

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

Item# 9 (Rev.1)
AGENDA ID #23767
RESOLUTION E-5426
October 30, 2025

R E S O L U T I O N

Resolution E-5426. This resolution adopts a citation program for enforcing compliance with filing deadlines and reporting requirements in Integrated Resource Planning (IRP) proceedings. It replaces the citation program established by Resolution E-5080.

PROPOSED OUTCOME:

- This Resolution replaces the citation program that was established by Resolution E-5080.
- Resolution E-5080 authorized Commission Staff to fine load-serving entities (LSEs) for non-compliance with the mandatory filing deadlines and reporting requirements for individual LSEs' Integrated Resource Plans (Individual LSE IRP).
- This Resolution authorizes Commission Staff to fine LSEs for non-compliance with any mandatory filing deadlines and reporting requirements in IRP Proceedings, including any mandatory filing deadlines and reporting requirements in the procurement and planning tracks.

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with this Resolution.

ESTIMATED COST:

- There are no costs associated with this Resolution.

SUMMARY

Commission Resolution E-5080 established a citation program to compel LSEs to submit complete and timely IRPs, as initially required by Decision (D.) 20-03-028, the first decision that adopted the CPUC's IRP filing process in Rulemaking (R.) 16-02-007, consistent with Public Utilities Code 454.51 et seq. Resolution E-5080 adopted a citation procedure, list of specific violations and penalties, and appeal process, and it delegated Commission Staff the authority to issue citations and levy fines for failure to comply

with any IRP plan filing deadlines and IRP plan reporting requirements for ~~individual~~Individual LSE IRPs. To date, no fines have been issued under Resolution E-5080. However, since Resolution E-5080 was issued, Commission Staff ~~has~~have identified instances where LSEs have missed filing deadlines for ~~individual~~Individual LSE IRPs or have failed to comply with IRP reporting requirements. Consistent with Commission Resolution M-4846, Commission Staff has addressed many of these issues by informing the LSEs that such issues must be corrected.¹

Resolution E-5426 establishes the IRP Filing Citation Program (IRP FCP).² The IRP FCP will apply to all LSEs subject to the Commission's oversight in an IRP Proceeding.³ Commission Staff will be delegated authority to issue citations and levy fines for failure to comply with any mandatory filing deadlines and reporting requirements in IRP Proceedings, including the planning and procurement tracks, as set forth in Appendix A. The penalty amounts set forth in Appendix A are final and not subject to modification on appeal. Nothing in this Resolution diminishes, alters, or reduces the Commission's existing authority to implement and administer the IRP program.

BACKGROUND

Among its provisions, Senate Bill (SB) 350 (De León, 2015) established targets to increase retail sales of renewable electricity and directed the CPUC and the California Air Resources Board (CARB) to establish greenhouse gas (GHG) reduction targets. It also directed the Commission to implement an IRP process to facilitate a process for LSEs to file individual plans demonstrating their planning and procurement efforts to reliably meet these targets in a cost-effective manner.⁴ SB 100 (De León, 2018) established a goal for renewable and zero-carbon resources to supply 100 percent of retail sales and electricity procured to serve all state agencies by 2045.⁵ Following that, SB 1020 established interim targets for eligible renewable energy resources and zero-carbon resources to supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, and 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040.⁶

¹ Resolution M-4846 at 5-7.

² The IRP FCP consists of Appendix A herein.

³ "IRP Proceeding" is defined in Appendix A.

⁴ Pub. Util. Code § 454.52.

⁵ Pub. Util. Code §§ 399.11, 454.53.

⁶ Pub. Util. Code §§ 454.59 and 739.13.

In response to SB 350, the Commission opened R.16-02-007 on IRP in February 2016 to help the State develop adequate, cost-effective investment in a diverse range of electricity production resources. D.18-02-018 was the first major decision in R.16-02-007. In this decision, the Commission established the IRP process, per SB 350. As part of this process, LSEs must file individual IRPs or documentation substantiating their eligibility for an exemption with the Commission once per IRP cycle.⁷ R.16-02-007 also addressed procurement actions that LSEs needed to take to maintain reliability, in a manner that kept the electricity sector on a path to the GHG emissions goals adopted in SB 350 and SB 100.⁸

R.20-05-003, which succeeded R.16-02-007, continued the Commission's oversight of the IRP program through two tracks: planning and procurement. Each track required LSEs to comply with certain reporting requirements and to meet certain filing deadlines.

R.25-06-019 is the successor to R.16-02-007 and R.20-05-003. This proceeding maintains the same structure and is the Commission's proceeding to continue implementing SB 350.

In the IRP proceeding's planning track, LSEs must submit ~~individual~~Individual LSE IRPs by specified filing deadlines during each IRP cycle. Individual LSE IRPs must meet specified reporting requirements. For example, as part of their ~~individual~~Individual LSE IRPs for the 2022-2023 cycle, LSEs were required to complete and submit the following templates, which were developed by Commission staff and posted on the Commission website: Narrative Template, Clean System Power Calculator, and Resource Data Template.⁹

The IRP proceeding's procurement track addresses procurement actions that the Commission required LSEs to take in response to procurement orders issued in R.20-05-003. The first IRP procurement order decision that originated in IRP's procurement track was D.19-11-016. In that decision, the Commission found that there were significant system reliability needs between 2021 and 2023¹⁰ and required LSEs to

⁷ D.18-02-018 at 170, OP 1, 2.

⁸ D.19-11-016 at 2.

⁹ D.20-03-028 at 107, OP 10; Administrative Law Judge's Ruling Finalizing Load Forecasts and Greenhouse Gas Emissions Benchmarks for 2022 Integrated Resource Plan Filings, June 15, 2022, at 15; in R.20-03-005; Order Instituting Rulemaking, July 2, 2025, at 11; in R.25-06-019.

¹⁰ D.19-11-016 at 69-70, FOF 5, 17.

procure resource adequacy capacity to help shore up reliability in that timeframe.¹¹ D.20-12-044 established a process for backstop procurement in the event of the failure of one or more LSEs to procure as required. Subsequently, D.21-06-035 requires at least 11,500 megawatts (MW) of additional net qualifying capacity (NQC) to be procured by all LSEs subject to the Commission's IRP authority,¹² and D.23-02-040 requires supplemental procurement of 4,000 MW of NQC.¹³

In accordance with the ~~IRP's~~IRP Proceedings' procurement track orders, LSEs must submit "compliance filings" by specified filing deadlines with information about their progress towards the procurement requirements.¹⁴ These compliance filings must meet specified reporting requirements. Specifically, as part of these "compliance filings," LSEs must complete and submit templates developed by Commission staff,¹⁵ which are posted on the Commission website.¹⁶ The compliance filings must also contain information addressing set milestones¹⁷ and long lead time resource operational characteristic materials.¹⁸

DISCUSSION

Resolution E-5426 replaces Resolution E-5080 and establishes the IRP FCP. Resolution E-5426 encompasses all mandatory filing deadlines and reporting requirements in the planning and procurement tracks of IRP Proceedings, including deadlines and reporting requirements for individual IRPs and IRP procurement compliance filings. The IRP FCP will encourage LSEs to comply with mandatory IRP filing deadlines. It also will equip Commission Staff, acting on delegated authority, with an important tool to compel LSEs' compliance with and deter violations of any filing deadlines and reporting requirements related to planning or procurement requirements in IRP Proceedings. The Commission has authority to establish such a tool.

¹¹ D.19-11-016 at 80, OP 3.

¹² D.21-06-035 at 94, OP 1.

¹³ D.23-02-040 at 87, OP 2.

¹⁴ D.24-02-047 at 113-114, 142, OP 24

¹⁵ D.20-12-044 at 22, 28, COL 10.

¹⁶ Commission, IRP Procurement Track,

<https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-power-procurement/long-term-procurement-planning/more-information-on-authorizing-procurement/irp-procurement-track>.

¹⁷ D.20-12-044 at 31, OP 2.

¹⁸ D.25-06-005 at 25-26, 37-38, OP 5; D.20-12-044 at 31, OP 2.

The IRP FCP does not cover all violations related to IRP that may occur, nor is it intended to. Notably, this citation program does not establish citations or penalties for failure to meet procurement obligations (e.g. insufficient procurement).

1. Legal Authority to Establish the IRP FCP

The Commission's jurisdiction to create a citation program is well-established, and the Commission has adopted citation programs in many areas. The Commission has broad regulatory authority, as set forth in Article XII of the California Constitution and Public Utilities Code Sections 701, 702, and 2102 that allows the Commission to delegate certain tasks to Commission Staff, including the investigation of facts preliminary to agency action and the assessment of specific penalties for certain types of violations. The Commission has used this authority in numerous areas, including the citation program that is being replaced by this Resolution¹⁹; charter party carriers; passenger stage corporations; maintenance and operation of power plants; slamming by telecommunications providers; and compliance with resource adequacy requirements for electric power.²⁰ Resolution E-5426 is consistent with these other approved citation programs.

The Commission signaled its intent to develop a citation program for filing deadlines and reporting requirements for ~~individual~~Individual LSE IRPs in D.19-04-040, stating that it would implement a citation program in future IRP cycles "so that entities failing to provide any documentation will face monetary sanctions."²¹ The Commission first established a citation program for filing deadlines and reporting requirements for ~~individual~~Individual LSE IRPs in Resolution E-5080. Resolution E-5426 replaces the citation program established by Resolution E-5080 and includes all mandatory filing deadlines and reporting requirements in IRP Proceedings, including ~~individual~~Individual LSE IRPs and compliance filings.

2. IRP FCP Considerations

Individual LSE IRPs and compliance filings are vital to the Commission's oversight of the IRP process and procurement compliance review procedures necessary to achieve the goals set by the Legislature in SB 350, SB 100, SB 1020, and other relevant statutes and to track LSEs' compliance with procurement ordered within the IRP proceeding.

¹⁹ Resolution E-5080.

²⁰ Res. ALJ-377 at 3.

²¹ D.19-04-040 at 83.

The IRP FCP establishes a tool that Commission Staff may use to cite LSEs for lack of compliance with mandatory filing deadlines and reporting requirements.

Specifically, Commission Staff may use this citation program to issue citations and levy fines against LSEs for:

- Failing to meet a deadline for filing an ~~individual~~Individual LSE IRP, a compliance filing, or other document required to be filed in an IRP Proceeding; and
- Failing to comply with a reporting requirement, such as the requirement to fully report all information included in the templates developed by Commission Staff as part of an ~~individual~~Individual LSE IRP or compliance filing.

Consistent with current practice, reporting requirements and related templates are posted to the Commission website.

Commission Staff may not issue a citation for a violation of a reporting requirement per filing unless and until Commission Staff has issued a Correction Notice²² identifying instances of missing, incomplete, or incorrect information in a filing. The Correction Notice must provide a deadline of at least ~~five~~seven calendar days for the LSE to correct the issues identified in the Correction Notice. However, Commission Staff may issue a citation per filing for missing a mandatory filing deadline without first issuing a Correction Notice.

The issuance by Commission staff of a citation for a specified violation is not mandatory. In enforcing compliance with mandatory filing deadlines and reporting requirements in IRP Proceedings, the Commission may initiate any authorized formal proceeding or pursue any other remedy authorized by the California Constitution, the Public Utilities Code, other state or federal statutes, court decisions or decrees, or otherwise by law or in equity. Finally, the Commission's enforcement of the IRP FCP by informal proceedings, formal proceedings, or otherwise, does not bar or affect the remedies otherwise available to other persons or government agencies.

COMMENTS

~~Public Utilities Code Section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of~~

²² "Correction Notice" is defined in Appendix A.

~~the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceedings.~~

The 30-day comment period for the draft of this Resolution was neither waived nor reduced. Accordingly, ~~this~~the draft Resolution was mailed to parties for comments. ~~It will be placed on the Commission's agenda no earlier than 30 days from today~~September 24, 2025.

Four parties submitted comments on October 14, 2025:

- Alliance for Retail Markets (AReM)
- California Community Choice Association (CalCCA)
- Southern California Edison (SCE)
- San Diego Gas & Electric Company (SDG&E)

Key recommendations to amend the Draft Resolution included:

Correction Notice Procedure:

SDG&E, SCE, AReM, and CalCCA recommend establishing a “cure period” of at least ten calendar days for violations. We adopt a requirement for Commission Staff to give LSEs at least seven days to correct the issues identified in a Correction Notice issued by Commission Staff, for violations of any reporting requirements. This is an increase from the five-day period in the draft Resolution. This seven-day period is a minimum, and Commission Staff may give an LSE more than seven calendar days to correct issues when, for example, the issues are more complex or time intensive. The Commission adopts the recommendation to increase the Correction Notice minimum time from five to seven calendar days, to maintain the sense of urgency necessary for correct and complete IRP filings.

SDG&E also recommends Commission Staff issue a Correction Notice for failure to comply with a Filing Deadline. The Commission declines to adopt this change, as IRP Filing deadlines are made clear well in advance through decision language.

