

DOCKETED	
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Document Title:	Steve Uhler Comments - OIR-2021-03 MIDAS guidelines
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*Comment Received From: Steve Uhler
Submitted On: 12/27/2022
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OIR-2021-03 MIDAS guidelines

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Please provide the express exemption for the Market Informed Demand Automation Server (MIDAS) Documentation from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (APA). See attached MIDAS documentation.

Steve Uhler
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Additional submitted attachment is included below.

OIR-2021-03 MIDAS guidelines

Please provide the express exemption for the Market Informed Demand Automation Server (MIDAS) Documentation from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (APA). See attached MIDAS documentation.

Attached are examples of guidelines pursuant to 399.25. PUC-ARTICLE 16. California Renewables Portfolio Standard Program 399.11-399.33.

The exemption from the APA is pursuant to 25747. (a) PRC-CHAPTER 8.6. Renewable Energy Resources Program 25740-25751, The commission shall adopt guidelines governing the funding programs authorized under this chapter, at a publicly noticed meeting offering all interested parties an opportunity to comment. Substantive changes to the guidelines shall not be adopted without at least 10 days' written notice to the public. The public notice of meetings required by this subdivision shall not be less than 30 days. Notwithstanding any other law, any guidelines adopted pursuant to this chapter or Section 399.25 of the Public Utilities Code, shall be exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The Legislature declares that the changes made to this subdivision by the act amending this section during the 2002 portion of the 2001-02 Regular Session are declaratory of, and not a change in, existing law.

Perhaps staff have overlooked the exemption requirement when responding MIDAS is not a regulation in the attached bootleg responses to comments. The responses to comments are bootlegs because staff have submitted these documents to the Office of Administrative Law (OAL) claiming they are in the record for the proceeding, yet did not file the documents in the docket for the proceeding pursuant to 20 CCR 1208 to be deemed a record for the proceeding. Staff did not make the responses to comments available to the public as a record for the proceeding. The OAL provided the responses to comments per my request. Staff did not comply with my request.

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