

Bond Case Briefs

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UTILITIES - CALIFORNIA

Pacific Gas and Electric Company v. Public Utilities Commission

Court of Appeal, First District, Division 2, California - June 16, 2015 - Cal.Rptr.3d - 2015 WL 3745792

After Public Utilities Commission (PUC) imposed civil penalties on underground gas pipeline operator for failing to promptly correct material misstatement of fact in pleading filed with PUC concerning internal pressure at which certain pipelines could be safely operated and for mischaracterizing correction when filed as routine and non-substantive correction, operator filed petition for writ review, which was granted.

The Court of Appeal held that:

- Mental state to mislead was not required for PUC to find that operator violated rule prohibiting person from misleading PUC;
- Proof of continuing misconduct was not required to impose penalties for continuing violation of rule;
- Operator received constitutionally adequate notice of potential fines PUC would impose for violating rule; and
- Penalties imposed on operator for violating rule were not constitutionally excessive.