

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - CALIFORNIA**

### **City of San Juan Capistrano v. California Public Utilities Commission**

**United States Court of Appeals, Ninth Circuit - September 11, 2019 - F.3d - 2019 WL 4283638 - 19 Cal. Daily Op. Serv. 9043 - 2019 Daily Journal D.A.R. 8755**

City brought action alleging that California Public Utility Commission's approval of utility's electrical grid project without giving due consideration to alternative projects, as required by California environmental law, violated its due process rights.

The United States District Court dismissed complaint, and city appealed.

The Court of Appeals held that:

- City lacked standing to bring action in federal court alleging that Commission violated its due process rights;
- Eleventh Amendment barred action; and
- City waived argument that it should have been allowed to amend its complaint to add claims against commissioner.

City lacked standing to bring action in federal court alleging that California Public Utility Commission's approval of utility's electrical grid project without giving due consideration to alternative projects, as required by California environmental law, violated its due process rights.

Eleventh Amendment barred city's action in federal court against California Public Utility Commission alleging that its approval of utility's electrical grid project without giving due consideration to alternative projects, as required by California environmental law, violated its due process rights.

City waived argument that it should have been allowed to amend its complaint against state commission to add claims against commissioner under Ex parte Young, where city argued before district court that Eleventh Amendment did not apply to its claims against commission, and did not ask for leave to add commissioner as party until its reply brief on appeal.