

DOCKETED

Docket Number:	19-BUSMTG-02
Project Title:	Public Comment on California Energy Commission Business Meetings
TN #:	227766
Document Title:	Steve Uhler Comments frustrating the public's right to comment
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Comment Received From: Steve Uhler
Submitted On: 4/19/2019
Docket Number: 19-BUSMTG-02

frustrating the public's right to comment

Additional submitted attachment is included below.

Subject: Re: Petition for Rulemaking Follow up

From: Steve Uhler <sau@wwmpd.com>

Date: 2019-04-19, 08:08

To: "Mathews, Alana@Energy" <Alana.Mathews@energy.ca.gov>

CC: Secretariat@energy.ca.gov, Energy - Public Adviser's Office <PublicAdviser@energy.ca.gov>, Energy - Docket Optical System <docket@energy.ca.gov>, Kourtney.Vaccaro@energy.ca.gov, Drew.Bohan@energy.ca.gov

Good morning Ms. Mathews,

Seriously, your replies are vague and continue to frustrate the public's right to comment.

Within the commission the **adviser shall present recommendations to** and requests for documents from line divisions of **the commission only through the executive director or the division chiefs** per 20 CCR § 2555 (a).

Perhaps you and the Energy Commission's Chief Counsel (General Counsel?) have overlooked 20 CCR § 1208.1 (f)?

The executive director may, after consultation with the public adviser, add to, eliminate, or modify any of the protocols in subdivisions (b), (c), (d) and (e) of 20 CCR § 1208.1.

Please clarify, "**With regard to your second inquiry**, it presents as a public records act request. Accordingly, I am forwarding your inquiry to Energy Commission attorney Jared Babula who handles those requests."

What **area of law do you** and the Energy Commission's Chief Counsel (General Counsel?) **specialize in?**

Perhaps a **supervising attorney** that **specializes in administrative law should be hired** by the Energy Commission?

take care,

Steve Uhler

On 2019-04-18 12:35, Mathews, Alana@Energy wrote:

Good Afternoon Mr. Uhler,

I apologize if this is a duplicate message. I experienced some challenges with my computer abruptly shutting down and have been unable to confirm if my earlier message was sent to you.

In response to your last email, I need to first clarify that I, as the Public Adviser, did not open a docket. I provided

a memorandum requesting a docket be opened in accordance with my duties under 20 CCR § § 2553, 2555, and 2557. In response to my request, the Docket Unit, which is supervised by the Energy Commission's Chief Counsel opened the docket to ensure that you and other members of the public are able to file comments directed toward Commission business meetings.

With regard to your second inquiry, it presents as a public records act request. Accordingly, I am forwarding your inquiry to Energy Commission attorney Jared Babula who handles those requests.

Lastly, please be assured that public comment is valued and welcomed at the Energy Commission. I, and members of my office, provide procedural guidance to assist the public in making submissions consistent with Commission regulations – especially where the submissions appear to serve as petitions for matters such as initiation of rulemaking proceedings. This guidance is in no way intended to interfere with your or anyone's right to submit public comments; rather, it is intended to facilitate engagement with the Commission. Thank you for your continued interest in Energy Commission proceedings and California's clean energy future.

Sincerely,

Alana Mathews

From: Steve Uhler <sau@wwmpd.com>

Sent: Tuesday, April 16, 2019 9:51 PM

To: Mathews, Alana@Energy <Alana.Mathews@energy.ca.gov>

Cc: Energy - Secretariat <Secretariat@energy.ca.gov>; Energy - Public Adviser's Office <PublicAdviser@energy.ca.gov>; Energy - Docket Optical System <docket@energy.ca.gov>

Subject: Re: Petition for Rulemaking Follow up

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Thanks Ms. Mathews,

Perhaps you don't support that the right to petition government for redress of grievances is the right to make a complaint to, or seek the assistance of, one's government, through public comment at the meetings of the Energy Commission's legislative bodies, and is ensured by 20 CCR § 1202 (b) and the First Amendment to the United States Constitution?

Please review 20 CCR § 1202 (b). Right of Any Person to Comment.

Don't forget to provide me with the regulations and reasons for adopting said regulations, that allow the public adviser to open a docket notwithstanding any other regulations or law.

Where is the proceeding's main page that describes the purpose of the proceeding (like does https://www.energy.ca.gov/power_source_disclosure/) that lists the 19-BUSMTG-02 docket?

take care,

Steve Uhler

sau@wwmpd.com

On 2019-04-16 18:03, Mathews, Alana@Energy wrote:

Good Afternoon Mr. Uhler,

I am sending this email to follow up on my phone call to you earlier today. During that conversation I informed you that I received a document titled "Petition requesting a rulemaking hearings implementing PUC 399.30 (c)(4)" which you submitted to Docket Number 19-BUSMTG-02. I explained that this docket is a docket for business meeting public comment and not the appropriate mechanism for filing your petition with the Executive Director. I then provided you with the following options to resubmit your petition : 1) email your petition to the Executive Director, 2) mail your petition to the Executive Director. You indicated that you were not interested in exercising either option because you felt you had already done what the regulations required of you. In an effort to understand what you meant, I then asked why you docketed your petition for a rulemaking in the Business Meeting Public Comment docket instead of emailing or mailing it directly to the Executive Director since CCR Title 20 Sec. 1221 requires "such a petition shall be filed with the Executive Director". You explained that you referred to CCR Title 20 Sec. 1208(a) which states, "All documents submitted in any proceeding, shall be filed with the Docket Unit" and you could find no regulation that directed you to email or mail your petition to the Executive Director. Understanding your rationale, and also wanting to ensure that the Executive Director received your petition in a timely manner, I offered to deliver your petition and you indicated that is what you would like to see happen. This email is to confirm that I did deliver your petition the Executive Director's Office today. Although he was out of the office, the Chief Deputy Director accepted the document on his behalf.

Sincerely,

Alana Mathews
Public Adviser
California Energy Commission
916-654-4489