

Decision 19-12-030 December 5, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Improve Public Access to Public Records Pursuant to the California Public Records Act.

Rulemaking 14-11-001

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to June 14, 2020.

1. Background

Based on the filing date of this Order Instituting Rulemaking (OIR), the version of Pub. Util. Code § 1701.5(a)¹ then in effect provided that ratesetting and quasi-legislative cases shall be resolved within 18 months of the date the scoping memo is issued, unless the Commission establishes an alternative timeline in the scoping memo or issues an order extending that deadline. In this proceeding, the current deadline for resolving this rulemaking is December 12, 2019.

Since this rulemaking was opened in November 2014, the Commission has issued three substantive decisions resolving many issues within the scope of the

¹ This proceeding was filed prior to changes made to Pub. Util. Code § 1701.5(a). These changes only apply to cases filed after December 31, 2016.

proceeding.² However, several issues within the scope of the proceeding, including the appropriate characteristics of documents that should be preemptively designated as either public or confidential and how often those preemptive designations should be updated or revisited, still require resolution. The overall complexity and broad range of issues being considered within the rulemaking has delayed the resolution of the proceeding. Therefore, an extension of the statutory deadline until June 14, 2020, is appropriate to allow enough time to resolve the remaining issues in the proceeding, including the issuance of a proposed decision for public review and comments.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving quasi-legislative proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

3. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Marcelo L. Poirier is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Commission opened Rulemaking 14-11-001 on November 14, 2014.
2. A Scoping Memorandum regarding Phase 1 of the proceeding was issued on August 11, 2015.

² Decision (D.) 16-08-024, D.17-09-023 and D.19-01-028.

3. Decision 16-08-024, which updated Commission processes relating to potentially confidential documents, was issued on August 25, 2016.

4. The Scoping Memo issued on December 30, 2016 amended the initial Scoping Memo for the proceeding issued on August 11, 2015.

5. Decision 17-09-023, which adopted General Order 66-D and administrative processes for submission and release of potentially confidential information, was issued on October 2, 2017.

6. The Scoping Memo issued on June 12, 2018 amended the Scoping Memo issued on December 30, 2016 and extended the statutory deadline to December 12, 2019.

7. Decision 19-01-028, which includes a process to address specific concerns in audit, inspection, investigation and enforcement matters, was issued on February 11, 2019.

8. An extension of the statutory deadline to June 14, 2020 is necessary in order to issue a proposed decision that addresses the remaining issues in the proceeding.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline should be extended to June 14, 2020.

IT IS ORDERED that the statutory deadline in this proceeding is extended until June 14, 2020.

This order is effective today.

Dated December 5, 2019, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners