DOCKETED	
Docket Number:	26-OIR-04
Project Title:	Emergency Rulemaking Amending the Opt-In Regulations
TN #:	273504
Document Title:	Diane Dutton-Jones Comments - Rulemaking Amendments - Not an Emergency
Description:	N/A
Filer:	System
Organization:	Diane Dutton-Jones
Submitter Role:	Public
Submission Date:	11/10/2026 4:34:42 PM
Docketed Date:	11/10/2026

Comment Received From: Diane Dutton-Jones
Submitted On: 11/10/2026
Docket Number: 26-OIR-04

Rulemaking Amendments - Not an Emergency

Comments regarding the Emergency Rulemaking Amending the Opt-In Regulations
Docket Number: 26-OIR-04

To the CEC Staff,

First, I want the CEC to establish why each substantive amendment is appropriate for emergency adoption rather than treating the entire regulatory package as equally urgent.

According to Public Resource Code, section 25545.12, the CECâ€™s rule-making as an emergency does not qualify. The harm would be to the publicâ€™s time and opportunity to meaningfully engage in public input. The public has relied upon current regulations for over a year, and now it is an emergency? There is a regular rule- making process that is designed so the public has an engaged review process.

The CEC has recognized that rules and regulations need to evolve, but the Emergency Rulemaking amendments are combining too many important items that need to be separated from each other for different levels of review, transparency, time for public input, with sufficient time to evaluate their legal and practical consequences.

I request a bifurcation of issues into two separate tracks: one relating to compliance with SB 254 and SB 283 and secondly, the discretionary changes that have been proposed by staff.
The first track should address narrowly defined, time-sensitive requirements necessary to implement applicable legislation and protect public safety. The second should address substantive procedural changes affecting property rights, local government authority, application review, public participation, and project certification.
The proposed amendments combine provisions addressing battery fire safety with provisions that may substantially change the rights and responsibilities of applicants, property owners, public agencies, and affected communities.

Emergency rulemaking should not be used to avoid meaningful public examination of substantive changes that are not necessary to address an immediate emergency.

Thank you,
Diane Dutton-Jones