



# How California Public Utility Commission (CPUC) Hearings Work

## Your guide to the “Futility” Commission process!

A Superior Court Judge has ruled that trying to get the California Public Utilities Commission to furnish the public with public records as required by State Law is “futile.”

This flowchart explains the legal Catch-22 that allows the CPUC to violate your rights and the California Constitution with impunity.

### 1 ... CPUC Holds Secret Rate Setting Meetings

A Commissioner at CPUC holds a secret rate-setting hearing with utility executives. The meeting(s) occur secretly because rates are supposed to be set in public hearings.

### 2 Sham Public Hearings!

Consumer groups are allowed to “oppose” the rate increase as long as they don’t embarrass the utility or the Commission.

Participation by Consumer Groups is vital because it helps lend legitimacy to an unlawful process.

### 7 Rate Hike Approved!

The Utility is granted a rate increase until the next time when ...

### 3 Fraud is Exposed!

 Somebody at CPUC or the utility makes a mistake, and Investigators discover that the rates were determined in advance without a public hearing. The investigators demand access to the work product and records from the secret rate-setting meeting using the California Public Records Act.

### 6 Appeals Court Rejection

Even though the evidence shows that CPUC has violated the law, the Appeals Court can’t look at “new evidence” (i.e the withheld documents) because looking at new evidence violates Public Utilities Code 1759. Therefore, the case is rejected.

### 4 CPUC Violates Law...

 The California Public Utilities Commission denies access to the records of the secret meeting claiming “executive privilege,” or “attorney work product” or other specious excuses for not complying with the California Public Records Act.

### 5 Court of Appeals

Investigators complain to the Court of Appeals, noting that secret rate setting meetings are illegal and that the records of those meetings should be public.