and identify the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided, and (D) 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 act requires the commission to submit the workplan to the Governor and Legislature by February 1 of each year.

This bill would require the commission to develop, publish, and annually update a report that contains certain specified information, as provided, and would expand the requirement that the workplan, as part of that report, describe in clear detail the scheduled proceedings that may be considered by the commission during the calendar year to include all proceedings and not just ratemaking proceedings. The bill would additionally require that the report include performance criteria for the commission and executive director and evaluate the performance of the executive director during the previous year based on the criteria established in the prior year's workplan.

The bill would require the president of the commission to present the annual report to the appropriate policy committees of the Senate and Assembly, and the commission to post the report in a conspicuous area of its Internet Web site and disseminate the information in the report, as provided. *The bill would recast the report requirements and certain*

other requirements that the commission report information to an article in the Public Utilities Act pertaining to reports by the commission to the Legislature and make other conforming changes.

(5) The Public Utilities Act requires the commission to create, and annually submit to the Governor and Legislature by February 1, a 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 delete the requirement that the report include the number of cases where resolution exceeded the time periods prescribed in scoping memos and instead would require the *commission to annually submit a report to describe the Legislature on the commission's timeliness in resolving cases and include information on the disposition of applications for rehearings. The bill would require that the report include the number of scoping memos issued in each proceeding and to include the number of orders issued extending the statutory deadlines for all adjudication, ratesetting, and quasi-legislative cases. The bill would require this information to be included in the report described in paragraph (4).*

(6) The California Constitution provides that the Legislature has plenary power to establish the manner and scope of review of commission action in a court of record. Existing law provides that only the Supreme Court and the court of appeal have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties.

This bill would authorize an action to enforce the requirements of the Bagley-Keene Open Meeting Act or the California Public Records Act to be brought against the commission in the superior court.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) On June 3, 2014, California's Fourth District Court of
- 4 Appeal, in *Disenhouse v. Peevey* (2014) 226 Cal.App.4th 1096,
- 5 held that an interested person desiring to enforce the Bagley-Keene

1 Open Meeting Act (Article 9 (commencing with Section 11120)
2 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
3 Code) against the Public Utilities Commission must do so by filing
4 a petition for writ of mandamus in the Supreme Court or the court
5 of appeal and may not do so by filing an action for injunctive relief
6 in the superior court.

7 (2) The intent of the Bagley-Keene Open Meeting Act is that
8 actions of state agencies be taken openly and that their deliberation
9 be conducted openly.

10 (3) The people's right to remain informed so that they may
11 retain control over the instruments of government that they have
12 created is not less of a right for some agencies than for other
13 agencies, nor shall the people's ability to enforce the Bagley-Keene
14 Open Meeting Act be more hampered for some agencies than for
15 other agencies.

16 (4) The duties, responsibilities, and actions of the Public Utilities
17 Commission affect the well-being of current and future generations
18 and the public interest and principles of fundamental fairness and
19 due process of law require that the commission conduct its affairs
20 in an open, objective, and impartial manner, free of undue influence
21 and the abuse of power and authority.

22 (b) It is the intent of the Legislature that the Public Utilities
23 Commission should be subject to the judicial review provisions
24 of the Bagley-Keene Open Meeting Act.

25 SEC. 2. Section 305 of the Public Utilities Code is amended
26 to read:

27 305. The Governor shall designate a president of the
28 commission from among the members of the commission. The
29 president shall preside at all meetings and sessions of the
30 commission.

31 SEC. 3. Section 306 of the Public Utilities Code is amended
32 to read:

33 306. (a) The office of the commission shall be in the City and
34 County of San Francisco. The office shall always be open, legal
35 holidays and nonjudicial days excepted. The commission shall
36 hold its sessions at least once in each calendar month in the City
37 and County of San Francisco or the City of Sacramento. The
38 commission may also meet at such other times and in such other
39 places as may be expedient and necessary for the proper
40 performance of its duties, and for that purpose may rent quarters

1 or offices. The commission shall hold no less than six sessions
2 each year in the City of Sacramento.

