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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans.

Rulemaking 12-03-014
(Filed March 22, 2012)

**ADMINISTRATIVE LAW JUDGE'S RULING ON
ISSUANCE DATE OF DECISION 14-03-004**

This Ruling denies the May 22, 2014 Motion of Protect Our Communities Foundation (POC) to establish an issuance date of April 24, 2014, for Decision (D.) 14-03-004.

D.14-03-004 in this proceeding (Rulemaking (R.) 12-03-014) was voted upon and approved by the Commission on March 13, 2014. POC is a party to R.12-03-014.

Pursuant to Pub. Util. Code § 1731 and Rule 16.1(a), an application for rehearing must be filed within 30 days after a decision's date of issuance. The date of issuance on the official copy of D.14-03-004 was March 14, 2014. POC attempted to file an application for rehearing on May 22, 2014. The Commission's Docket Office rejected this rehearing application as being untimely because it was tendered more than 30 days after the issuance date of D.14-03-004, and after the statutory deadline of April 14, 2014 (note that the 30th day following the date of issuance was Sunday April 13, 2014, therefore the filing was due the following business day).

POC filed a Motion on May 22, 2014 claiming that it did not receive the Notice of Availability (NOA) of D.14-03-004 that was mailed on March 14, 2014. POC further claims that it did not receive any e-mail notification of D.14-03-004

before April 24, 2014. Based on requirements of Public Utilities (Pub. Util.) Code Section 1731(b)(2) that the Commission notify parties to a proceeding when a decision in that proceeding is issued, POC requests that the date of issuance for D.14-03-004 should be set as April 24, 2014.

I have reviewed the relevant circumstances surrounding notice to the parties regarding the issuance of D.14-03-004. I determine that POC did receive notice of and service of D.14-03-004 through the NOA. The Commission's Process Office proof of service shows that notice of D.14-03-004 was sent by U.S. mail on March 14, 2014 to the service list for R.12-03-014. The NOA includes a printed link to the Commission website location where the full decision can be found. While POC claims to have not received this NOA, it was nonetheless mailed properly and timely mailed to POC and the entire service list. The Process Office has no indication that the NOA sent to POC was returned

POC and other parties received notice of the decision in other ways. A proposed decision was issued on February 11, 2014. POC (and all parties) were notified on that date that the Commission would consider the proposed decision no less than 30 days after the issuance of the proposed decision, i.e., no earlier than March 13, 2014. On March 3, 2014, POC filed comments on the proposed decision; POC filed reply comments on March 10, 2014. Ten days in advance of the meeting, the Commission mailed its Agenda for the Meeting of March 13, 2014, which indicated that the proposed decision that became D.14-03-004 would be considered by the Commission at that regularly scheduled business meeting. Thus, the parties, including POC, were on notice. In the public meeting of March 13, 2014, the Commission approved D.14-03-004, which was issued on March 14, 2014. Subsequently, on March 14, 2014, D.14-03-004 appeared on the Commission's website, where it has been available to the public since that date.

For the above reasons, POC and the other parties received proper notice of the issuance of D.14-03-004. Accordingly, POC's Motion that requests reissuance of D.14-03-004 is denied.

IT IS RULED that the May 22, 2014 Motion of Protect Our Communities Foundation is denied.

Dated June 6, 2014, at San Francisco, California.

/s/ DAVID M. GAMSON

David M. Gamson
Administrative Law Judge