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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2017. (U39M)	Application 15-09-001 (Filed September 1, 2015)

APPLICATION FOR REHEARING OF DECISION D.18-12-009 WITH REQUEST FOR ORAL ARGUMENT

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In Proper Person and as Attorney for
COLLABORATIVE APPROACHES TO
UTILITY SAFETY ENFORCEMNT

January 14, 2019

TABLE OF CONTENTS

ARGUMENT

I. CAUSE MADE A SUBSTANTIAL CONTRIBUTION TO SAFETY AND TO THE SETTLEMENT PROCESS AND SHOULD BE COMPENSATED FOR BURDENS IMPOSED BY THE ALJ.

More than three years ago, a small number of ratepayers organized Collaborative Approaches to Utility Safety Enforcement ("CAUSE") because no one else was advocating for safety in CPUC rate cases.[1] CAUSE achieved all that it reasonably could have, given that the Commission approved a settlement without a hearing on the merits. PG&E and every intervenor unanimously submitted comments confirming that CAUSE had made a substantial contribution to safety and to the settlement process – conclusions that the ALJ summarily ignored. Dr. Rafferty should be granted an award that fully reflects its contribution to safety and to settlement, and includes compensation for time necessarily spent responding to improper burdens imposed by the ALJ. CAUSE should be granted the rebuttable presumption of eligibility for compensation in cases for one year from the date on which the Commission adopts this decision.

PG&E might not be in the same crisis today had the ALJ accorded due process to the Commission's only advocate for safety. PG&E embraced the reforms CAUSE proposed. They were adopted in the settlement, which also granted CAUSE continued

[1] CAUSE filed testimony in the PG&E rate case and, at the request of the internal acting Safety Advocate established by SB 62, in the SCE rate case. The Safety Advocate was reassigned, and her successor has provided no testimony in either case.

access to safety results.

> PGE Exh. 21: PG&E is generally aligned with CAUSE… PG&E agrees with CAUSE's assertion that safety requires a continuous and collaborative approach to identifying and mitigating hazards. Such an approach is particularly important for our front line employees who encounter safety issues on a daily basis… PG&E generally agrees with CAUSE's "bubble up" philosophy. But these activities, to be done well, require a large cultural shift for our employees that we know will take time to implement and years to take root.

But ALJ Roscow destroyed CAUSE, effectively vitiating the continuing collaboration that the settlement expressly provided. CAUSE would have pushed the pace of change. We now know that PG&E did not, as it assumed at the time, have "years" to change its safety culture.

CAUSE succeeded despite willful violations of due process – the ALJ and docket office arbitrarily "queued" or rejected filings, alleging format incompatibility. Public records, only produced a year after their existence was denied, show that they knew these allegations were false and their exclusions arbitrary. Other filings were stricken expressly because they related to safety.[2] Before the North Bay fires, CAUSE called upon the Commission to repeal its absurd ban on undergrounding hazardous overhead conduit anywhere in Napa County for 75 years – and to make safety the primary factor

[2] He wrote that he only authorized comments on a proposed operational audit of the hyper-politicized distribution of funds earmarked for undergrounding. The "credit" system so fragments funds for undergrounding projects that even the jurisdictions that win the de facto lottery are victimized by long delays and spectacular cost overruns.

for allocating these limited funds. Ignoring SB 62, the ALJ ruled that references to safety were simply beyond the scope of the "operational" review of undergrounding that he initiated in the middle of the rate case.

These arbitrary actions were pretexts to rationalize the statutory violation that irreversibly crippled CAUSE's ability to present its best case. CAUSE relied upon the statutory commitment that CPUC determine its eligibility for possible fee awards within 30 days. Pending confirmation of its eligibility, CAUSE organized as an unincorporated association, following well-established precedents. But for CPUC's violation of its statutory commitment, CAUSE would have incorporated and been capitalized as a safety advocacy group, and would have presented multiple witnesses. The ALJ irreversibly prejudiced CAUSE by failing to act within 30 days. CAUSE had already recruited world-class experts, but the unlawful delay forced CAUSE to disclose to them that its ability to provide compensation, even on a deferred and contingent basis, was now uncertain.

