



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

FILED

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In the Matter of the Notice of Appeal of Mar Organica LLC from The Supplier Clearinghouse decision upholding denial of Minority Business Enterprise certification under General Order 156.

Proceeding No. _____

GENERAL ORDER 156 APPEAL K2607010

Supplier Clearinghouse Verification Order No. 26000639

**NOTICE OF APPEAL OF SUPPLIER
CLEARINGHOUSE DECISION DENYING
MBE CERTIFICATION; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF KONSTANTIN
KAZMIERSKI**

**NOTICE OF APPEAL OF SUPPLIER CLEARINGHOUSE DECISION DENYING
MBE CERTIFICATION UNDER GENERAL ORDER 156**

Decision Appealed: June 22, 2026 Supplier Clearinghouse Appeal Response

Verification Order No.: 26000639

Dollar Amount: N/A - certification denial

Relief Requested: Reversal, or remand with instructions under correct GO 156 standard

Appellant Mar Organica LLC, through its 100% owner and principal Konstantin Kazmierski, files this Notice of Appeal from The Supplier Clearinghouse's June 22, 2026 Appeal Response affirming denial of Mar Organica LLC's Minority Business Enterprise (MBE) certification under General Order (GO) 156. This filing is intended as a GO 156 Supplier Clearinghouse appeal, even if the CPUC e-filing portal routes the filing through an appeal category labeled "Citation Appeal."

The appealed decision states that the only basis for upholding denial was origin classification: the Clearinghouse determined that Brazilian origin is not recognized as meeting the GO 156 definition of a Hispanic American person. Appellant appeals that legal interpretation and the resulting denial.

I. NOTICE OF FILING POSTURE AND PROCEDURAL COMPLIANCE

This is not a transportation citation appeal and not a Rule 4 complaint against a regulated utility. It is a Notice of Appeal of a Supplier Clearinghouse verification decision under GO 156 and Resolution ALJ-377. Appellant includes the appealed decision date, the non-monetary dollar amount, the grounds for appeal, and the requested relief. Appellant also serves the Chief Administrative Law Judge/Appeals Coordinator and The Supplier Clearinghouse on the same date this Notice is tendered for filing.

Appellant is tendering this document electronically in PDF/A format and is also providing a separate Certificate of Service for electronic filing. The document is signed by the owner/principal of Mar Organica LLC and includes a declaration under penalty of perjury. To the extent any CPUC filing defect is identified, Appellant respectfully requests notice and an opportunity to cure under the Commission's Rules of Practice and Procedure rather than dismissal, because this appeal is timely and substantially complies with the applicable filing and service requirements.

II. TIMELINESS

The appealed decision is dated June 22, 2026. The decision states that Mar Organica LLC may lodge a formal appeal to the California Public Utilities Commission within twenty days from the date of that letter and must also submit a copy of the formal appeal to The Supplier Clearinghouse. This Notice is timely. Under the CPUC Rules of Practice and Procedure, time is computed by excluding the first day and including the last day; if the last day falls on a Saturday, Sunday, holiday, or day when Commission offices are closed, the time is extended to the first day thereafter. Appellant is filing before that deadline.

III. RELEVANT FACTS FROM THE APPEALED DECISION

1. Mar Organica LLC applied for Supplier Clearinghouse MBE certification under GO 156.
2. The appealed decision states that the application identified Konstantin Kazmierski as the sole owner holding 100% ownership of the firm.
3. The appealed decision states that the application reported Mr. Kazmierski's ethnicity as Hispanic American.
4. The appealed decision states that the denial was based on documentation indicating Brazilian origin and that Mar Organica LLC requested reconsideration because Brazilian origin should be included within the GO 156 definition containing the phrase "South or Central American."
5. The appealed decision quotes or paraphrases GO 156 Section 1.3.10 as defining a Hispanic American person as an individual of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin.
6. The appealed decision then states that eligibility determinations are not based on geographic location alone and concludes that individuals of Brazilian origin are not recognized as meeting the definition of a Hispanic American person under GO 156.
7. The appealed decision does not identify a separate ownership, control, management, independence, principal-place-of-business, or operational-capacity ground for denial. The denial upheld on appeal appears to rest on the Brazilian-origin classification alone.

