

*Comment Received From: Steve Uhler
Submitted On: 2/29/2024
Docket Number: 23-OIR-03*

OIR-2023-03 Reply to CEC response to comments

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Please file the CEC replies to U 7, U 8, U 9, U 10 that are missing in the attached TN254713 that claims "Steve Uhler (U) U 1-10 / February 16, 2024." responses.

Steve Uhler
sau@wwmpd.com

Additional submitted attachment is included below.

OIR-2023-03 Reply to CEC response to comments

COMMENT NO. U 1: The commenter states that he did not receive notice of this rulemaking and suggests that the CEC overlooked the notice requirement.

CEC RESPONSE: The notice provided by the CEC satisfied Government Code section 11346.1(a)(2). In addition to sending the NOPA on February 7, 2024, to all individuals who have expressed interest in this matter by signing up for the relevant subscription topics (Rulemaking on Procedural Changes, General Transportation and Petroleum, SB X1-2 Implementation), notice of consideration of the matter at the February 14, 2024, business meeting was sent on February 2, 2024, to everyone interested in general CEC proceedings and the CEC published the NOPA on February 7, 2024 as backup materials for the February 14, 2024, business meeting. Through these varied distribution channels, the CEC has ensured that everyone interested in CEC rulemakings on this subject received timely notice five working days before the CEC submitted the regulations to OAL on February 15, 2024.

Steve Uhler's reply:

Perhaps the CEC overlooked the sending notices to subscribers of the subscription topic "Initial Rulemaking Interest (Announcing Newly Established Rulemaking)"?

COMMENT NO. U 5: The commenter requests that the CEC file the Form 400 for this rulemaking in Docket No. 23-OIR-03 and include any delegations pursuant to 1 CCR 101.

CEC RESPONSE: The Form 400 is not a substantive part of the rulemaking package. However, the CEC intends to post the final rulemaking package in Docket No. 23-OIR-03 once it is approved by OAL, including the certified Form 400.

Steve Uhler's reply:

Perhaps the CEC has overlooked pursuant to Section 55. OAL Review of Public Comments. (d) Any person who submits comments concerning emergency regulations to OAL shall simultaneously transmit a complete copy of the comments to the rulemaking agency's contact person for the emergency regulation filing as designated by the rulemaking agency on the Form 400. With no opportunity for the public to access the Form 400, there is no way to ensure the NOPA is correct, if received. This is important when the CEC does not send notices to subscribers of the subscription topic "Initial Rulemaking Interest (Announcing Newly Established Rulemaking)".

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