

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Modify General Order 66-D.

FILED
PUBLIC UTILITIES COMMISSION
MAY 30, 2024
SACRAMENTO, CALIFORNIA
RULEMAKING 24-05-022

**ORDER INSTITUTING RULEMAKING
TO MODIFY GENERAL ORDER 66-D**

Summary

This rulemaking is opened to examine and modify General Order (GO) 66-D, specifically as it relates to the California Public Utilities Commission’s process for responding to California Public Records Act requests. Proposed modifications to GO 66-D are attached to this Order Instituting Rulemaking, and comments are sought on those proposed modifications.

1. Background

General Order (GO) 66-D concerns the process for submitting confidential documents to the California Public Utilities Commission (Commission), as well as the process for the Commission to consider and respond to requests for information under the California Public Records Act (PRA).¹ Sections 4-6 of GO 66-D specifically relate to Commission actions pursuant to the PRA, and Section 6 alone of GO 66-D is considered for modification in this rulemaking.²

¹ Government Code (Gov. Code) §§ 7920.000, *et seq.*

² Non-substantive modifications are also proposed in other parts of GO 66-D to reflect and conform to the PRA’s statutory renumbering in the Government Code, operative January 1,

2. Purpose of the Proceeding

The purpose of this proceeding is to consider modifications to GO 66-D as it relates to the PRA.

3. Preliminary Scoping Memo

This rulemaking will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure (Rules). As required by Rule 7.1(d), this Order Instituting Rulemaking (OIR) includes a preliminary scoping memo, as set forth below, and preliminarily determines the category of this proceeding and the need for hearing.

3.1. Issues

In this Preliminary Scoping Memo, we describe the issues to be considered in this proceeding and the timetable for the proceeding. In response to this OIR, parties will have the opportunity to provide preliminary comments on the issues raised. The assigned Commissioner will issue a Scoping Memo and Ruling that will establish the issues and procedural path in greater detail after comments are received on this OIR. This OIR anticipates that no prehearing conference (PHC) will be held.³

The sole issue in the scope of this proceeding is as follows: Is it reasonable to modify Section 6 of GO 66-D as it relates to the PRA, and, if so, what should those modifications be? To focus our examination of this issue, we attach the redlined proposed GO 66-D for review and comments.

2023, from Section 6250, *et seq.* to Section 7920.000, *et seq.*, which was "intended to be entirely nonsubstantive in effect." (*See* Gov. Code § 7920.100.)

³ Pursuant to Rule 7.2(b), as this rulemaking is categorized as quasi-legislative, the assigned Commissioner may determine not to hold a PHC.

3.2. Categorization; *Ex Parte* Communications; Need for Hearing

The Commission’s Rules of Practice and Procedure require that an OIR preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is quasi-legislative, because our consideration and approval of this matter would establish policy or rules affecting a class of regulated utilities. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Commission’s Rules of Practice and Procedure. However, parties are reminded to not contact the assigned Administrative Law Judge (ALJ) outside of a publicly noticed forum, except that parties may send procedural communications to the assigned ALJ.

We are also required to preliminarily determine if hearings are necessary. We preliminarily determine that hearings are not necessary.

3.3. Preliminary Schedule

The preliminary schedule for this proceeding is presented below.

EVENT	DATE
Opening Comments on OIR and attached proposed redlined GO 66-D, filed and served	Within 30 days of the issuance date of this OIR
Reply Comments on OIR and attached proposed redlined GO 66-D, filed and served	Within 10 days of the date opening comments are due
Scoping Memo and Ruling issued	June/July 2024
Proposed Decision issued	No later than 90 days after submission of the record
Commission decision	No sooner than 30 days after issuance of Proposed Decision

The assigned Commissioner or the assigned ALJ may change the schedule to promote efficient and fair administration of this proceeding. Based on this

schedule, the proceeding will be resolved within 18 months as required by Public Utilities (Pub. Util.) Code Section 1701.5.

4. Respondents

No entities are named as respondents to this OIR.

5. Service of Order Instituting Rulemaking

In the interest of broad notice, this OIR will be served on the official service list for Rulemaking 14-11-001 (Order Instituting Rulemaking to Improve Public Access to Public Records Pursuant to the California Public Records Act).

Service of the OIR does not confer party status or place any person who has received such service on the Official Service List for this proceeding.

Instructions for obtaining party status or being placed on the official service list are given below.

6. Filing and Service of Comments and Other Documents

Filing and service of comments and other documents in the proceeding are governed by the Rules.

Parties are instructed to only serve documents on the assigned Commissioner, advisors to the assigned Commissioner, and the assigned ALJ by electronic copy and not by paper copy, unless specifically instructed to do otherwise.

7. Addition to the Official Service List

Addition to the official service list is governed by Rule 1.9(f). Any entity will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly to ensure timely service of comments and other documents and correspondence in the proceeding. (See Rule 1.9(f).) The request must be sent to

the Process Office by email (process_office@cpuc.ca.gov). Please include the Docket Number of this rulemaking in the request.

Entities that file responsive comments to the OIR thereby become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the “Parties” category of the official service list upon such filing. To assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.

8. Subscription Service

Entities may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at: <http://subscribecpuc.cpuc.ca.gov/>.

9. Intervenor Compensation

Intervenor compensation is permitted in this proceeding. Pursuant to Pub. Util. Code Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by 30 days after the PHC. As a PHC is not anticipated in this proceeding, notices of intent to claim compensation must be filed no later than 30 days after the issuance date of this OIR. Parties that are not familiar with participation in Commission proceedings may contact the Commission’s Public Advisor to learn more about the Intervenor Compensation process.

10. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or email (public.advisor@cpuc.ca.gov). The TTY number for the Public Advisor is (866) 836-7825.

O R D E R

IT IS ORDERED that:

1. This Order Instituting Rulemaking is adopted pursuant to Rule 6.1 of the California Public Utilities Commission's Rules of Practice and Procedure.
2. The preliminary categorization of this rulemaking is quasi-legislative.
3. The preliminary determination is that evidentiary hearings are not needed for this rulemaking.
4. The preliminary scope of issues is as stated above in Section 3.
5. Any entity may file opening comments responding to this Order Instituting Rulemaking (OIR) and addressing the attached proposed redlined General Order 66-D within 30 days of the issuance date of this OIR and reply comments within 10 days following the opening comments due date.
6. The Executive Director will cause this Order Instituting Rulemaking to be served on the service list for Rulemaking 14-11-001.
7. Any party that expects to claim intervenor compensation for its participation in this rulemaking must file its notice of intent to claim intervenor

compensation within 30 days of the issuance date of this Order Instituting Rulemaking.

This order is effective today.

Dated May 30, 2024, at Sacramento, California.

ALICE REYNOLDS

President

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

Commissioner Matthew Baker,
being absent, did not participate.

ATTACHMENT