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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Grace Victoria Starr,

Complainant,

vs.

Pacific Gas and Electric Company
(U39E),

Defendant.

Case 26-01-013
(Filed January 05, 2026)

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This scoping memo and ruling sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure (Rules).

1. Factual and Procedural Background.

Complainant Grace Victoria Starr (Complainant) filed the instant Complaint on January 5, 2026. The Complaint alleges that Pacific Gas & Electric Company (U39E) (Defendant) installed two electrical infrastructure enclosures and covers on Complainant's property.

The first enclosure is located next to Complainant's mailbox and is not in dispute. The second enclosure and cover was installed entirely within Complainant's front lawn, on private property, rather than within the public

sidewalk or roadway. Complainant alleges that no other property in the neighborhood has a utility enclosure and cover installed on the property's front lawn. Complainant wants the second enclosure and cover to be removed and relocated to the public sidewalk or roadway or other public space and for the Defendant to repair the damage to the mailbox caused by the installation of the first enclosure. The enclosure next to the mailbox is not presently in dispute as the parties are working together and Defendant is rectifying the damage.¹ Defendant Answered the Complaint on March 16, 2026. Defendant admits they installed both enclosures on Complainant's property and within the ten foot (10') easement allotted to them for utility purposes.²

The Parties, the assigned Administrative Law Judge, and the assigned Assistant Chief Administrative Law Judge attended the Prehearing Conference (PHC) on March 26, 2026 10:00 am by WebEx. At the PHC, Defendant further admitted that the second, contested, enclosure and cover may or may not service Complainant's property, but is still located on the Complainant's property front lawn.³ Defendant agreed to work with Complainant to repair the mailbox. At PHC both Parties expressed interest in entering the Commission's Alternative Dispute Resolution (ADR) process. The Commission assigned ADR neutrals on May 4, 2026, and the Parties have been in discussions since.

The purpose of the PHC was to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. After considering the Complaint, Answer,

¹ Complaint at 1-2 and Addendum, Section III, Factual Allegations.

² Answer at 1-3.

³ PHC transcripts.

and discussion at the prehearing conference, we have determined the issues and initial schedule of the proceeding to be set forth in this scoping memo.

2. Issues

The issues to be determined or otherwise considered are:

1. Does the Complaint adequately state a claim upon which the Commission can grant relief, as required for filing of a complaint pursuant to Rule 4.1 of the Commission's Rules of Practice and Procedure and Pub. Util. Code Section 851.
2. Did Defendant improperly install a new secondary utility enclosure and cover on the Complainant's front lawn and property and/or within the 10-foot public service easement?
3. Did Defendant violate General Orders 95 and/or 128 in doing so?
4. Did Defendant violate Public Utilities Code Section 451 in doing so?
5. Did Defendant apply its design and construction standards in a discriminatory or inconsistent manner against the Complainant?
6. Should Defendant be ordered to remove and relocate the utility cover(s) on Complainant's property and repair the damage?
7. Are there any issues or matters within this case that impact the Commission's Environmental and Social Justice Action Plan, including the extent to which the actions alleged in the Complaint impact the achievement of any or all of the nine goals of the Commission's Environmental and Social Justice Action Plan?

3. Need for Evidentiary Hearing

The issues stated in this scoping memorandum are the contested, material issues of fact.⁴ As noted, this matter is presently in mediation through the Commission's ADR program. We encourage the ADR process and allow the Parties time to resolve their differences through mediation. Accordingly, we will allow parties to present evidence on these issues upon receipt of information concerning the final efficacy of the Parties' mediation efforts, when informed by the Parties through their forthcoming statements and the Commission's ADR team. The need for evidentiary hearing will be determined by the assigned ALJ who will provide further instructions a status conference should mediation be unsuccessful.

