

## DOCKETED

<b>Docket Number:</b>	14-OII-01
<b>Project Title:</b>	2014 Updates: Title 20 Commission Process and Procedure Regulations
<b>TN #:</b>	203596
<b>Document Title:</b>	Pacific Gas & Electric Comments on Title 20
<b>Description:</b>	Revised Updates to CEC's Process and Regulations
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<b>Organization:</b>	Pacific Gas and Electric Company
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January 30, 2015

**VIA E-MAIL**  
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California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 14-OII-01  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: California Code of Regulations Title 20: Comments of Pacific Gas and Electric Company on Revised Updates to the California Energy Commission's Process and Procedure Regulations

Pacific Gas and Electric Company ("PG&E") appreciates the opportunity to provide comments on the California Energy Commission's ("CEC") Revised Updates to the Commission's Process and Procedure Regulations from the California Code of Regulations Title 20. PG&E supports the adoption of these modifications to incorporate the "lessons learned" as a result of the siting of several renewable power plants in 2010. Overall, PG&E has no concerns with the proposed modifications set forth in the siting portion of the regulation.

PG&E is also supportive of the added flexibility provided to the executive director where an investigation may be requested. In particular, Section 1232 allows the executive director to take action that could be adverse to the party who is the subject of the request for investigation. These actions could include:

- (3) conducting further investigation;
- (4) sending a warning or cease and desist letter to the violator;
- (5) proposing a settlement with a violator;
- (6) referring the matter to the Attorney General's office;
- (7) referring the matter to another federal, state or local agency with jurisdiction over the violation;
- (8) correcting or modifying prior staff action; or
- (9) taking other appropriate action, including rejecting the request for being incomplete.

However, Section 1232.5 only allows the person who requested the investigation to appeal an adverse action taken by the executive director to the full commission. This due process protection should be extended to the party who is the subject of the request for investigation as well. Therefore, PG&E proposes the following addition to Staff's proposed Section 1232.5.

**§ 1232.5 Request for Investigation; Appeal**

- (a) If the executive director dismisses a request for lack of jurisdiction or insufficient evidence, the requester may appeal the dismissal to the Chair within 15 days of the date of the executive director's response. The appeal must be in writing, filed in accordance with section 1208, and state the basis for challenging the executive director's dismissal.
- (b) **If the executive director does not dismiss a request for lack of jurisdiction or insufficient evidence and takes action pursuant to section 1232, the party subject to the Commission jurisdiction that was the subject of the request for investigation may appeal the executive director's action to the Chair within 15 days of the date of the executive director's response. The appeal must be in writing, filed in accordance with section 1208, and state the basis for challenging the executive director's actions pursuant to section 1232.**
- (c) The Chair, within 45 days of the filing of the appeal, shall issue a written order sustaining the determination, modifying it, overturning it, or referring the matter to a committee or full commission for further evaluation.

With the inclusion of this added provision, PG&E fully supports adoption of the proposed Title 20 updates.

Sincerely,

/s/

Valerie J. Winn