3 (b) The meetings of the commission shall be open and public
4 in accordance with the provisions of Article 9 (commencing with
5 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
6 the Government Code.

7 In addition to the requirements of Section 11125 of the
8 Government Code, the commission shall include in its notice of
9 meetings the agenda of business to be transacted, and no item of
10 business shall be added to the agenda subsequent to the notice in
11 the absence of an unforeseen emergency situation. A rate increase
12 shall not constitute an unforeseen emergency situation. As used
13 in this subdivision, “meeting” shall include all investigations,
14 proceedings, and showings required by law to be open and public.

15 (c) The commission shall have a seal, bearing the inscription
16 “Public Utilities Commission State of California.” The seal shall
17 be affixed to all writs and authentications of copies of records and
18 to such other instruments as the commission shall direct.

19 (d) The commission may procure all necessary books, maps,
20 charts, stationery, instruments, office furniture, apparatus, and
21 appliances.

22 SEC. 4. Section 307 of the Public Utilities Code is amended
23 to read:

24 307. (a) The commission may appoint as attorney to the
25 commission an attorney at law of this state, who shall hold office
26 during the pleasure of the commission.

27 (b) The attorney shall represent and appear for the people of the
28 State of California and the commission in all actions and
29 proceedings involving any question under this part or under any
30 order or act of the commission. If directed to do so by the
31 commission, the attorney shall intervene, if possible, in any action
32 or proceeding in which any such question is involved.

33 (c) The attorney shall commence, prosecute, and expedite the
34 final determination of all actions and proceedings directed or
35 authorized by the commission, advise the commission and each
36 commissioner, when so requested, in regard to all matters in
37 connection with the powers and duties of the commission and the
38 members thereof, and generally perform all duties and services as
39 attorney to the commission that the commission may require of
40 him or her.

1 SEC. 5. Section 308 of the Public Utilities Code is amended
2 to read:

3 308. (a) The commission shall appoint an executive director,
4 who shall hold office during its pleasure. The executive director
5 shall be responsible for the commission's executive and
6 administrative duties and shall organize, coordinate, supervise,
7 and direct the operations and affairs of the commission and
8 expedite all matters within the commission's jurisdiction.

9 (b) The executive director shall keep a full and true record of
10 all proceedings of the commission, issue all necessary process,
11 writs, warrants, and notices, and perform any other duties the
12 commission prescribes. The commission may authorize the
13 executive director to dismiss complaints or applications when all
14 parties are in agreement thereto, in accordance with rules that the
15 commission may prescribe.

16 (c) The commission may appoint assistant executive directors
17 who may serve warrants and other process in any county or city
18 and county of this state.

19 SEC. 6. Section 311.5 of the Public Utilities Code is amended
20 to read:

21 311.5. (a) (1) Prior to commencement of any meeting at which
22 commissioners vote on items on the public agenda, the commission
23 shall make available to the public copies of the agenda, and upon
24 request, any agenda item documents that are proposed to be
25 considered by the commission for action or decision at a
26 commission meeting.

27 (2) In addition, the commission shall publish the agenda, agenda
28 item documents, and adopted decisions in a manner that makes
29 copies of them easily available to the public, including publishing
30 those documents on the Internet. Publication of the agenda and
31 agenda item documents shall occur on the Internet at the same
32 time as the written agenda and agenda item documents are made
33 available to the public.

34 (b) The commission shall publish and maintain the following
35 documents on the Internet:

36 (1) Each of the commission's proposed and alternate proposed
37 decisions and resolutions, until the decision or resolution is adopted
38 and published.

1 (2) Each of the commission’s adopted decisions and resolutions.
2 The publication shall occur within 10 days of the adoption of each
3 decision or resolution by the commission.

4 (3) The then-current version of the commission’s general orders
5 and Rules of Practice and Procedure.

6 (4) Each of the commission’s rulings. The commission shall
7 maintain those rulings on its Internet Web site until final
8 disposition, including disposition of any judicial appeals, of the
9 respective proceedings in which the rulings were issued.

