

Principles for Reform
Safety, Public Access, Accountability and Transparency
The California Public Utilities Commission

Ensure Public Safety

The California Public Utilities Commission is continuing and expanding its efforts to increase public safety in every area of decision-making and enforcement.

In particular, we recommend implementing the following policies that will improve public safety:

- Safety must be an integral part of all rulemakings. In 2014 and 2015, the Commission embarked on ground breaking programs to mandate systematic risk assessment in utility investments, including adoption of a requirement that the Assigned Commissioner and Administrative Law Judge in a proceeding certify that any proposed decision has addressed relevant safety issues. The Commission should complement those efforts with additional inspection and enforcement activities.
- Safety should be institutionalized to provide the Commissioners expert guidance and analysis on safety planning, investments and enforcement. An Office of Safety Management should be created with the sole responsibility of assessing and advocating for safety in all Commission proceedings.
- As part of the Commission’s responsibilities to reduce greenhouse gas emissions and build upon the findings of the Commission pursuant to the fugitive methane leak reduction strategy in Senate Bill 1371, the Commission should assess the next steps necessary to upgrade the gas distribution with a special concentration on the gas meter, and pipes leading to and from the meter, which are more frequently prone to leaks.
- The Commission should be empowered to enforce safety requirements in the case of poor excavation practices that threaten utility infrastructure and pose significant risks to the public. The Commission should be granted citation authority in cases where excavation damage has occurred but the excavator has failed to call 811 prior to commencing excavation

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Increase Public Access

The California Public Utilities Commission is committed to increasing the public's access to information about its proceedings.

Specifically, the following steps will ensure that the public is better informed of the PUC's activities:

- The Commission's record in all contested formal proceedings¹ should be made accessible to the general public through the Commission's website in an easy, convenient and timely manner. Increased funding will be needed to ensure that the Commission can make the record publicly accessible, while ensuring adequate compensation for court reporters.
- Statutory and administrative procedures and processes should be revised to permit and ensure that public comments are entered into the evidentiary record or proceeding record at Public Participation Hearings and other public meetings convened by the PUC.
- Statutory clarification should ensure that the Commission is authorized to consider and rely upon interagency and stakeholder working group reports, academic research, and other information.
- The number and frequency of Commission voting business meetings held in Sacramento and other areas of the State outside of San Francisco should be increased to at least once a quarter.
- Public Utilities Code section 583 should be revised to better enable the PUC to respond in a full, complete, and timely manner to Public Records Act requests and to make documents in proceedings available to the public in a timely and complete fashion.
- Existing restrictions prohibiting discussion among more than two Commissioners outside of a noticed, public business meeting should be adjusted to enable them to discuss and deliberate the diverse public input they've received and complex legal and technical issues by conducting more frequent ratesetting deliberative meetings and considering administrative and managerial issues.²

¹ Including prepared testimony, exhibits, reporters' transcripts, etc.

² Provided no vote is taken or collective consensus is reached on any substantive matter.

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Expand Accountability and Transparency

The California Public Utilities Commission is focused on expanding accountability and transparency in all its activities.

In particular, the following actions will help to institutionalize these critical values:

- High level Commission officials who report to the Commission should be directly accountable to the Commissioners for their performance and the Commission should establish performance metrics and evaluate their performance on a regular basis.
- Adjudication cases pertain to issues relating to the existing rights and responsibilities of individual utilities and parties. Ex parte contacts in adjudication cases are currently and should continue to remain prohibited.
- Ratesetting cases relate to specific utilities but are often large proceedings with multiple parties, significant policy issues that affect all utilities, and broad impacts on ratepayers and the public. Commissioners must base their decisions in ratesetting cases upon the evidentiary record, but frequently need to consider the impacts of those decisions on large groups of utility customers and interested parties. Ratesetting proceedings have strict procedural and due process requirements, which include reporting of ex parte communications between decision-makers and interested parties. Ex parte communications for ratesetting proceedings merit more accountability than currently exists through Commissioner logging of communications with interested parties and a prohibition on ex parte communications in ratesetting cases at conferences.
- Quasi-legislative cases pertain to policy issues relating to the prospective rights and obligations applicable to entire industries, classes of companies, customers or stakeholders. Procedural impediments should not be imposed that discourage participation by a wide variety of persons and entities interested in such proceedings.
- Access by the Commission's advisory staff (including the Executive Director and General Counsel) to information, analysis, opinions and recommendations from the widest variety of sources yields diversity and adds value to decision-making.