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AB-1222 Public utilities: judicial review. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1222

Introduced by Assembly Member Bauer-Kahan

February 21, 2025

An act to amend Section 1756 of, and to add Sections ~~748.4~~ 748.8 and 1757.2 to, the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Bauer-Kahan. Public utilities: judicial review.

Existing law authorizes a party aggrieved by a decision or order of the Public Utilities Commission to file a petition for a writ of review in the court of appeal or the Supreme Court for purposes of reviewing the decision or order within 30 days after the commission issues its decision denying the application for a rehearing, or, if the application was granted, within 30 days after the commission issues its decision on the rehearing, or at least 120 days after the application is granted if no decision on rehearing has been issued.

This bill would extend the 30-day time periods to 90 days. For a petition challenging a final decision of the commission ~~in which on the grounds that the final decision significantly modifies the proposed decision issued in the proceeding, substantially deviated from a proposed decision of a commission administrative law judge,~~ the bill would require the court to presume the ~~proposed final~~ decision to be ~~valid and lawful and to issue the writ~~ *arbitrary and unlawful* unless the commission ~~rebutts the presumption can demonstrate~~ to the satisfaction of the court ~~in justifying the final decision. that the deviations were necessary to comply with state or federal law.~~

Existing law authorizes the commission to fix the rates and charges for public utilities, including electrical *and gas* corporations, and requires those rates to be just and reasonable.

This bill would prohibit the commission from authorizing electrical *or gas* corporations to recover from their ratepayers the costs associated with seeking judicial review of a ~~commission's commission~~ decision ~~from a federal agency, or by~~ a state or federal ~~court.~~ *court or requesting relief from a commission decision at a federal agency.* The bill would require the electrical *and gas* corporation to track those costs.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the above provisions would be part of the act and a violation of a commission action implementing this bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 748.4 is added to the Public Utilities Code, to read:~~

~~748.4.~~

SECTION 1. *Section 748.8 is added to the Public Utilities Code, to read:*

748.8. (a) The commission shall not authorize an electrical *or gas* corporation to recover from its ratepayers the costs associated with seeking judicial review of a ~~commission's decision from a federal agency, or commission decision by~~ a state or federal ~~court-~~ *court or requesting relief from a commission decision at a federal agency.*

(b) Each electrical *and gas* corporation shall track the costs described in subdivision (a).

(c) The commission shall review an electrical *and gas* corporation's compliance with this section in the electrical *or gas* corporation's general rate case or in another proceeding, as determined appropriate by the commission.

SEC. 2. Section 1756 of the Public Utilities Code is amended to read:

1756. (a) Within 90 days after the commission issues its decision denying the application for a rehearing, or, if the application was granted, then within 90 days after the commission issues its decision on rehearing, or at least 120 days after the application is granted if no decision on rehearing has been issued, an aggrieved party may petition for a writ of review in the court of appeal or the Supreme Court for the purpose of having the lawfulness of the original order or decision or of the order or decision on rehearing inquired into and determined. If the writ issues, it shall be made returnable at a time and place specified by court order and shall direct the commission to certify its record in the case to the court within the time specified.

(b) The petition for review shall be served upon the executive director and the general counsel of the commission either personally or by service at the office of the commission.

(c) For purposes of this section, the issuance of a decision or the granting of an application shall be construed to have occurred on the date of issuance, as defined in Section 1731.

(d) The venue of a petition filed in the court of appeal pursuant to this section shall be in the judicial district in which the petitioner resides. If the petitioner is a business, venue shall be in the judicial district in which the petitioner has its principal place of business in California.

(e) A party may seek from the Supreme Court, pursuant to California Rules of Court, an order transferring related actions to a single appellate district.

(f) For purposes of this section, review of decisions pertaining solely to water corporations shall only be by petition for writ of review in the Supreme Court, except that review of complaint or enforcement proceedings may be in the court of appeal or the Supreme Court.

(g) An order or decision arising out of a commission proceeding under Section 854 shall not be reviewable in the court of appeal pursuant to subdivision (a) if the application for commission authority to complete the merger or acquisition was filed on or before December 31, 1998, by two telecommunications-related corporations including at least one which provides local telecommunications service to over 1,000,000 California customers. These orders or decisions shall be reviewed pursuant to the Public Utilities Code in existence on December 31, 1998.

SEC. 3. Section 1757.2 is added to the Public Utilities Code, to read:

1757.2. In a petition challenging a final decision of the commission ~~in which~~ *on the grounds that* the final decision ~~of the commission substantially modifies the~~ *substantially deviated from a* proposed decision ~~issued in the proceeding, of a commission administrative law judge,~~ the court shall presume the ~~proposed final~~ decision to be ~~valid and lawful and shall issue the writ arbitrary and unlawful~~ unless the commission ~~rebutts~~ *can demonstrate* to the satisfaction of the court ~~the presumption in justifying the modification made in the final decision.~~ *that the deviations were necessary to comply with state or federal law.*

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.