

DOCKETED

Docket Number:	23-BUSMTG-01
Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
TN #:	249101
Document Title:	Presentation - Item 4 Petition to Request Rulemaking
Description:	March 14, 2023 Business Meeting Presentation for Item 4
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Item 4: Petition to Request a Rulemaking Hearing

March 14, 2023 Business Meeting

Josephine Crosby, Attorney
Chief Counsel's Office



Authority

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

Procedural history of Petition filed by Steve Uhler:

1. 3/1/23: Uhler filed Petition for Rulemaking requesting:
 1. Repeal of CCR, title 20, section 1201(f)
 2. Amendment of CCR, title 20, section 1208(a)
2. 3/3/23: Executive Director certified Petition as complete
3. 3/14/23: Energy Commission will consider granting or denying the Petition, including if applicable, a written statement for the reason for any denial



Current Section 1201(f)

Section 1201(f) currently states:

- "Docket Unit" means the office of the Commission that receives, distributes, serves and stores all filed documents.



Current Section 1208(a)

Section 1208(a) currently states:

- All documents submitted in any proceeding, whether by a party, committee, the commission, or any other individual or entity, shall be filed with the Docket Unit. Filing is complete when a document has been accepted by docket staff or by the commission's automated electronic filing or commenting system. Documents that are not filed will not be deemed part of the proceeding's record.



Petition

The Petition requests to repeal section 1201(f) and amend section 1208(a) to read:

- All documents submitted in any proceeding, whether by a party, committee, the commission, or any other individual or entity, shall be filed with the Docket Unit. Filing is complete when a document has been accepted by docket staff or by the commission's automated electronic filing or commenting system. Documents that are not filed, or submitted to the Chief Counsel Office, will not be deemed part of the proceeding's record.



Proposed Order

The proposed amendments to section 1201(f) and 1208(a) are not necessary.

- The Energy Commission's current procedures conform to legal requirements.
- The CEC staff uses the Docket Unit as a central location to keep records for its proceedings.
- Nothing requires the CEC to submit documents that are not part of a proceeding's formal record to the Docket Unit.



Recommendation

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