IV. ISSUE PRESENTED

The issue is whether the Supplier Clearinghouse may deny MBE certification to a 100% owner of Brazilian South American origin by applying a categorical exclusion for Brazilian-origin South Americans that does not appear in the text of GO 156 Section 1.3.10 and was not identified in the appealed decision as a Commission-adopted exclusion.

V. STANDARD, BURDEN, AND REQUESTED MANNER OF DECISION

If the matter proceeds to hearing, Appellant understands that he must carry the burden of proof and that the Commission has recognized preponderance of the evidence as the applicable standard for GO 156 appeals. Appellant can satisfy that burden because the appealed decision itself frames the dispositive issue as a legal interpretation of GO 156 Section 1.3.10 and confirms the relevant ownership fact: Mr. Kazmierski is the 100% owner of Mar Organica LLC.

Because the controlling dispute is the meaning and application of GO 156 Section 1.3.10 to Brazilian South American origin, Appellant respectfully requests a decision on the written record if the assigned Administrative Law Judge determines that no evidentiary hearing is necessary. If the ALJ sets a hearing, Appellant requests permission to appear remotely by telephone or video and will comply with all evidence-exchange and scheduling orders.

VI. GROUNDS FOR APPEAL AND MEMORANDUM OF POINTS AND AUTHORITIES

A. GO 156 includes South American origin and does not state a Brazil exclusion.

GO 156 Section 1.3.10 defines a Hispanic American person, for purposes of GO 156, as a person of Mexican, Puerto Rican, Cuban, South or Central American, Caribbean, and other Spanish culture or origin. The phrase "South or Central American" is the controlling text for this appeal. Brazil is a South American country, and Brazilian origin is South American origin. GO 156 does not say "Spanish-speaking South American," "Spanish-colonial South American," "Spanish-culture South American," or "South American except Brazil."

The Clearinghouse's decision adds a limitation that is not found in the text. If the Commission intended to exclude Brazil, Brazilian-origin persons, Portuguese-speaking South Americans, or Indigenous Brazilian South Americans from the phrase "South or Central American," that exclusion should appear in GO 156, a Commission decision, or another Commission-adopted authority. The appealed decision identifies no such authority.

B. The words "and other Spanish culture or origin" should not silently erase the independent phrase "South or Central American."

The Clearinghouse appears to treat the Spanish-culture wording as overriding the earlier South American wording. That reading is not compelled by the text. Section 1.3.10 is written as a list. The natural reading is that the listed origins include Mexican, Puerto Rican, Cuban, South or Central American, Caribbean, and other Spanish culture or origin. If "other Spanish culture or origin" controlled and limited every listed category before it, then the words "South or Central American" would be narrowed without the Commission saying so. A categorical exclusion of Brazil should not be implied from silence.

Appellant is not asking the Commission to create a new minority group. Appellant is asking the Commission to apply the words already adopted in GO 156. The appeal should therefore be resolved by the Commission under the actual text of GO 156, not by an unwritten Clearinghouse practice.

C. ALJ-446 supports Commission review instead of automatic deference to the Clearinghouse's narrow interpretation.

Resolution ALJ-446 is relevant because the Commission reviewed the Clearinghouse's application of GO 156 Section 1.3.10 and did not treat the Clearinghouse's interpretation as automatically controlling. The Commission examined the text, the structure, and the purpose of GO 156 and vacated a Clearinghouse denial in a case involving Hispanic American classification. Appellant recognizes that ALJ-446 involved Azorean Portuguese origin and that this appeal involves Brazilian South American origin. Appellant cites ALJ-446 for its method: Commission-level review is appropriate when the Clearinghouse applies a restrictive interpretation not clearly stated in GO 156.

This case presents an even more direct textual issue than ALJ-446 because Brazil is geographically in South America and the GO 156 text expressly uses the phrase "South or Central American." The question is not whether Appellant is Portuguese or Native American. The question is whether a Brazilian South American owner can be excluded from "South or Central American" by an unstated exclusion.

D. Appellant's Indigenous Brazilian and Polish heritage does not defeat the South American-origin claim.

Appellant clarifies his claim carefully to avoid confusion. Appellant is not claiming eligibility under GO 156 Section 1.3.11 as Native American, because that section concerns original peoples of North America or the Hawaiian Islands. Appellant is also not relying on Portuguese identity. Appellant's claim is based on Brazilian South American origin under GO 156 Section 1.3.10,

including Indigenous Brazilian ancestry. Appellant also has Polish ancestry, but the existence of Polish ancestry does not negate Brazilian South American origin.