Scheduled Penalty Structure:

CalCCA proposes that the Commission modify the Resolution to state that scheduled penalties for violations of reporting requirements will be assessed per filing, rather than per instance of incomplete, incorrect, or missing information. CalCCA notes that the phrase “per instance” may create ambiguity and could result in duplicative penalties for the same type of error within a single filing. Similarly, SDG&E proposes that the Commission clarify that errors stemming from a single root cause will be treated as one single potential violation. AReM raises a similar concern – that one mistake in an excel sheet can easily cascade into other instances of errors – and recommends language that sets a cap on the number of instances per filing. We revise this Resolution to clarify that scheduled penalties for violations of reporting requirements will be assessed per filing, for each filing with at least one instance of incomplete, incorrect, or missing information.

SDG&E proposes that the Resolution should not impose penalties for errors identified by diagnostic tools that are not available to an LSE prior to submission. The Commission notes that LSEs have an affirmative duty to provide accurate information and that Commission Staff are readily available to assist with any inquiries from LSEs prior to submission deadlines. We do not adopt this recommendation.

AReM proposes that the Resolution prohibit Commission Staff from making edits to the templates for at least 30 days before any filings are due. AReM further recommends that if Commission Staff makes edits to templates within this 30-day period, LSEs should not incur penalties for violations of any reporting requirements. CalCCA also raises concerns regarding template changes made within days of a filing deadline. This Resolution requires Commission Staff to issue a Correction Notice that identifies instances of missing, incomplete, or incorrect information in a filing, before Commission Staff may issue a citation for a violation of a reporting requirement. Therefore, if a recent revision to a template leads to an error in an LSE’s filing, the LSE will have the opportunity to fix this mistake before incurring a penalty. We do not adopt AReM’s recommendation.

Process for Issuing Citations:

Multiple commenters recommend that the Commission impose further limitations on when citations may be issued and fines may be levied. SDG&E recommends that the Resolution adopt factors that the Commission Staff should consider before issuing a

citation, such as good faith efforts to comply, the LSE's compliance history, and materiality of an error. AReM also proposes limiting penalties to repeat offenders. CalCCA proposes that LSEs should not be subject to penalties for circumstances outside of their control. It is not necessary to adopt further limitations on the process for issuing citations and levying fines described in Appendix A. The process in Appendix A for issuing citations and imposing penalties is fair and reasonable for multiple reasons. First, this citation program applies to filing deadlines and reporting requirements in IRP Proceedings, which LSEs are aware of because such deadlines and requirements are set by orders and decisions issued in such proceedings. Second, LSEs are aware of the penalty amounts associated with any violations because such amounts are set forth in this Resolution. Third, LSEs will have an opportunity to correct any violations of reporting requirements before Commission Staff will issue a citation for such violations. Finally, Resolution M-4846 establishes guiding principles on enforcement approaches and actions. Although not mandatory, Commission Staff may take a number of staff-level actions to correct behavior before issuing citations for violations, such as issuing warning letters and requesting information.²³ Resolution E-5426 does not prevent Commission Staff from resolving violations through such staff-level actions. Thus, the process for issuing citations and imposing penalties in Appendix A is fair and reasonable. We decline to adopt further limitations on the enforcement process and penalties articulated in Appendix A.

Citation Appeals:

SCE requests the Commission allow LSEs to appeal the penalty amounts set forth in Appendix A. Specifically, SCE recommends that the penalties in Appendix A serve as maximum penalty amounts and that LSEs should be able to appeal to lower these amounts based on, for example, good faith efforts to comply and failure to meet filing requirements due to circumstances outside of their control. AReM also recommends that LSEs be given the opportunity to request a lower penalty amount on appeal and recommends that the Commission apply a scaling factor based on the amount of load an LSE serves. This Resolution allows an LSE to appeal a citation on the ground that a violation has not occurred, but the penalty amounts set forth in Appendix A are final and not subject to appeal. In the context of a citation program, it is appropriate to set penalties in advance, as the Commission has done here. Specifically, in lieu of applying

²³ Resolution M-4846 at 2-3.

the five-factor test articulated in D.98-12-075,²⁴ this Resolution establishes uniform fine amounts that balance the need for deterrence with the constitutional limitations on excessive fines²⁵ and are consistent with Public Utilities Code Section 2107. An appeal of a citation is limited to the questions of whether the violation occurred and whether the penalty was correctly calculated. To permit LSEs to appeal the penalty schedules established in this Resolution in the context of a citation appeal amounts to re-litigation of such penalty schedules. Therefore, we do not adopt this recommendation.

