

State of California
Office of Energy Infrastructure Safety

PROPOSED REGULATION TEXT

November 2022

Written Hearing Process

Adopt section 29104 to Article 2, Chapter 1, Division 17 of Title 14 of the California Code of Regulations, to read as follows:

Title 14. Natural Resources

Division 17. Office of Energy Infrastructure Safety

Chapter 1. Rules of Practice and Procedure

Article 2. Proceedings

§ 29104. Written Hearing Process

(a) "Office" means the Office of Energy Infrastructure Safety.

(b) Any written submission or request pursuant to this section may be made via the following methods:

(1) U.S. mail to the Office's headquarters at:

715 P Street, 20th Floor
Sacramento, California 95814

(2) By electronic mail to the address hearings@energysafety.ca.gov.

- (c) Any entity issued a notice of defect or notice of violation pursuant to Government Code section 15475.4(a) may request a written hearing to take public comment or present additional information regarding the alleged deficiency, violation, or failure to act contained in the notice of violation or defect. The request must be received within 30 calendar days of issuance of the notice. Requests must be submitted in accordance with subdivision (b).
- (d) When a hearing is requested, the Office will post the hearing request, notice of defect or notice of violation, and all other information relating to the hearing on the Office's website. For the next 30 calendar days, the Office will receive (1) comments from the public and (2) information from the entity requesting the hearing. The Office will only accept information presented in writing and transmitted in accordance with subdivision (b).
- (e) When a hearing is requested, the Office will identify a neutral hearing examiner. The hearing examiner will be selected by the Office of Administrative Hearings, or in the event there is no active contract with the Office of Administrative Hearings, the Office will select a neutral employee. The hearing examiner will consider information received by the Office pursuant to subdivision (d) related to the notice and will issue a proposed determination. The proposed determination will make a finding regarding whether the information submitted by the Office, the public, and the entity supports the alleged deficiency, violation, or failure to act alleged by the Office.
- (f) The Office will post the proposed determination on the Office's website, and will email the proposed determination to the entity that requested the hearing and to persons who submitted comments pursuant to subdivision (d). Energy Safety will then receive written comments submitted in accordance with subdivision (b) on the proposed determination from the public and the entity requesting the hearing for 15 calendar days.
- (g) The director of the Office will consider the written comments on the proposed determination received pursuant to subdivision (f) and will adopt, revise, or reject the proposed determination. The Office will email the director's determination to the entity that requested the hearing and to persons who submitted comments pursuant to subdivisions (d) and (f), and will post the determination on the Office's website within 15 calendar days of the close of the comment period in subdivision (f).

Note: Authority cited: Sections 15473, 15475, and 15475.4, Government Code. Reference:
Section 15475.4, Government Code.