

DOCKETED

Docket Number:	23-BUSMTG-01
Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
TN #:	248988
Document Title:	Presentation - Item 5 - Petition to Request a Rulemaking Hearing
Description:	February 28, 2023, Business Meeting Presentation for Item 5
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Item 5: Petition to Request a Rulemaking

February 28, 2023 Business Meeting

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Chief Counsel's Office



Authority

Any interested person may petition to amend an agency regulation. (Government Code section 11340.6.)

The Energy Commission's petition procedure:

1. 1/29/23: Uhler filed Petition to Amend
2. 2/14/23: Executive Director certified it is complete
3. 2/28/23: Energy Commission will consider granting or denying the Petition, including if applicable, a written statement for the reason for any denial



Current Section 1104(e)

Section 1104(e) currently states:

- Public Comments. Any person may file comments in writing on any agenda item.
- Unless otherwise directed by the presiding member, all written comments shall be filed at least three days before the commission meeting.
- Any person present shall be given an opportunity to make oral comments on any agenda item; provided however, that the presiding member may limit or preclude such comments as necessary for the orderly conduct of business.



Petition

The Petition requests to amend section 1104(e) by adding two requirements:

1. That documents for business meetings be filed in a docket concurrently with posting the business meeting agenda.
2. That the Energy Commission give members of the public an opportunity to comment on every agenda item before or during the Energy Commission's discussion or consideration of the item.



Proposed Order

No amendment to section 1104(e) is necessary.

- The Energy Commission's current procedures conform to legal requirements.
- Agendas are filed 10 days before business meetings.
- Agendas provide the public with adequate notice to allow for timely comment.
- The law does not require all materials for a business meeting to be filed concurrently with the agenda.
- The Energy Commission will provide an opportunity for public comment on all agenda items before it hears and discusses them.



Recommendation

- Recommend adopting the proposed order
- Filed as backup materials for this item
 - Thereby denying the Petition as unnecessary.