10 (5) A docket card that lists, by title and date of filing or issuance,
11 all documents filed and all decisions or rulings issued in those
12 proceedings, including the public versions of all prepared written
13 testimony and advice letter filings, protests, and responses. The
14 commission shall maintain the docket card until final disposition,
15 including disposition of any judicial appeals, of the corresponding
16 proceedings.

17 (c) The commission shall make the following information
18 available on the Internet:

19 (1) Information on how members of the public and ratepayers
20 can gain access to the commission’s ratemaking process and to
21 information regarding the specific matters to be decided.

22 (2) Information on the operation of the office of the public
23 advisor established in Section 321 and how the public advisor can
24 connect members of the public to persons responsible for specific
25 cases and matters to be decided.

26 SEC. 7. Section 321.6 of the Public Utilities Code is amended
27 to read:

28 ~~321.6. (a) The commission shall develop, publish, and annually~~
29 ~~update a report that contains all of the following information:~~

30 ~~(1) A workplan that describes in clear detail the scheduled~~
31 ~~proceedings and other decisions that may be considered by the~~
32 ~~commission during the calendar year.~~

33 ~~(2) Performance criteria for the commission and executive~~
34 ~~director as well as an evaluation of the performance of the~~
35 ~~executive director during the previous year based on the criteria~~
36 ~~established in the prior year’s workplan.~~

37 ~~(3) An accounting of its transactions and proceedings for the~~
38 ~~preceding year, together with other facts, suggestions, and~~
39 ~~recommendations that it deems of value to the people of the state.~~
40 ~~The accounting shall include the activities that the commission~~

1 has taken, and plans to take, to reduce the costs of, and the rates
2 for, water and energy, including electricity, to improve the
3 competitiveness of the state's industries, including agriculture,
4 and to the extent possible, shall include suggestions and
5 recommendations for the reduction of those costs and rates.

6 ~~(4) An accounting of the commission's timeliness in resolving
7 cases, information on the disposition of applications for rehearings,
8 and the days that commissioners presided in hearings. The report
9 shall include the number of scoping memos issued in each
10 proceeding and the number of orders issued extending the statutory
11 deadlines pursuant to subdivision (d) of Section 1701.2, for all
12 adjudication cases, and pursuant to subdivision (a) of Section
13 1701.5, for all ratesetting or quasi-legislative cases.~~

14 ~~(5) A description of activities undertaken and processes
15 instituted to both solicit the input of customers from diverse regions
16 of the state in ratesetting and quasi-legislative proceedings and to
17 process that input in a way to make it usable in commission
18 decisionmaking. The report shall describe successes and challenges
19 in this process, the effect of resource constraints, and efforts to be
20 made during the calendar year to further the goal of increased
21 public participation.~~

22 ~~(b) (1) The commission shall submit the annual report required
23 pursuant to subdivision (a) to the Governor and Legislature no
24 later than February 1 of each year.~~

25 ~~(2) The commission shall post the report in a conspicuous area
26 of its Internet Web site and shall have a program to disseminate
27 the information in the report using computer mailing lists to provide
28 regular updates on the information to those members of the public
29 and organizations that request that information.~~

30 ~~(e)~~

31 321.6. The president of the commission shall annually appear
32 before the appropriate policy committees of the Senate and
33 Assembly to present the annual report of the commission required
34 pursuant to this section. *Section 910.*

35 *SEC. 8. Section 765 of the Public Utilities Code is amended*
36 *to read:*

37 765. (a) When the federal National Transportation Safety
38 Board (NTSB) submits a safety recommendation letter concerning
39 rail safety to the commission, the commission shall provide the
40 NTSB with a formal written response to each recommendation no

1 later than 90 days after receiving the letter. The response shall
2 state one of the following:

3 (1) The commission's intent to implement the recommendations
4 in full, with a proposed timetable for implementation of the
5 recommendations.

6 (2) The commission's intent to implement part of the
7 recommendations, with a proposed timetable for implementation
8 of those recommendations, and detailed reasons for the
9 commission's refusal to implement those recommendations that
10 the commission does not intend to implement.

