

**DOCKETED**

<b>Docket Number:</b>	19-BUSMTG-02
<b>Project Title:</b>	Public Comment on California Energy Commission Business Meetings
<b>TN #:</b>	228992
<b>Document Title:</b>	Order Denying the Petition for Rulemaking Hearing
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

*IN THE MATTER OF:*

**STEVE UHLER**

**PETITION FOR RULEMAKING  
HEARING**

**Docket No. 19-BUSMTG-02**

**ORDER DENYING THE PETITION  
FOR RULEMAKING HEARING**

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On June 12, 2019, Mr. Steve Uhler (Petitioner) filed a petition with the Executive Director of the California Energy Commission (Energy Commission) requesting that the Energy Commission initiate a rulemaking hearing to amend California Code of Regulations, title 20, section 1208, to allow a member of the public to open a docket to receive filed documents.

The Executive Director deemed this petition complete on June 18, 2019.

Staff recommends denying the petition because it is not necessary to amend the regulations to provide the public with authority to create a docket. Creation of a docket is an agency function. In addition, the Energy Commission's current regulations and practice ensure a document filing and docketing process that allows the public to submit documents in all types of proceedings and to petition the Energy Commission. Finally, the Public Adviser is available to assist the public.

On July 15, 2019, the Commission held a hearing to consider the petition.

**II. FINDINGS**

Based on the record, the Commission finds that:

- 1) Public Resources Code section 25218 empowers the Commission to adopt any rule

or regulation, or take any action it deems reasonable and necessary to carry out its statutory duty. Thus, the Commission has the authority to initiate a rulemaking, as requested in the petition.

2) The creation of a docket is properly the function of the Energy Commission Staff and not the public. Staff typically creates a docket in advance of any public filings into that docket. If members of the public were permitted to create a docket each time they filed a document with the Energy Commission, confusion would result within proceedings regarding the correct docket and Energy Commission documents would become disorganized. The provisions of section 1208 and 1208.1 provide clear directions to the public on the methods of filing documents in existing proceedings, which includes e-filing, emailing, and standard mail.

3) A docket is not necessary for the public to submit documents or comments to the Energy Commission when there is no proceeding. Generally, when a member of the public is initiating a petition or request for Energy Commission action, the member of the public is directed by the Energy Commission's regulations to submit that filing to the Executive Director.

4) The Public Adviser is available to assist the public in submitting documents and participating in proceedings.

5) Amendments to the procedures set forth in sections 1208 and 1208.1 are not necessary. The current process for filing documents with the Energy Commission and the supporting regulatory language do not present any issues or barriers that impact the ability for the public to submit documents to the Energy Commission or otherwise participate in proceedings.

### **III. CONCLUSION AND ORDER**

For the reasons stated above, the Petition is hereby DENIED.

**IT IS SO ORDERED.**

### **CERTIFICATION**

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on July 15, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

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Cody Goldthrite  
Secretariat