

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION  
SAN FRANCISCO

**M e m o r a n d u m**

**Date:** April 28, 2021

**To:** The Commission  
(Meeting of May 6, 2021)

**From:** Grant Mack, Director  
Office of Governmental Affairs (OGA) – Sacramento

**Subject:** **Commission Position on CPUC Process Legislation – SB 599**  
***(Hueso): Public Utilities Commission: proceedings. (Version: As Introduced, February 18, 2021)***

**RECOMMENDED POSITION: SUPPORT**

**REASON:**

This bill improves the ability of Commissioners to deliberate on matters before the Commission by authorizing closed session meetings to additionally include deliberation on Resolutions. Further, the bill simplifies the current quiet period and close session requirements by revising and recasting existing statute.

**SUMMARY OF BILLS & STATUS**

**Status** – In Senate Energy, Utilities & Communications Committee. Set for hearing on April 19, 2021.

This bill would authorize the Commission to deliberate on Resolutions in closed session and would also clarify statutory requirements relating to quiet periods and closed sessions. Specifically, the bill -

- 1) Authorizes the Commission to meet in closed session to deliberate on a Proposed Decision, Order, or Resolution after providing three-day advanced notice to the public, except in an adjudicatory or quasi-legislative proceeding.
- 2) Requires the Commission to establish a quiet period during the three business days before the Commission's scheduled vote on a Decision, during which oral or written communications shall not be permitted, except in an adjudicatory or quasi-legislative proceeding.

**CURRENT LAW**

Existing law:

- 1) Establishes the specific conditions under which the Commission may meet in closed session and requirements for quiet time prior to Commission voting meetings.
- 2) Authorizes the Commission to meet in closed session on any Proposed Decision in a catastrophic wildfire proceeding.

**CRITICAL ANALYSIS:**

The ability of Commissioners to meet in closed session to discuss and deliberate the diverse public input they receive, and complex legal and technical issues that may arise, is a right that has been granted in statute. As recently as 2016 under the *Principles of Reform*, then Governor Edmund G. Brown Jr. and the Legislature affirmed the Commission's ability to discuss matters in closed session by authorizing the Commission to consider administrative and managerial issues in closed session. This bill, by expanding closed session meetings to additionally include deliberation of Resolutions after sufficient public notice, provides the Commission with additional flexibility to consider these items before the body.

Additionally, the bill revises complicated language in Public Utilities Code Section 1701.3 and recasts the language in simplified terms in a new section (Public Utilities Code Section 1701.9). These changes will provide the Commission with more straight-forward direction on imposing quiet periods prior to Commission voting meetings and the conditions for convening closed sessions meetings. Most importantly, the language in the bill makes all these changes while preserving due process for parties and public transparency.

**CUMULATIVE RATEPAYER IMPACT**

SB 599 (Hueso) would have minimal ratepayer impact; however, it would allow the Commission to conduct its work to protect ratepayers more efficiently.

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