

151 FERC ¶ 61,119  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Philip D. Moeller, Cheryl A. LaFleur,  
Tony Clark, and Colette D. Honorable.

CALifornians for Renewable Energy, Inc.  
Michael E. Boyd  
Robert M. Sarvey

Docket No. RP13-436-001

v.

Pacific Gas and Electric Company

ORDER DENYING REQUEST FOR REHEARING

(Issued May 14, 2015)

1. This order addresses CALifornians for Renewable Energy, Inc.'s (CARE), Michael E. Boyd's (Mr. Boyd), and Robert M. Sarvey's (Mr. Sarvey) (collectively, complainants) request for rehearing<sup>1</sup> of the Commission's April 1, 2013 order<sup>2</sup>. For the reasons discussed below, we deny complainants' request for rehearing.

**Background**

2. On January 3, 2013, the complainants filed a complaint, claiming reliance on certain sections of the Natural Gas Act (NGA),<sup>3</sup> and Rule 206 of the Commission's Rules

---

<sup>1</sup> While complainants fashioned their pleading as a "complaint," the appropriate remedy at this point, and thus the appropriate title for their pleading, was a "request for rehearing" of the April 1 Order. *See* 18 C.F.R. § 385.713 (2014). And rehearing was timely tolled.

<sup>2</sup> *CALifornians for Renewable Energy, Inc., Michael E. Boyd, Robert M. Sarvey v. Pacific Gas and Electric Company*, 143 FERC ¶ 61,005 (2013) (April 1 Order).

<sup>3</sup> 15 U.S.C. § 717 *et al.* (2012).

of Practice and Procedure,<sup>4</sup> against Pacific Gas and Electric Company (PG&E) (respondent). The complaint appeared to allege, among other things, that PG&E had violated the terms and conditions of its blanket certificate through failure to meet requirements to maintain its natural gas pipeline system, with a focus on the events leading up to, during, and following, the San Bruno pipeline explosion.<sup>5</sup> Specifically, the complainants requested the Commission to conduct its own investigation of the events leading up to, during, and after the San Bruno pipeline explosion, and suspend or revoke PG&E's blanket certificate until such time as PG&E demonstrates compliance with the blanket certificate's terms.<sup>6</sup>

3. In the April 1 Order, we dismissed the complaint finding that the complainants' filing failed to establish what action or inaction they believed violated the NGA or Commission-set regulatory requirements. Additionally, the Commission found the complaint to be vague, unsupported, disjunctive, and difficult for the Commission to discern a coherent argument, i.e., the complaint was incoherent and void of any relevant factual support, and instead filled with unsubstantiated allegations.<sup>7</sup> The complaint failed to comply with the requirements of Rule 206 of the Commission's Rules of Practice and Procedure<sup>8</sup> and similarly failed to comply with the Commission's filing requirements contained in Rule 203.<sup>9</sup>

### **Discussion**

4. The Commission will deny the complainants' request for rehearing. Although the complainants' request for rehearing is unclear, we understand the complaint to raise three issues in their request for rehearing – none of which persuades us that we erred in dismissing their complaint.

5. First, the complainants allege that the Commission conspired with PG&E in failing to provide them with service of the April 1 Order, thus denying them an opportunity to seek redress of that order.<sup>10</sup> As noted in the complainants' Attachment 1,

---

<sup>4</sup> 18 C.F.R. § 385.206 (2014).

<sup>5</sup> Complaint at 4.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> April 1 Order, 143 FERC ¶ 61,005 at PP 2, 19-20.

<sup>8</sup> 18 C.F.R. § 385.206 (2014).

<sup>9</sup> 18 C.F.R. § 385.203 (2014).

<sup>10</sup> CARE's Request for Rehearing at 1-4, 7-8.

a Commission staff member informed complainants that the matter was originally docketed under another docket number, but was subsequently re-docketed under the current docket.<sup>11</sup> According to complainants, the staff member indicated that, while complainants were notified of the new docket number, they were not placed on the new service list and thus did not receive notification of the April 1 Order.<sup>12</sup>

6. While complainants, due to an administrative error, were not served notice of the April 1 Order, nevertheless, they were not denied an opportunity to seek rehearing of the April 1 Order.<sup>13</sup> Complainants were advised by that staff member to submit a request for rehearing in light of the aforementioned administrative error.<sup>14</sup> They filed their pleading at issue here, and the Commission is addressing their pleading in the instant order. Thus, the complainants have not been denied the opportunity to seek redress of the April 1 Order.

7. Second, complainants quote at length portions of the April 1 Order.<sup>15</sup> Complainants' restating of the findings in the April 1 Order raises no new issues of material fact or law which persuade us to reverse our decision.<sup>16</sup>

8. Finally, the complainants allege that they were denied the opportunity to respond to PG&E's answer.<sup>17</sup> In accordance with Rule 213(a)(1) of the Commission's Rules of

---

<sup>11</sup> See *id.* at Attachment 1. In fact, the notice of the complaint that was issued on January 4, 2013 – and that was published in the *Federal Register*, see 78 Fed. Reg. 2391 (2013) – was issued in the instant docket, i.e., Docket No. RP13-436.

<sup>12</sup> *Id.* at 5-7, 11-13.

<sup>13</sup> The complainants' allegation that the Commission conspired with PG&E to deny them their rights is unsubstantiated, and thus does not merit further discussion.

<sup>14</sup> CARE's Request for Rehearing at Attachment 1.

<sup>15</sup> See *id.* at 5-10, 12-13.

<sup>16</sup> Complainants also make a passing suggestion that the Commission issued the April 1 Order in retaliation for their filing their complaint. *Id.* at 4. They present no evidence to support this claim. The Commission's April 1 Order dismissed their complaint, because as noted in our description of that order above, they filed a complaint that was void of relevant factual support.

<sup>17</sup> *Id.* at 1-2, 4, 11. The complainants also suggest that they were denied the right to respond to Calpine Energy Services, L.P.'s (Calpine) intervention. *Id.* at 1-2, 4. But Calpine took no substantive position on the merits of the issues raised by the complainants, and instead merely sought to be a party to the proceeding. Thus, the

(continued)

Practice and Procedure, when a complaint is filed, the respondent, in this matter PG&E, must file an answer.<sup>18</sup> The Commission's Rules of Practice and Procedure do not permit an answer to an answer.<sup>19</sup> Here, the proceeding was decided based on the complaint and PG&E's answer where each party had an opportunity to make its case.

9. In sum, the Commission finds no basis to grant the complainants' request for rehearing.

The Commission orders:

The request for rehearing filed by CARE, Mr. Boyd, and Mr. Sarvey is hereby denied, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

---

complainants' failure to respond to the intervention did not prejudice the complainants with respect to the outcome of this proceeding.

<sup>18</sup> See 18 C.F.R. § 385.213 (a)(1) (2014).

<sup>19</sup> See 18 C.F.R. § 385.213 (2014).