CalCCA proposes that the Commission clarify that although the penalty amounts set forth in Appendix A are not subject to appeal, an LSE may appeal a citation on the basis that the penalty amount in the citation is inconsistent with the Scheduled Penalties in Appendix A, Table 1. For instance, if Commission Staff issues a citation with a miscalculated penalty amount, or that includes an incorrect number of days for a violation, the LSE should be able to appeal the citation on this basis. We adopt this recommendation.

SCE proposes that the Commission clarify that penalty amounts will not increase during the time periods for the LSE to either accept or appeal the citation. According to SCE, this limitation would enable LSEs to assess whether to accept the citation or exercise their right to appeal during this time period. We adopt this recommendation.

Service of Correction Notice:

CalCCA recommends that the Commission modify this Resolution to require Commission Staff to serve Correction Notices on all designated contact persons for IRP filings. The draft Resolution required Correction Notices to be sent to the LSE's designated contact person for IRP filings. It is not necessary for Commission Staff to send a Correction Notice to multiple contacts for each LSE. Therefore, we do not adopt CalCCA's recommendation. However, for clarity, we revise this Resolution to state that the Correction Notice will be sent to the LSE's designated *primary* contact person for IRP filings.

²⁴ D.98-12-075 identifies a five-factor test for the Commission to consider the assessment of fines. The five factors include: (1) the severity of the offense, (2) the entity's conduct, (3) the entity's financial resources, (4) the role of precedent, and (5) the totality of circumstances in the public interest.

²⁵ D.98-12-075 at 43.

Reporting Procedures:

AReM recommends that Commission Staff issue a report of violations at least twice per year, listing the LSEs who have been cited under the citation program. Appendix A, Section 2.11 states that Commission Staff should regularly report to the Commission a summary of actions taken pursuant to this Resolution, including a summary of the citations and penalties imposed, penalties paid and the disposition of any appeals. We decline to adopt further reporting procedures beyond those in Appendix A, Section 2.11.

FINDINGS OF FACT

1. The Commission has the ~~power~~authority to act as an enforcement agency and to ensure that penalties are promptly prosecuted and collected pursuant to Public Utilities Code Section 2101.
2. Public utilities are subject to Commission enforcement action and penalties pursuant to Public Utilities Code Sections 2102-2105, 2107, 2108 and 2114.
3. Under Public Utilities Code Section 394.25, electric service providers are subject to Commission enforcement action per Public Utilities Code Sections 2102-2105, 2107, 2108 and 2114 as if they were public utilities.
4. Community choice aggregators are subject to enforcement action under Public Utilities Code Section 2111.
5. Public Utilities Code Section 702 mandates every public utility to obey and comply with every Commission order, decision, direction, or rule.
6. Under California law, including Public Utilities Code Section 7, the Commission may delegate authority to its Staff to perform certain functions.
7. Resolution E-5080 established a citation program that delegated authority to Commission Staff to issue citations and levy fines on LSEs who failed to meet mandatory filing deadlines and reporting requirements for ~~individual~~Individual LSE IRPs.

8. Replacing the citation program established by Resolution E-5080 with a citation program that applies to all mandatory filing deadlines and reporting requirements in IRP Proceedings, is reasonable and will promote effective program implementation.
9. Delegation of authority to Commission Staff to issue citations and levy fines will encourage LSEs to comply with mandatory filing deadlines and reporting requirements in IRP Proceedings.
10. The Scheduled Penalties set forth in Appendix A are reasonable and will encourage compliance with mandatory filing deadlines and reporting requirements in IRP proceedings.
11. The proposed procedures for the IRP FCP ensure due process, fairness, and efficiency in the application of the citation program.

THEREFORE, IT IS ORDERED THAT:

1. Commission Resolution E-5080 is superseded and replaced in its entirety by the enactment of this Resolution.
2. The IRP FCP and the Scheduled Penalties for the Specified Violations as described in Appendix A, are hereby adopted.
3. Authority is delegated to Commission Staff to issue citations and levy Scheduled Penalties for the Specified Violations set forth in Appendix A to enforce compliance for LSEs subject to the Commission's oversight of integrated resource planning and procurement.
4. The issuance of a citation for a Specified Violation is not mandatory, and, in the alternative, the Commission may initiate any formal proceeding authorized by the California Constitution, the Public Utilities Code, other state and federal statutes, court decisions or decrees, the Commission's Rules of Practice and Procedure, or prior Commission orders, decisions, rules, directions, demands or requirements, and pursue any other remedy authorized by the California Constitution, the Public Utilities Code, other state or federal statutes, court decisions or decrees, or otherwise by law or in equity.

5. Nothing in this Resolution bars or affects the rights or remedies otherwise available to other persons or government agencies.
6. Resolution E-5246 is enacted.

This Resolution is effective today.

The foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on October 30, 2025; the following Commissioners voting favorably thereon:

Commissioner Signature blocks to be added
upon adoption of the resolution

Dated _____ October 30, 2025, at ~~<Voting meeting~~
~~location>~~, Sacramento, California

Appendix A

Appendix A

IRP FCP

1. Specified Violations and Scheduled Penalties

- 1.1. "Correction Notice" means a document issued by Commission Staff that enumerates instances of missing, incorrect, or incomplete information in a Filing and provides a deadline of at least ~~five~~seven calendar days for the LSE to correct the issue(s) identified.
- 1.2. "Filing" means a document that an LSE is required to file in the docket in an IRP Proceeding, including documents filed publicly and under seal.
- 1.3. "Filing Deadline" means a mandatory deadline for filing a document in an IRP Proceeding. This includes, but is not limited to, the deadline to file an ~~individual~~Individual LSE IRP or procurement-related compliance filing.
- 1.4. "Individual LSE IRP" means an LSE's Integrated Resource Plan.
- 1.4.1.5. "IRP" means Integrated Resource Planning.
- 1.5.1.6. "IRP Proceeding" means R.16-02-007, R.20-05-003, R.25-06-019 and any successor proceeding(s).
- 1.6.1.7. "LSE" means a load-serving entity.
- 1.7.1.8. "Reporting Requirement" means a requirement to report information set forth in a decision or ruling issued in an IRP Proceeding, or in templates developed by Commission Staff pursuant to such decisions or rulings. This includes, but is not limited to, the requirement to fully report any information included in a template developed by Commission Staff as part of an ~~individual~~Individual LSE IRP or procurement-related compliance filing, and the requirements to provide milestone documentation or long lead time resource operational characteristic materials. For purposes of this citation program, "Reporting Requirement" does not include a filing deadline.
- 1.8.1.9. "Specified Violation" means the failure to comply with (1) a Filing Deadline in an IRP Proceeding or (2) a Reporting Requirement in an IRP Proceeding.
- 1.9.1.10. "Scheduled Penalty" is the monetary fine imposed upon an LSE for a Specified Violation, as shown in Table 1.

2. Procedures for Citation Program

- 2.1. **Correction Notice.** If Commission Staff determines that a Filing made by an LSE does not comply with one or more Reporting Requirement(s), Commission Staff may issue a Correction Notice to the LSE. The Correction Notice will enumerate instances of missing, incorrect, or incomplete information in the Filing. The Correction Notice will provide the LSE with at least ~~five~~seven calendar days to correct the issue(s) identified. In some cases, Commission Staff may need to issue multiple Correction Notices per filing.
- 2.2. **Citations for Specified Violations.** After verifying that a Specified Violation defined in this Resolution has occurred, Commission Staff may issue a citation in accordance with this Resolution. The Specified Violations and the corresponding Scheduled Penalty that may be levied are described in this Appendix. Commission Staff may not issue a citation for Specified Violation 2²⁶ unless and until (1) Commission Staff has issued a Correction Notice for the Specified Violation, (2) the deadline identified in the Correction Notice has passed, and (3) the LSE fails to correct the Specified Violation by the deadline in the Correction Notice. Staff may issue a citation for Specified Violation 1²⁷ without first issuing a Correction Notice.
- 2.3. **Service of Citations.** Citations shall be sent by Commission Staff by first class mail or electronic mail (e-mail) to the Respondent at the address of the agent for service of process.
- 2.4. **Service of Correction Notice(s).** Correction Notice(s) shall be sent by Commission Staff by electronic mail (e-mail) to the LSE's designated primary contact person for IRP filings.
- 2.5. **Content of Citations.** Citations shall state the alleged violations, the evidence supporting the alleged violations, and the Scheduled Penalty. The citation must include a summary of the evidence, and Commission Staff shall make the evidence available for timely inspection upon request by the Respondent. Citations also shall include an explanation of how to file an appeal of the citation, including the explanation of a right to have a hearing, to have a representative at the hearing, and to request a transcript. Furthermore, citations must include the e-mail address that the LSE must notify if the LSE accepts the Scheduled Penalty.
- 2.6. **Response to Citation.** A Respondent may either: (1) accept the citation; or (2) appeal the citation in accordance with the procedures set forth in Resolution

²⁶ Specified Violation 2 means Section 1.6, item (2) of this Appendix.

