

ALJ/GK1/vj4 5/21/2026



**FILED**

05/21/26

04:59 PM

C2509001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Jay Brian Livesay,

Complainant,

vs.

San Diego Gas & Electric Company  
(U902E),

Defendant.

Case 25-09-001

**EMAIL RULING TO INCLUDE COMPLAINANT'S EMAIL INTO THE RECORD  
AND ADDRESS THE INQUIRY**

Dated May 21, 2026, at San Francisco, California.

/s/ GERALD F. KELLY

Gerald F. Kelly  
Administrative Law Judge

**From:** Kelly, Gerald F. <[Gerald.Kelly@cpuc.ca.gov](mailto:Gerald.Kelly@cpuc.ca.gov)>  
**Sent:** Thursday, May 21, 2026 3:37 PM  
**To:** [LivesayJay@gmail.com](mailto:LivesayJay@gmail.com); [WWaideli@sdge.com](mailto:WWaideli@sdge.com); Kelly, Gerald F.  
<[Gerald.Kelly@cpuc.ca.gov](mailto:Gerald.Kelly@cpuc.ca.gov)>; [GAnderson@sdge.com](mailto:GAnderson@sdge.com); [SDGETariffs@sdge.com](mailto:SDGETariffs@sdge.com)  
**Cc:** ALJ Support ID <[alj\\_supportid@cpuc.ca.gov](mailto:alj_supportid@cpuc.ca.gov)>; ALJ Docket Office  
<[ALJ\\_Docket\\_Office@cpuc.ca.gov](mailto:ALJ_Docket_Office@cpuc.ca.gov)>; ALJ Process <[alj\\_process@cpuc.ca.gov](mailto:alj_process@cpuc.ca.gov)>  
**Subject:** C.25-09-001 Email Ruling to Include Complainant's Email Into the Record and Address the Inquiry

I issue this email ruling in C..25-09-001 to include the Complainant's email into the Record and to Address the Inquiry

Mr. Livesay,

Please do not send emails just to the assigned Administrative Law Judge (ALJ). Any inquiry must be sent to the Service List in this proceeding. Additionally, emails must pertain to a procedural matter.

On March 18, 2026, the Presiding Officer's Decision was issued and the cover letter stated: "Any party to this adjudicatory proceeding may **File and Serve** an Appeal of the Presiding Officer's Decision within 30 days of date of issuance (i.e.,) the date of mailing of the decision."

To comply with the Commission's Rules of Practice and Procedure (Rules) 14.4 you needed to file and serve your appeal by April 16, 2026. You failed to file and serve your appeal timely. Any appeal should have been filed and served by April 16, 2026. You failed to do so. You sent an email only to me specifically alerting the Commission to what you believed to be an error of fact on April 17, 2026.

Rule 14.4(c) states: "Appeals and requests for review shall set forth specifically the grounds on which the appellant or requestor believes the presiding officer's decision to be unlawful or erroneous." Pointing out an alleged factual error does not point out an unlawful or erroneous decision. Even if your alleged factual error is correct, the decision issued on March 18, 2026, would remain unchanged. As Noted in Conclusion of Law 2 in the Presiding Officer's Decision "Disagreement with a utility's engineering judgment, without an alleged violation of law or Commission requirement, does not state a cognizable complaint."

Additionally, there are no provision in the Rules that would allow a party to request “a reasonable time to evaluate the issues raised in the dismissal.” The Presiding Officer’s Decision indicated that any requested appeal of the Presiding Officer’s Decision be filed and served within 30 days of mailing.

You were advised at the Prehearing Conference (PHC) to reach out to the Public Advisor’s Office when you requested clarification at the PHC concerning the Defendant’s Motion to Dismiss and any inquiry concerning the Presiding Officer’s Decision should have also been addressed to the Public Advisor’s Office.

Additionally, in your email sent today you stated that my email ruling issued on April 17, 2026, granted your request to submit additional information into the record. Unfortunately, that is incorrect as the email ruling stated it was including your email that was not sent to the Service List into the Record along with the attachment to your original email.

Unfortunately, there is nothing further that I can do to assist you. I am sorry this is not the outcome you were looking for. I would suggest that you reach out to the Public Advisor’s Office to discuss any possible avenues or further steps that potentially may be available to you.

The Complainant’s email is included with this email ruling.

Th Docket Office shall officially file this email ruling.

**Gerald F. Kelly**

Administrative Law Judge

California Public Utilities Commission – Los Angeles Office

[Gerald.kelly@cpuc.ca.gov](mailto:Gerald.kelly@cpuc.ca.gov)

415.355.5506

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**From:** Jay Livesay <[livesayjay@gmail.com](mailto:livesayjay@gmail.com)>  
**Sent:** Thursday, May 21, 2026 2:07 PM  
**To:** Kelly, Gerald F. <[Gerald.Kelly@cpuc.ca.gov](mailto:Gerald.Kelly@cpuc.ca.gov)>  
**Subject:** [EXTERNAL] Re: C.25-09-001 Email Ruling to Include Complainant's PDF Titled Request for Review into the Record

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear judge Kelly, I am at a total loss about what has just happened here. I was trying to send some back up documents to the court, about my appeal that I sent to you. And that you had responded to, in the affirmative or that is what I understood to be happening. Please contact me and tell me if this a mistake. today if possible

On Fri, Apr 17, 2026 at 4:11 PM Kelly, Gerald F. <[Gerald.Kelly@cpuc.ca.gov](mailto:Gerald.Kelly@cpuc.ca.gov)> wrote:

I issue this email ruling to include Complainant's PDF Titled Request for Review into the Record. On April 17, 2026, the Complainant served his Request for Review on the Service List. The Complainant is self-represented in this matter and may not have been aware that he needed to file his Request. In order to expedite resolution of this matter, the assigned Administrative Law Judge is issuing this email ruling to include the Complainant's Request for Review into the Record. Complainant's PDF attached to his April 17, 2026 email is included with this email ruling.

The Docket office shall officially file this email ruling.

**Gerald F. Kelly**  
Administrative Law Judge  
California Public Utilities Commission - Los Angeles Office  
[Gerald.kelly@cpuc.ca.gov](mailto:Gerald.kelly@cpuc.ca.gov)  
415.355.5506

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