

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

December 9, 2021

Agenda ID #20175

~~TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ 412:~~

~~This is the draft Resolution of Administrative Law Judge (ALJ) Stephanie Wang Adopting Rules For Public Comment At Business Meetings. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.~~

~~When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.~~

~~You may serve comments on the draft resolution within 20 days of the date that the draft Resolution was mailed, as provided in Rule 14.5 of the Commission's Rules of Practice and Procedure. Any person may comment on the draft Resolution by serving written comments to ALJ252Comments@cpuc.ca.gov.~~

~~/s/ ANNE E. SIMON~~

Anne E. Simon

Chief Administrative Law Judge

AES:sgu

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-412
Administrative Law Judge Division

RESOLUTION

RESOLUTION ALJ-412. Adopts Rules For Public Comment At Business Meetings.

SUMMARY

Pursuant to Government Code Section 11125.7, the California Public Utilities Commission (Commission) may adopt reasonable regulations to provide an opportunity for members of the public to directly address the state body on each agenda item before or during its discussion or consideration of the item. This resolution replaces the rules for public comment at Commission business meetings adopted in Resolution ALJ-252.

[The Commission welcomes public comment at its business meetings. These public comment rules enable Californians to exercise their right to be heard by the Commission, and to allow the Commission to conduct business in a timely manner.](#)

In 2010, Resolution ALJ-252 adopted rules for public comment at business meetings in compliance with the Bagley-Keene Open Meeting Act, including the following Government Code Sections: 11125.7(a), which generally provides members of the public an opportunity to comment on items that are on a state body’s meeting agenda; 11125.7(b), which permits a state body to adopt reasonable regulations for public comments; 11125.7(e), which states that the opportunity to comment does not apply to closed session items; 11125.7(h), that exempts adjudicatory matters that have gone to hearing from the opportunity to comment, and that excludes those who have already participated in the proceedings underlying an agenda item from the opportunity to comment; and 11126.5, which addresses the removal of disruptive persons.

This resolution adopts the following rules for public comment at the Commission’s business meetings:

- Rule 1. The Public Advisor’s Office is authorized to provide instructions on the Commission’s website for public comments. The Commission may allow public comment ~~over the telephone~~remotely in accordance with these instructions. These instructions will include the process for signing up to speak, the maximum speaking time for speakers, and the order of speakers. These instructions will be consistent with this resolution and

the Bagley-Keene Open Meeting Act. Instructions will be posted to the Commission's website at least 72 hours before the beginning of the meeting to which they apply.

- Rule 2. Individuals with a shared position are encouraged to appoint a spokesperson to speak for their group. A speaker cannot cede time to another speaker.
- Rule 3. The Commission President¹ may adjust the amount of time for each speaker or the order of speakers. The Commission President will declare when the Public Comment Session is closed. No speakers will be accommodated after the Public Comment Session is closed.
- Rule 4. Speakers may address any topic, with the following exceptions:
- a. Topics that are not subject to the Commission’s jurisdiction.
 - ~~b. Issues that should be submitted to the Consumer Affairs Branch as an Informal Complaint.~~
 - b. ~~c.~~ Adjudicatory matters referenced in Government Code § 11125.7(h).
 - ~~d. Items on the Closed Session agenda.~~
 - c. ~~e.~~ Parties to a proceeding cannot speak to issues related to the proceeding to which they are a party.
- Nothing in Rule 4 abridges the Commission’s ability to limit public comment on items on the Closed Session agenda, where such limits accord with the 72-hour requirement contained in Rule 1.
- Rule 5. If a speaker raises a topic that is not permitted under Rule 4 above, the Commission President may stop the speaker.
- Rule 6. Individuals in need of interpreters or other reasonable accommodations must contact the Public Advisor’s Office at least three business days in advance of the meeting. Reasonable accommodations will be provided free of charge.² Public speakers who require interpreters or other reasonable accommodations shall be given at least twice the time limit for other speakers.

¹ All references to Commission President will also refer to the Commissioner chairing the meeting in the absence of the Commission President.

~~² Public speakers who require interpreters or other special accommodations may be given additional time to speak, to account for the time needed to provide the accommodation. The granting of the additional time is at the discretion of the Commission President.~~

Rule 7. Signs brought by meeting attendees into the Commission meeting room are limited to 8 ½ by 11 inches in size. Signs brought into the Commission meeting room must be kept in the possession of attendees, must not be attached to walls or doors, and must not obstruct the view of any other attendee. Sticks or any other type of handle are strictly prohibited. Larger signs, or signs with handles, must be left outside of the security screening.

Rule 8. ~~Written comments will not be read aloud at the meeting.~~

Rule 9. Attendees may not distribute written materials to attendees inside the Commission meeting room during the meeting.

Rule ~~109~~. The Commission retains the right to remove disruptive attendees from the Commission meeting.

Rule ~~110~~. The Commission may waive or override the above rules in case of emergency, to maintain the orderly conduct of the meeting, or for other unforeseen circumstances.

COMMENTS

Public Utilities Code Section 311(g)(1) requires that a draft resolution be served on all parties and be subject to a public review and comment period of 30 days or more, prior to a vote of the Commission on the resolution. A draft of today's resolution was served on all persons on the service list maintained by the Commission for the purpose of providing notice of proposed revisions to the Rules of Practice and Procedure. ~~Any person may comment on this draft resolution by sending written comments to ALJ252Comments@cpuc.ca.gov~~ Comments were received on December 29, 2021 from The Utility Reform Network. This resolution incorporates several recommendations of The Utility Reform Network.

IT IS RESOLVED that:

1. The rules for public comment at Commission business meetings in this resolution are adopted.
2. The rules in this resolution replace the rules adopted in Resolution ALJ-252.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

RACHEL A. PETERSON
Executive Director

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