11 (3) The commission's refusal to implement the
12 recommendations, with detailed reasons for the commission's
13 refusal to implement the recommendations.

14 (b) If the NTSB issues a safety recommendation letter
15 concerning any commission-regulated rail facility to the United
16 States Department of Transportation, the Federal Transit
17 Administration, ~~to~~ a commission-regulated rail operator, or ~~to~~ the
18 commission, or if the Federal Transit Administration issues a safety
19 advisory concerning any commission-regulated rail facility, the
20 commission shall determine if implementation of the
21 recommendation or advisory is appropriate. The basis for the
22 commission's determination shall be detailed in writing and shall
23 be approved by a majority vote of the commission.

24 (c) If the commission determines that a safety recommendation
25 made by the NTSB is appropriate, or that action concerning a
26 safety advisory is necessary, the commission shall issue orders or
27 adopt rules to implement the safety ~~recommendations~~
28 *recommendation* or advisory as soon as practicable. In
29 implementing the safety recommendation or advisory, the
30 commission shall consider whether a more effective, or equally
31 effective and less costly, alternative exists to address the safety
32 issue that the recommendation or advisory addresses.

33 ~~(d) Any action taken by the commission on a safety~~
34 ~~recommendation letter or safety advisory shall be reported~~
35 ~~annually, in detail, to the Legislature with the report required by~~
36 ~~Section 321.6. Any correspondence from the NTSB indicating that~~
37 ~~a recommendation has been closed following an action that the~~
38 ~~NTSB finds unacceptable shall be noted in the report required by~~
39 ~~Section 321.6.~~

1 *SEC. 9. Section 910 of the Public Utilities Code is amended*
2 *and renumbered to read:*

3 ~~910.~~

4 913.3. (a) By May 1 of each year, the commission shall prepare
5 and submit to the policy and fiscal committees of the Legislature
6 a written report summarizing the following information:

7 (1) All electrical corporation revenue requirement increases
8 associated with meeting the renewables portfolio standard, as
9 defined in Section 399.12, including direct procurement costs for
10 eligible renewable energy resources and renewable energy credits,
11 administrative expenses for procurement, expenses incurred to
12 ensure a reliable supply of electricity, and expenses for upgrades
13 to the electrical transmission and distribution grid necessary to the
14 delivery of electricity from eligible renewable energy resources
15 to load.

16 (2) All cost savings experienced, or costs avoided, by electrical
17 corporations as a result of meeting the renewables portfolio
18 standard.

19 (3) All costs incurred by electrical corporations for incentives
20 for distributed and renewable generation, including the
21 self-generation incentive program, the California Solar Initiative,
22 and net energy metering.

23 (4) All cost savings experienced, or costs avoided, by electrical
24 corporations as a result of incentives for distributed and renewable
25 generation.

26 (5) All pending requests by an electrical corporation seeking
27 recovery in rates for renewable, fossil fuel, and nuclear
28 procurement costs, research, study, or pilot program costs.

29 (6) The decision number for each decision of the commission
30 authorizing recovery in rates of costs incurred by an electrical
31 corporation since the preceding report.

32 (7) Any change in the electrical load serviced by an electrical
33 corporation since the preceding report.

34 (8) The efforts each electrical corporation is taking to recruit
35 and train employees to ensure an adequately trained and available
36 workforce, including the number of new employees hired by the
37 electrical corporation for purposes of implementing the
38 requirements of Article 16 (commencing with Section 399.11) of
39 Chapter 2.3, the goals adopted by the electrical corporation for
40 increasing women, minority, and disabled veterans trained or hired

1 for purposes of implementing the requirements of Article 16
2 (commencing with Section 399.11) of Chapter 2.3, and, to the
3 extent information is available, the number of new employees
4 hired and the number of women, minority, and disabled veterans
5 trained or hired by persons or corporations owning or operating
6 eligible renewable energy resources under contract with an
7 electrical corporation. This paragraph does not provide the
8 commission with authority to engage in, regulate, or expand its
9 authority to include, workforce recruitment or training.

10 (b) The commission may combine the information required by
11 this section with the reports prepared pursuant to Article 16
12 (commencing with Section 399.11) of Chapter 2.3.

13 *SEC. 10. Section 910 is added to the Public Utilities Code, to*
14 *read:*

15 *910. (a) The commission shall develop, publish, and annually*
16 *update a report that contains all of the following information:*

17 *(1) A workplan that describes in clear detail the scheduled*
18 *proceedings and other decisions that may be considered by the*
19 *commission during the calendar year.*

20 *(2) Performance criteria for the commission and the executive*
21 *director, and an evaluation of the performance of the executive*
22 *director during the previous year based on criteria established in*
23 *the prior year's workplan.*

24 *(3) An accounting of the commission's transactions and*
25 *proceedings from the prior year, together with other facts,*
26 *suggestions, and recommendations that the commission deems of*
27 *value to the people of the state. The accounting shall include the*
28 *activities that the commission has taken, and plans to take, to*
29 *reduce the costs of, and the rates for, water and energy, including*
30 *electricity, to improve the competitiveness of the state's industries,*
31 *including agriculture, and, to the extent possible, shall include*
32 *suggestions and recommendations for the reduction of those costs*
33 *and rates.*

34 *(4) A description of activities taken and processes instituted to*
35 *both solicit the input of customers from diverse regions of the state*
36 *in ratesetting and quasi-legislative proceedings and to process*
37 *that input in a way that makes it usable in commission*
38 *decisionmaking. The report shall describe the successes and*
39 *challenges of these processes, the effect of resource constraints,*

1 *and efforts to be made during the calendar year to further the goal*
2 *of increased public participation.*

3 *(b) (1) The commission shall submit the report required*
4 *pursuant to subdivision (a) to the Governor and the Legislature,*
5 *in compliance with Section 9795 of the Government Code, no later*
6 *than February 1 of each year.*

7 *(2) The commission shall post the report in a conspicuous area*
8 *of its Internet Web site and shall have a program to disseminate*
9 *the information in the report using computer mailing lists to*
10 *provide regular updates on the information to those members of*
11 *the public and organizations that request that information.*

12 *SEC. 11. Section 910.1 is added to the Public Utilities Code,*
13 *to read:*

14 *910.1. The commission shall annually submit a report to the*
15 *Legislature on the commission's timeliness in resolving cases,*
16 *information on the disposition of applications for rehearings, and*
17 *the days that commissioners presided in hearings. The report shall*
18 *include the number of scoping memos issued in each proceeding*
19 *and the number of orders issued extending the statutory deadlines*
20 *pursuant to subdivision (d) of Section 1701.2, for all adjudication*
21 *cases, and pursuant to subdivision (a) of Section 1701.5, for all*
22 *ratesetting or quasi-legislative cases.*

23 *SEC. 12. Section 911 of the Public Utilities Code is amended*
24 *and renumbered to read:*

25 ~~911.~~

26 *913.4. (a) Notwithstanding subdivision (g) of Section 454.5*
27 *and Section 583, no later than May 1 of each year, the commission*
28 *shall release to the Legislature the costs of all electricity*
29 *procurement contracts for eligible renewable energy resources,*
30 *including unbundled renewable energy credits, and all costs for*
31 *utility-owned generation approved by the commission. The first*
32 *report shall include all costs commencing January 1, 2003.*
33 *Subsequent reports shall include only costs for the preceding*
34 *calendar year.*

35 *(1) For power purchase contracts, the commission shall release*
36 *costs in an aggregated form categorized according to the year the*
37 *procurement transaction was approved by the commission, the*
38 *eligible renewable energy resource type, including bundled*
39 *renewable energy credits, the average executed contract price, and*
40 *average actual recorded costs for each kilowatthour of production.*

1 Within each renewable energy resource type, the commission shall
2 provide aggregated costs for different project size thresholds.

