

DOCKETED

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There may be good cause for staff's proposed amendments to sections 1102, 1105, and 1221 of Title 20 California Code of Regulations (Register 83, No. 3), that have been in use for forty years.

Perhaps staff have overlooked the lack of clearly written procedures and check lists, when proposing to amend these regulations? See attached email file for my unfulfilled request for procedures.

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Additional submitted attachment is included below.

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Section 1102 as previously adopted can provide the same result as proposed amendments, while providing the reason for the good cause claimed.

Section 1105 as previously adopted can be more efficient than the proposed amendments. Waiting more than sixty days for the transcript to be finalized is not efficient, when the minutes could be produced in real-time and action to approve the minutes may done at the same meeting where the minutes are a record. Currently the minutes are constructed from the agenda after the meeting. By constructing the agenda with a ballot for each item where action may be taken, perhaps the Public Adviser could fill in the ballot in real-time, adding notes as necessary.

Section 1221 should utilize staff to grant or deny in whole or in part all rulemaking petitions in thirty days. The commission would consider any request for reconsideration. I have attached proposed language for section 1221. The language makes use of other sections to ensure a efficient process.

Changing the rules to fit the current capability may feel like a good way to address current capacity shortfalls. Perhaps the reasons for the shortfalls are inadequate written procedures for staff to follow.

The procedures followed in rulemaking should be in writing, allowing better rulemaking petitions and ensuring new commission staff aware of all aspects of a rulemaking proceeding and meetings. The Energy Commission adopts and publishes regulations in multiple ways. One way is by following CHAPTER 3.5. Administrative Regulations and Rulemaking [11340 - 11361] of the Government Code. A second way is a method exempt for CHAPTER 3.5. A third way is a combination of the two. The second and third way are not clearly written. This makes it difficult for the public to clearly and concisely write a petition for rulemaking. Perhaps this is why staff find some rulemaking petitions unclear and not concise.

Please consider having a rulemaking workshop as spoke of in the notice of proposed action, to ensure no errors, and all aspects of meetings and rulemakings are considered and proper rules are written.

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