²⁷ Specified Violation 1 means Section 1.6, item (1) of this Appendix.

ALJ-377 and/or other relevant authorities. Citations may be appealed on the grounds that a Specified Violation has not occurred, but the amounts of the Scheduled Penalties set forth in this Appendix are not subject to appeal. The Respondent may appeal on the basis that the penalty amount in the citation is inconsistent with the Scheduled Penalties in Table 1. The Scheduled Penalty in the citation shall not increase during the time period for the Respondent to either accept the citation or appeal the citation.

- 2.7. **Acceptance of Citation.** In the event the proposed citation is accepted, the Respondent should notify Commission Staff in writing by electronic mail (e-mail) to the e-mail address specified in the citation and should pay the Scheduled Penalty in full as set forth below within 30 days of the date of issuance of the citation.
- 2.8. **Appeal of Citation.** Resolution ALJ-377 sets forth the appeal process for all CPUC citation programs. Any appeal of a citation issued under this Resolution shall comply with the procedures set forth in Resolution ALJ-377 or any successor Resolutions setting forth the appeal process for all CPUC citation programs. To appeal for a citation, the Respondent must file a written Notice of Appeal with the Commission's Docket Office within thirty (30) days of the date that the citation is issued.
- 2.9. **Payment of Scheduled Penalties.** Payment of Scheduled Penalties shall be submitted to the Commission's Fiscal Office, 505 Van Ness Avenue, San Francisco, CA 94102, in the form of certified check, payable to the Public Utilities Commission for the credit of the State General Fund.
- 2.10. **Default.** If the Respondent: (a) notifies Commission Staff of acceptance of a Scheduled Penalty and fails to pay the full amount of the Scheduled Penalty within 30 days of the date of the written acceptance of the Scheduled Penalty; or (b) fails to notify Commission Staff of acceptance of a Scheduled Penalty or fails to file a written Notice of Appeal in the manner and time required, then the citation and proposed Scheduled Penalty indicated in the citation becomes final and the Respondent is in default. Upon default, any unpaid balance of a Scheduled Penalty should accrue interest at the legal rate of interest for judgments, and Commission Staff and the Commission may take any action provided by law to recover unpaid penalties and ensure compliance with applicable statutes and Commission orders, decisions, rules, directions, demands, or requirements.
- 2.11. **Reporting.** Commission Staff should regularly report to the Commission a summary of actions taken pursuant to this Resolution. The report should

include a summary of the citations and penalties imposed, penalties paid and the disposition of any appeals.

Table 1. Specified Violations and Scheduled Penalties

Specified Violation	Scheduled Penalty
1. Failure to comply with a Filing Deadline in an IRP Proceeding	\$1,000 per Filing, plus \$500 per day for the first ten days the Filing was late and \$1,000 for each day thereafter, until the violation is corrected.
2. Failure to comply with a Reporting Requirement in an IRP Proceeding ²⁸	\$1,000 per <u>Filing with at least one</u> instance of incomplete, incorrect or missing information, plus \$500 per day for the first ten days after the deadline specified in the Correction Notice and \$1,000 for each day thereafter, until the violation is corrected ²⁹³⁰³¹³²

²⁸ As described in Section 2.2 of this Appendix, Commission Staff may not issue a citation for Specified Violations 2 unless and until (1) Commission Staff has issued a Correction Notice for the Specified Violation, (2) the deadline identified in the Correction Notice has passed, and (3) the LSE fails to correct the Specified Violation by the deadline in the Correction Notice.

~~²⁹If Commission Staff issues multiple Correction Notices relating to the same instance of incomplete, incorrect, or missing information, penalties will begin after the deadline in the first Correction Notice.~~

³²If Commission Staff issues multiple Correction Notices relating to the same instance of incomplete, incorrect, or missing information, penalties will begin after the deadline in the first Correction Notice.