3 (2) For each utility-owned renewable generation project, the
4 commission shall release the costs forecast by the electrical
5 corporation at the time of initial approval and the actual recorded
6 costs for each kilowatthour of production during the preceding
7 calendar year.

8 (b) This section does not require the release of the terms of any
9 individual electricity procurement contracts for eligible renewable
10 energy resources, including unbundled renewable energy credits,
11 approved by the commission. The commission shall aggregate
12 data to the extent required to ensure protection of the confidentiality
13 of individual contract costs even if this aggregation requires
14 grouping contracts of different energy resource type. The
15 commission shall not be required to release the data in any year
16 when there are fewer than three contracts approved.

17 (c) The commission may combine the information required by
18 this section with the report prepared pursuant to Section ~~910~~, as
19 ~~added by Chapter 1 of the First Extraordinary Session of the~~
20 ~~Statutes of 2011: 913.3.~~

21 *SEC. 13. Section 915 of the Public Utilities Code is amended*
22 *and renumbered to read:*

23 ~~915:~~

24 *911.* (a) Beginning February 1, 2016, the commission shall
25 annually publish a report that includes all investigations into gas
26 or electric service safety incidents reported, pursuant to commission
27 requirements, by any gas corporation or electrical corporation. The
28 report shall succinctly describe each safety investigation concluded
29 during the prior calendar year and each investigation that remains
30 open. The categories within the description shall include the month
31 of the safety incident, the reason for the investigation, the facility
32 type involved, and the owner of the facility.

33 (b) The commission shall include in its ~~work plan report~~
34 required pursuant to Section ~~321.6~~, *910*, a summary of the staff
35 safety investigations concluded during the prior calendar year and
36 the staff safety investigations that remain open for any gas
37 corporation or electrical corporation, with a link to the Internet
38 Web site with the report that contains the information required
39 pursuant to subdivision (a).

1 *SEC. 14. Section 911.1 is added to the Public Utilities Code,*
2 *to read:*

3 *911.1. An action taken by the commission on a safety*
4 *recommendation letter or advisory bulletin concerning gas pipeline*
5 *safety issued by the federal National Transportation Safety Board*
6 *(NTSB) shall be reported annually, in detail, to the Legislature*
7 *with the report required by Section 910. Correspondence from the*
8 *NTSB that indicates that a recommendation of the NTSB has been*
9 *closed following an action that the NTSB finds unacceptable shall*
10 *be noted in the report required by Section 910.*

11 *SEC. 15. Section 916.4 is added to the Public Utilities Code,*
12 *to read:*

13 *916.4. An action taken by the commission on a safety*
14 *recommendation letter or safety advisory pursuant to Section 765*
15 *shall be reported annually, in detail, to the Legislature with the*
16 *report required by Section 910. Correspondence from the federal*
17 *National Transportation Safety Board indicating that a*
18 *recommendation has been closed following an action that the*
19 *federal National Transportation Safety Board finds unacceptable*
20 *shall be noted in the report required by Section 910.*

21 *SEC. 16. Section 960 of the Public Utilities Code is amended*
22 *to read:*

23 960. (a) When the federal National Transportation Safety
24 Board (NTSB) submits a safety recommendation letter concerning
25 gas pipeline safety to the commission, the commission shall provide
26 the NTSB with a formal written response to each recommendation
27 not later than 90 days after receiving the letter. The response shall
28 state one of the following:

29 (1) The commission's intent to implement the recommendations
30 in full, with a proposed timetable for implementation of the
31 recommendations.

32 (2) The commission's intent to implement part of the
33 recommendations, with a proposed timetable for implementation
34 of those recommendations, and detailed reasons for the
35 commission's refusal to implement those recommendations that
36 the commission does not intend to implement.

37 (3) The commission's refusal to implement the
38 recommendations, with detailed reasons for the commission's
39 refusal to implement the recommendations.