4. Schedule

The following tentative schedule is adopted here and may be modified by the Administrative Law Judge (ALJ) as required to promote the efficient and fair resolution of the Complaint:

Event	Date
Alternative Dispute Resolution, Mediation	May 4, 2026 to present, conclusion to be determined by ADR neutrals.
Parties Joint/Independent case management statement(s), filed and served	Thursday September 24, 2026
Status conference, held	Post ADR/ statements

⁴ The Parties do not contest the placement of the first utility enclosure and cover near the Complainant's mailbox. They contest the placement of the second utility enclosure and cover on the Complainant's lawn.

Evidentiary hearing, held	Date forthcoming/ TBD ⁵
Opening briefs, filed and served	Date forthcoming TBD
Reply briefs, filed and served	Date forthcoming TBD
Proposed decision, issued	No later than 90 days after submission.
Commission decision, issued	No sooner than 30 days after Proposed Decision.

The purpose of the forthcoming Thursday, September 24, 2026 deadline for the Joint or Independent statements by the Parties is to determine if ADR has been productive and/or if the parties should resume litigation.

The purpose of the forthcoming status conference after the issuance of the statements is to ascertain whether, pursuant to Rule 13.8(c), the parties stipulate to the receipt of prepared testimony into evidence without direct or cross examination or other need to convene an evidentiary hearing or, in the alternative, the parties' resources, readiness and needs for the effective remote conduct of the evidentiary hearing, including estimates of time requested for cross-examination and identification of anticipated exhibits, and the prospective need for a site visit, if necessary.

The proceeding will stand submitted upon the filing of reply briefs and evidentiary hearing unless the ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 12 months as required by Public Utilities Code Section 1701.2(i) unless extended by executive order.

⁵ Dates for prepared testimony and status conference and placeholder for evidentiary hearing are only required if evidence will be taken.

5. Alternative Dispute Resolution (ADR) Program and Settlements

As noted, the Parties entered the Commission's Alternative Dispute Resolution program on May 4, 2026. This program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. Additional ADR information is available on the Commission's website.⁶

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

The schedule set forth in this Scoping Memo includes the date of Thursday, September 24, 2026, for the updated statements. The Parties will submit to the assigned ALJ joint or independent status report(s) of their general efforts in mediation, identifying agreements reached and unresolved issues requiring hearing. This report is to be filed no later than Thursday September 24, 2026.

The Parties are advised that mediation is confidential. The Parties are NOT to disclose the specific contents nor negotiations of mediation to the assigned ALJ, but rather to inform the assigned ALJ of whether the mediation process has and continues to be fruitful or whether this matter is to be returned to the assigned ALJ for resolution through litigation. Any settlements between parties, whether regarding all or some of the issues, shall comply with Article 12 of the

⁶ <https://www.cpuc.ca.gov/PUC/adr/>

Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law, and in the public interest.

6. Category of Proceeding and Ex Parte Restrictions

This ruling confirms the Commission's preliminary determination that this is a complaint proceeding pursuant to Rule 4.3 of the Commission's Rules of Practice and Procedure. Accordingly, ex parte communications are restricted and must be reported pursuant to Article 8 of the Rules. That means the Parties may NOT communicate with the assigned ALJ (Lena Afary) without copying each other⁷ in their communications, and only in the event of urgency.⁸ The Parties may communicate independently with the assigned ADR judges, as instructed by those individuals.

7. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office> or contact the Commission's Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

8. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct

⁷ The email service list may be found here: [Proceeding Details](#).

⁸ Instructions to Answer at page 1.

and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.⁹

When serving any document, each party must ensure that it is using the current official service list on the Commission's website. This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

⁹ The form to request additions and changes to the Service list may be found at <https://www.cpsc.ca.gov/-/media/cpsc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

9. Receiving Electronic Service from the Commission

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

10. Assignment of Proceeding

Commissioner Karen Douglas is the assigned Commissioner and Administrative Law Judge Lena Afary is the assigned Administrative Law Judge for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Parties shall file independent and/or joint status report(s) by no later than Thursday September 24, 2026.
4. The need for a status conference and/or evidentiary hearing and site visit will be determined after receipt of the status report.

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

/s/ KAREN DOUGLAS

Karen Douglas
Assigned Commissioner