The ALJ rationalized his violation by imposing unprecedented burdens on CAUSE, holding its eligibility in suspense for ten months. In addition to the rejected and interminably "queued" documents, the ALJ further attempted to rationalize his violation of the statutory deadline by imposing unconstitutional burdens on CAUSE and the residential ratepayers who formed it. Ultimately, he demanded the home address of every member, including a 100-year old who rebuilt her home after the

Oakland firestorm and an individual who obtained a civil harassment order after he received a threat to bomb his home. In reliance on Commission precedent, CAUSE had assured its members that they would not be interrogated by the Commission and that their home addresses would be protected. The First Amendment protects the membership lists of advocacy organizations, and the Corporation Code prohibits an unincorporated association from revising this commitment without unanimous consent. While not refusing to comply, and offering to seek consent from its members, CAUSE sought reconsideration, questioning whether the Commission could avoid public disclosure once a decision-maker had learned the identities of members.[3]

After 10 months of delay, the ALJ communicated by email that he intended to grant CAUSE eligibility, and then confirmed that he had prepared the order doing so.

> From: Roscow, Stephen C. Date: 28 October 2016 at 13:45 "I've reviewed your documents and approved them, so your Amended NOI has been accepted. That completes this long procedural journey, so thank you again for your patience."

But another four months later, one day before the proposed decision on the merits, he denied CAUSE eligibility for having sought reconsideration regarding disclosure of its members' addresses. The ALJ, who is not an attorney, dismissed the constitutional issue, even while CAUSE was permitted to intervene in the SCE rate case upon presentation of a single, redacted bill.

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[3] Applicant incorporates April 5, 2017 "Motion of CAUSE to be Relieved of Obligations Imposed by Ruling Denying Eligibility for Intervenor Compensation and to be Found Eligible".

It is not due process to queue documents indefinitely – even if they are restored long after the period for other parties to respond has lapsed. You cannot turn back the clock. On the eve of proposing his decision on the merits, the ALJ decided he needed to criticize a filing by CAUSE that he had previously rejected. He had it placed in the docket with a retroactive date stamp, and without notice to CAUSE. This is a deception of the Commissioners and of the public.

Despite these obstacles, CAUSE enjoyed complete success – achieving everything it could reasonably achieve in a case that settled without an evidentiary hearing. PG&E embraced a management system using the on-site knowledge of line employees to improve mitigation of safety risks, particularly the identification of which electric conduit and facilities need to be hardened or buried to prevent wildfires and to maintain the power necessary to evacuate residents, pump water, and contain catastrophic fires. Every party recognized that this was a substantial contribution to safety, in which PG&E envisioned continuing assistance by CAUSE. CAUSE also made substantial contributions to the evaluation and drafting of the settlement. PG&E also committed to use safety standards developed by voluntary consensus organizations, like ISO.[4] PG&E and every intervenor filed comments recognizing these contributions.

[4] The ALJ arbitrarily dismisses this accomplishment, claiming that the standards are "voluntary," but the only thing that is voluntary about ISO standards is membership in the organizations that develop them. They are routinely incorporated in binding contracts and regulations.

The proposed decision, adopted without change, ignores these comments and denies contribution in either area. After the ALJ disqualified CAUSE, Commission staff proposed that its founder and witness seek compensation on his own behalf instead.

CAUSE forewent judicial review, and Dr. Rafferty claimed in its stead, only because the Chief Administrative Law Judge apologized for the ALJ's negative comments on his reputation and promised to reassign the ALJ, so that he would not be involved in determining the fee. But the Chief ALJ was reassigned instead, and the disqualified ALJ proposed to disallow 95% of Dr. Rafferty's personal claim. He also proposed, for the first time in the history of the Commission, to lower an attorney's established hourly rate. He converted the act of awarding a intervenor compensation, traditionally classified as legislative ratesetting, into a de facto adjudication, in which he excused his unlawful delay of CAUSE's application by accusing CAUSE and Dr. Rafferty of disregarding filing formats and other Commission rules. His decision went on to misrepresent even more basic facts, such as falsely stating that Dr. Rafferty, who has been an attorney for 38 years and appeared before 13 state regulatory commissions, had less than 12 years experience. It has been 15 years since the staff nominated Dr. Rafferty to be the Commission's general counsel[5], and 13 years since the Commissioners unanimously established his hourly rate.

[5] Each Commissioner interviewed him, but the incoming president reopened the search.

The Commission adopted the entire proposed decision (apparently verbatim), including its many aspersions and misstatements that might, outside the privilege of a Commission decision, appear defamatory. Without a due process hearing, the Commission should not have adopted baseless allegations about violating Commission Rules, or reduced an established hourly rate, or claimed that an attorney who has committed much of his life and career to protecting ratepayer has less than 13 years of experience. This is, in substance, an adjudication. The effect, if not the intent, of these inaccuracies is to make it unattractive for clients to hire Dr. Rafferty to appear before this Commission, despite his successful career of arguing and testifying before utility commissions. This should not have occurred without a formal evidentiary hearing to permit testimony and an opportunity to introduce documentary records, including a basis for judicial review of the exclusions from the docket. At a minimum, the Commission should allow oral argument.

II. CAUSE WOULD HAVE SOUGHT JUDICIAL REVIEW OR INVOKED SB 215 BUT FOR THE CHIEF ALJ's COMMITMENT TO REASSIGN THE MERITS ALJ FROM THE PROPOSED DECISION ON FEES.

At the suggestion of the Senate Energy Committee, CAUSE and Dr. Rafferty asked State Senator Steven Glazer to intervene on their behalf. In a departure from the separation of functions that is a norm of administrative due process, the adjudicatory official with supervisory authority– the Chief ALJ – rotated to serve as the liaison to the Legislature. At the time, I was concerned when told that the videoconference, which

included an employee in Sacramento, would be recorded. Surprisingly, however, he began the videoconferenced meeting by apologizing for the ALJ's attacks on Dr. Rafferty's reputation and by promising that he would be reassigned so he would have no involvement with the fee determination. But the Commission's internal revolving door reassigned the Chief ALJ instead; he became chief counsel to the Commission's internal Ratepayer Advocate. Commission staff mocked the public records act by taking four months to claim that no videotape had been retained. Dr. Rafferty asked the Chief ALJ to confirm this account, but he has not responded.

During the conference, Dr. Rafferty explained that he was reluctant to file in his personal capacity for three reasons: (1) The personal application did not provide CAUSE with the rebuttable presumption it required to continue as a safety advocate before this Commission. (2) He did not wish to entrust private financial records to the particular ALJ, and they were not relevant to the traditional showing of need made by an association. (3) It exposed Dr. Rafferty to personal criticisms, which could be invoked to justify reducing the award to a acceptable level. In this case, the damage to his reputation might exceed the value of the award. That was assuming a $200,000 award, not a $33,000 award.

But for the assurance that the merits ALJ would be reassigned, CAUSE would have sought immediate rehearing and judicial review, and Dr. Rafferty would not have attempted to recover for time that was spent advocating for CAUSE, not himself.

III. THE NOVEMBER 13, 2018 RULING DISRESPECTS ACCOUNTABILITY TO THE LEGISLATURE AND DOES NOT CURE THE DUE PROCESS VIOLATIONS.

When the Commission held this item from its November 13, 2018 meeting, Dr. Rafferty asked Senator Glazer to determine what was happening and expected the Commission to respond to the Legislature's inquiry. Because there is very little prospect that he can ever be compensated for further work, Dr. Rafferty is not in a position to monitor Commission dockets indefinitely, and did not see that the ALJ issued a ruling that day. The ruling was not sent directly to him individually, and did not come to his attention in time to comply. It allows CAUSE to refile a small portion of materials that had been improperly excluded from the record.

As a general matter, the Commission's failure to maintain documents submitted during the course of the proceeding (including documentation sufficient to allow the court to assess the bases for delays or exclusions[6]) cannot be cured retroactively. The proceeding moves on to the prejudice of the party whose documents are improperly rejected. You cannot turn back the clock by demanding resubmission a year after the case is over.

Regarding these so-called "non-record" emails, including those that document

[6] such as the alleged untimeliness of the petition to rehear the merits, which was being processed on the Commission server at 5:00:00PM on the due date.

the ALJ's knowledge that the docket office's exclusions were improper, they were illegal withheld under the public records act when first sought in 2017. CAUSE could not even attempt to file them, because it did not have them when they really mattered. The period for public comment had long since lapsed, as had the attentions of CAUSE's membership and allies.

IV. CAUSE INCORPORATES THE ATTACHED SUMMARY AND PRIOR SUBMISSIONS.

CAUSE incorporates all documents previously submitted in support of the claims made above. In addition, CAUSE incorporates the summary attached as Exhibit 1. Pursuant to Rule 16.1(c), these materials include citations for the specific references in the record made above, additional specific references to the record, and supply legal authority. To the extent that these submissions do not yet display on the docket card, CAUSE and Dr. Rafferty may make additional attempts to submit them.

V. ORAL ARGUMENT WILL ASSIST THE COMMISSION IN DECIDING THIS APPLICATION AND PETITION.

The Commission is evidently in the process of revising long-standing precedents regarding the eligibility of unincorporated associations, and applied principles in this case without adequate notice to CAUSE. Issues regarding the administrative record, including compliance with due process, the State Records Act, the ADA, and the Unruh Act, involve matters of exceptional complexity and public importance, which the Commission has not considered in the past. The exclusion of evidence related to the

Commission's ill-conceived ban on undergrounding in Napa County, and other allegations that the Commission violated SB 62, by failing to consider safety are matters of great public importance. For each of these reasons, the Commission should allow oral argument.

CONCLUSION

The Commission should accept Dr. Rafferty's compromise proposal, direct PG&E or its successor to make payment, and grant CAUSE a rebuttable presumption of eligibility for intervenor compensation in future cases. The Commission should grant oral argument.

Respectfully submitted,
/S/
SCOTT J. RAFFERTY

EXHIBIT 1 - THE PUBLIC UTILITIES COMMISSION (CPUC) HAS VIOLATED DUE PROCESS AND LEGISLATIVE MANDATES TO ELIMINATE ITS ONLY SAFETY INTERVENOR (CITATIONS AND SPECIFIC REFERENCES TO RECORD)

Ratepayers organized Collaborative Approaches to Utility Safety Enforcement ("CAUSE") because no one was advocating for safety in CPUC rate cases. CAUSE filed testimony in the PG&E rate case and, at the request of the internal acting Safety Advocate established by SB 62, in the SCE rate case. The Safety Advocate was reassigned, and her successor has provided no testimony in either case.

CPUC has discriminated against CAUSE, arbitrarily rejected pleadings, and explicitly stated that advocacy for safety was entitled to "no weight."[7] These irregularities raise larger issues regarding the willingness of the CPUC

- to consider safety,
- to provide administrative due process,
- to comply with statutes regarding recordkeeping, access by the disabled, and transparency, such as the State Record Management Act, the Unruh Act, and Public Records Act, and
- even to implement specific mandates in recent CPUC reform statutes.

ARBITRARY DENIAL OF ELIGIBILITY FOR COMPENSATION – AFTER 14 MONTHS OF WORK

CAUSE relied upon the statutory commitment that CPUC determine its eligibility for possible fee awards within 30 days. Pending confirmation of its eligibility,

[7] *See* notes 4-5, below. Excluding argument by "according no weight" is unusual in American administrative law, which developed flexible procedures, largely as a reaction to the 19th century abuses of CPUC's predecessor agency, the California Railroad Commission.

CAUSE organized as an unincorporated association, following well-established precedents. But for CPUC's violation of its statutory commitment, CAUSE would have incorporated and been capitalized as a safety advocacy group, and would have recruited multiple witnesses. Many of CAUSE's pleadings were arbitrarily rejected and not made public, despite the new requirement that all filings and testimony be posted on the internet. (SB 512, 2016). For ten months, CAUSE was placed on a roller coaster of unprecedented requirements followed by reassurances that a positive determination was imminent. **Finally, in October 2016, the ALJ stated that he had granted CAUSE eligibility (ten months late), but four months after that, a ruling rejected CAUSE in the PG&E case.** It suggested ***possible*** reconsideration if CAUSE complied with conditions, including disclosure of the names *and home addresses* of all its members, none of whom had made financial contributions, even though some were customers of other utilities. CAUSE sought relief from these conditions, which had never been applied to similar intervenors in the past, because they required CAUSE to violate protections of privacy in the Corporations Code and infringed on its members' First Amendment rights. In the alternative, CAUSE sought an opportunity to obtain unanimous consent from its members and/or to provide the information to auditors on conditions that would avoid public release. In May 2017, the day before final action, the ALJ denied relief without giving CAUSE any opportunity to comply.

GENERAL DISREGARD FOR RECENT LEGISLATION AND STATE LAW

Many of the CPUC's statutory violations are general and do not explicitly target CAUSE. No party's testimony is posted except on the utility websites, which in the case of SCE is not public. CPUC has not promulgated the ex parte rules or disqualification procedures required by SB 215 more than a year ago. It has not even annotated Rule 8 to warn that compliance will not satisfy, and to some cases will even violate, the new statutory ex parte requirements. CPUC understands that SB 215 provides no judicial review or enforcement until it complies with the mandate to write procedures. As shown below, the ex parte contacts and the continued immunity of ALJs from motions for reassignment enabled procedural abuses and precluded effective advocacy for safety.

With regard to recordkeeping, the CPUC has eliminated transparency and equal access by violating the State Records Management Act (destroying "rejected" pleadings), the Unruh Act (issuing orders that are not accessible and ***rejecting*** pleadings solely because they comply with state accessibility standards), and the Public Records Act. The CPUC has shrouded its docketing practices and eligibility practices in secrecy by strategic delays of PRA requests, selective productions, and ungrounded claims of privilege, forcing the State Auditor to disclose CPUC records that the CPUC had concealed.

SPECIFIC DISCRIMINATION AGAINST SAFETY ADVOCACY

CPUC engaged in further discrimination against CAUSE that violated due process and

prejudiced consideration of safety in CPUC decision-making. Again and again, the ALJ and CPUC tried to immunize their actions from judicial review or even public disclosure.

- The ALJ held that it was "procedurally improper" for CAUSE even to inform the Commissioners of its denial of eligibility prior to the final agency action that explicitly adopted all his procedural rulings.[8] *But see* D.03-12-035 (Commission overturns Peevey's ruling denying eligibility).
- The docket office refused even to file CAUSE's application for rehearing, which is a prerequisite to judicial review, incorrectly alleging that it was untimely, eliminating any record in the docket that the application existed.[9] In response to a Public Records Act request, CPUC refused to produce a record of the alleged untimeliness that was adequate for a court to review. PRA 17-249, PRA 17-275.
- The docket office rejected the majority of CAUSE filings by erroneously claiming that they did not comply with PDF/A archival standards. In fact, CAUSE complied with ***both*** the PDF/A standard, required by CPUC rules, and with disabled accessibility, required by state law. By contrast, the CPUC accepted many filings from other parties (and its own staff) that made no attempt to comply with PDF/A and are not accessible. (All rulings and proposed decisions authored within the ALJ division violate state laws requiring handicapped-accessibility.)
- The docket office rejected additional CAUSE motions for failing to use a specific form of electronic signature, not required in California courts. No written rule discloses this requirement.
- Because administrative procedure provides flexibility and deference to the agency, complete exclusion of evidence or argument is a red flag. No other state commission in the nation has any procedural rule like CPUC 14.3(c) that

[8] Proposed Decision, Rev. 1, at 240 & n.277: "In its reply comments, CAUSE cites Conclusions of Law 22 and 23 of the PD and suggests that these provisions are intended to deny CAUSE eligibility for intervenor compensation ("Any outstanding motions or requests that have not been addressed in this decision or elsewhere are denied. All of the oral and written rulings that the assigned ALJ has issued in this proceeding are affirmed.") This is not credible argument. CAUSE's eligibility for intervenor compensation has its own long procedural history, and it is not proper for CAUSE to bring those matters into comments on the PD, nor to interpret the cited Conclusions of Law as an effort to deny eligibility without addressing CAUSE's filings."

[9] The document should have been filed and its timeliness assessed in a public ruling. The docket office's private justification was both legally and factually incorrect. For court jurisdictional purposes, the deadline is midnight, even assuming that statute allows the CPUC to decline consideration of applications received after 5PM. The document was fully received before 5PM, and subject to delays in processing by the CPUC.

entitles an ALJ to accord "no weight" to comments.[10] When CAUSE argued that it was legal error to ignore safety in setting policy for undergrounding poles, the ALJ used this unique rule to avoid addressing the viewpoint.[11] As applied in this case, Rule 14.3 violates administrative due process.

- CPUC's response to PRA 17-84 concealed a formal procedure negotiated by the State Auditor to enforce the 30-day statutory deadline on deciding intervenor eligibility. The State Auditor produced the critical document after CPUC falsely represented that it had produced all responsive records.

In the PG&E rate case, the cumulative effect of these irregular procedures and statutory violations was to avoid the enhanced consideration of safety that the Legislature has mandated. One city belatedly made a strong equitable case that it should receive funds reserved for undergrounding poles. But there was no opportunity for CAUSE to make a record for allocating future funds based on safety priorities. The city did not prefile testimony, but was spontaneously granted party status and allowed to speak at a hearing, which precluded cross-examination. Subsequently, it was allowed to late file comments after the reply period had closed. It enjoyed several ex parte communications, one noticed to occur during the quiet period and another that was not disclosed until after the final decision. The ALJ attempted to supplement the record by exaggerating the nature and extent of comments made in public participation

[10] The words "no weight" do not appear in the procedural rules of any other commission.

[11] In this case, the ALJ invoked the rule based solely on CAUSE's viewpoint (indicating that CAUSE would accept public interest modifications proposed by the Commission as an alternative to the settlement term), and continued harsh criticism against CAUSE even after PG&E adopted CAUSE's position. Second, he invoked Rule 14.3 on grounds that CAUSE did not provide record citations for alleged errors. Misleadingly, the ALJ failed to acknowledge a four-page request for waiver (pursuant to Rule 1.2) explained that inconsistency with prior Commission decisions was "legal error," and citation to legal precedent did not require reference to the evidentiary record.

hearings.[12] Then, he directed PG&E to file a late exhibit (PG&E-42) and to engage in a scoping meeting with the city that excluded all parties – except SCE.

CAUSE's suggested that safety should determine which cities receive future allocations of undergrounding funds, whether or not the undergrounding budget proposed by the settlement was increased (as the ALJ proposed). The ALJ illogically excluded these comments in their entirety as "procedurally inappropriate and [accorded] no weight" because CAUSE was "bound to support the [settlement]." Rev. 1 at 223. It was the ALJ's proposed decision, ***not the settlement***, that first suggested that these funds be allocated without regard to safety. CAUSE went on to show that the ALJ's proposal misinterpreted or disregarded prior Commission decisions and precedents, which is clear "legal error." Unable to overcome this objection, the ALJ used a procedural rule (*see* note 5, above) to exclude the argument from the record.

DESTROYING THE ADMINISTRATIVE RECORD (AND ALTERING IT WITHOUT NOTICE)

The failure to maintain an accurate administrative record reinforced the ALJ's explicit attempts to preclude review of his procedural actions by the Commissioners or the courts (as well as by the Legislature and the public).

- Motions and ex parte notices were rejected or held "in queue" and either never placed in the record or disclosed only after final agency action. Once rejected, documents are usually destroyed, in violation of record retention schedules set by the Secretary of State.
- There is no public disclosure when a document is rejected or while it is held

[12] The ALJ represented that "all public officials" at "every location" opposed ORA's treatment of undergrounding. Proposed Decision (PD) at 19, see also id., 67, 79. Even the ALJ's statement of the number of public participation hearing at which undergrounding was mentioned is contradicted by Revision 1 of the PD (at 79 & n.79). Troublingly, the final decision maintained the exaggerated statements, but removed the confessional footnote. D.17-05-013 at 19.

"in queue." Documents are belatedly accepted and retroactively timestamped, sometimes with alterations that are not disclosed to the parties. CPUC has not responded to PRA requests seeking to determine when documents were actually filed, and whether they had been subsequently altered.

- CAUSE's comments on the President's proposed decision were rejected, but appeared in the docket just hours before the final decision – without notice to its author. This allowed the ALJ to make derogatory and misleading claims about the filing to which CAUSE could not respond.

Even where deadlines are jurisdictional, it is impossible to determine whether documents were timely filed. Once the docket office reviews and "accepts" a filing, it routinely backdates its timestamp to the due date and never discloses when the document has actually been received.

CONCLUSION

The California Constitution places public utilities under control of the Legislature. (XII, §5) Judicial review is ordinarily limited, because the CPUC is required to act under legislative direction. But since the 2016 reform legislation, the CPUC has ignored the Constitutional requirement (XII, §2) that its procedures comply with due process and with specific legislative instructions (*e.g.*, SB 215, SB 512). Irregular procedures and docketing practices have destroyed the paper trail needed for public transparency, legislative control, and judicial review by failing to maintain an accurate administrative record of its actions. As a result, the CPUC has been unable to fulfill legislative mandates to promote safety in utility operations.