1 (b) If the NTSB issues a safety recommendation letter
2 concerning any commission-regulated gas pipeline facility to the
3 United States Department of Transportation, the federal Pipeline
4 and Hazardous Materials Safety Administration (PHMSA), a gas
5 corporation, or to the commission, or the PHMSA issues an
6 advisory bulletin concerning any commission-regulated gas
7 pipeline facility, the commission shall determine if implementation
8 of the recommendation or advisory is appropriate. The basis for
9 the commission's determination shall be detailed in writing and
10 shall be approved by a majority vote of the commission.

11 (c) If the commission determines that a safety recommendation
12 made by the NTSB is appropriate or that action concerning an
13 advisory bulletin is necessary, the commission shall issue orders
14 or adopt rules to implement the safety recommendations
15 *recommendation* or advisory as soon as practicable. In
16 implementing the safety recommendation or advisory, the
17 commission shall consider whether a more effective, or equally
18 effective and less costly, alternative exists to address the safety
19 issue that the recommendation or advisory addresses.

20 ~~(d) Any action taken by the commission on a safety~~
21 ~~recommendation letter or advisory bulletin shall be reported~~
22 ~~annually, in detail, to the Legislature with the report required by~~
23 ~~Section 321.6. Any correspondence from the NTSB that indicates~~
24 ~~that a recommendation of the NTSB has been closed following an~~
25 ~~action that the NTSB finds unacceptable shall be noted in the report~~
26 ~~required by Section 321.6.~~

27 ~~SEC. 8.~~

28 *SEC. 17.* Section 1701 of the Public Utilities Code is amended
29 to read:

30 1701. (a) All hearings, investigations, and proceedings shall
31 be governed by this part and by rules of practice and procedure
32 adopted by the commission, and in the conduct thereof the technical
33 rules of evidence need not be applied. No informality in any
34 hearing, investigation, or proceeding or in the manner of taking
35 testimony shall invalidate any order, decision or rule made,
36 approved, or confirmed by the commission.

37 (b) Notwithstanding Section 11425.10 of the Government Code,
38 Articles 1 through 15, inclusive, of Chapter 4.5 (commencing with
39 Section 11400) of Part 1 of Division 3 of Title 2 of the Government
40 Code do not apply to a hearing by the commission under this code.

1 The Administrative Adjudication Code of Ethics (Article 16
2 (commencing with Section 11475) of Chapter 4.5 of Part 1 of
3 Division 3 of Title 2 of the Government Code) shall apply to
4 administrative law judges of the commission.

5 ~~SEC. 9.~~

6 *SEC. 18.* Section 1711 is added to the Public Utilities Code,
7 to read:

8 1711. Where feasible and appropriate, except for adjudication
9 cases, before instituting a proceeding on its own motion, the
10 commission shall seek the views of those who are likely to be
11 affected, including those who are likely to benefit from, and those
12 who are potentially subject to, a decision in that proceeding. The
13 commission shall demonstrate its efforts to comply with this section
14 in the text of the order instituting the proceeding.

15 ~~SEC. 10.~~

16 *SEC. 19.* Section 1759 of the Public Utilities Code is amended
17 to read:

18 1759. (a) No court of this state, except the Supreme Court and
19 the court of appeal, to the extent specified in this article, shall have
20 jurisdiction to review, reverse, correct, or annul an order or decision
21 of the commission or to suspend or delay the execution or operation
22 thereof, or to enjoin, restrain, or interfere with the commission in
23 the performance of its official duties, as provided by law and the
24 rules of court.

25 (b) The writ of mandamus shall lie from the Supreme Court and
26 from the court of appeal to the commission in all proper cases as
27 prescribed in Section 1085 of the Code of Civil Procedure.

28 (c) This section does not apply to the following actions, which
29 may be brought in superior court:

30 (1) An action brought against the commission to enforce the
31 requirements of the Bagley-Keene Open Meeting Act (Article 9
32 (commencing with Section 11120) of Chapter 1 of Part 1 of
33 Division 3 of Title 2 of the Government Code).

34 (2) An action arising from the California Public Records Act
35 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
36 Title 1 of the Government Code) or to review a determination
37 made under subdivision (c) of Section 6253 of the Government
38 Code.

O