E. The appealed decision identifies no separate defect in ownership, control, or business eligibility.

The appealed decision states that the firm's application identified Mr. Kazmierski as the sole owner holding 100% ownership. It does not identify a separate basis for denial involving control, management, independence, or business operations. Therefore, if the Commission rejects the Clearinghouse's categorical exclusion of Brazilian South American origin, the appropriate relief is reversal and certification if no other eligibility defect exists, or at minimum remand for further processing under the correct legal standard.

VII. EVIDENCE AND RECORD REQUEST

Appellant submits the appealed June 22, 2026 Supplier Clearinghouse Appeal Response as Exhibit A. Appellant also requests that the Commission require the Clearinghouse to file the complete certification decision record required for GO 156 appeals, including the application record, the original denial, appeal materials, supplemental materials, guidelines or written interpretation relied upon, and any document supporting the assertion that Brazilian-origin South Americans are categorically excluded from GO 156 Section 1.3.10.

Appellant further requests that the Commission take official notice of GO 156, Resolution ALJ-377, Resolution ALJ-446, and the Commission's Rules of Practice and Procedure to the extent applicable.

VIII. REQUESTED RELIEF

Appellant respectfully requests that the Commission:

- Accept this document as a timely GO 156 Notice of Appeal from the June 22, 2026 Supplier Clearinghouse decision;
- Find that the Clearinghouse erred by applying a categorical exclusion for Brazilian-origin South Americans not stated in GO 156 Section 1.3.10;
- Reverse the decision affirming denial of Mar Organica LLC's MBE certification, or alternatively remand with instructions that Brazilian South American origin is not categorically excluded from the phrase "South or Central American";
- Direct the Clearinghouse to certify Mar Organica LLC as an MBE if no other eligibility defect exists, or to complete any remaining non-origin review under the correct standard;

- Suspend, set aside, or otherwise prevent enforcement of the twelve-month reapplication bar while this Commission appeal is pending and to the extent the decision is reversed or remanded; and
- Grant any other relief the Commission deems just and proper.

IX. DECLARATION OF KONSTANTIN KAZMIERSKI

I, Konstantin Kazmierski, declare as follows:

1. I am the owner and principal of Mar Organica LLC. I submit this declaration in support of this Notice of Appeal from The Supplier Clearinghouse's June 22, 2026 Appeal Response.
2. My Supplier Clearinghouse application identified me as the sole owner holding 100% ownership of Mar Organica LLC. The appealed decision states the same.
3. My heritage includes Brazilian South American origin, including Indigenous Brazilian ancestry, and also Polish ancestry. I am not claiming GO 156 eligibility as Native American under Section 1.3.11, and I am not relying on Portuguese identity. My claim is based on South American origin under GO 156 Section 1.3.10.
4. The appealed decision upheld denial because it concluded that Brazilian origin is not recognized as meeting the definition of Hispanic American under GO 156. I respectfully dispute that conclusion because GO 156 Section 1.3.10 includes "South or Central American" origin and does not state an exclusion for Brazil or Brazilian South Americans.
5. I request that the Commission reverse or remand the decision so that Mar Organica LLC is not denied based on an unwritten exclusion from the words "South or Central American."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on July 3, 2026, at Torrance, California.

/s/ Konstantin Kazmierski
Konstantin Kazmierski

X. AUTHORITIES CITED

- General Order 156 Section 1.3.10 - Hispanic American Person.
- General Order 156 Section 1.3.11 - Native American Person.
- Resolution ALJ-377, Appendix A - GO 156 appellate filing, service, record, hearing, and resolution procedure.
- Resolution ALJ-446, K.21-04-002 - Commission review of Supplier Clearinghouse interpretation of GO 156 Section 1.3.10 and reversal of a Clearinghouse MBE denial.
- CPUC Rules of Practice and Procedure, including Rules 1.1, 1.2, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.14, and 1.15, to the extent applicable to tendering, service, signature, electronic filing, and computation of time.

Respectfully submitted,

/s/ Konstantin Kazmierski
Konstantin Kazmierski, Owner/Principal
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