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PUBLIC UTILITIES - CALIFORNIA

San Pablo Bay Pipeline Company, LLC v. Public Utilities Commission

Court of Appeal, Fifth District, California - December 22, 2015 - Cal.Rptr.3d - 2015 WL 9412765 - 15 Cal. Daily Op. Serv. 13, 531

Pipeline company petitioned for writ of review of a ratesetting decision of the Public Utilities Commission (PUC) requiring a refund to pipeline users.

The Court of Appeal held that PUC had authority to bifurcate the matter into two phases and to conclude the limitations period did not run after initiation of the first phase.

The Public Utilities Commission (PUC) acted within its constitutional and statutory authority in tolling or stopping the running of the two-year statute of limitations for a complaint resulting from a violation of the Public Utilities Act between the filing of the initial complaint in oil shippers' bifurcated proceeding for a refund from a pipeline company and the initiation of the second phase, even though the PUC used the unusual procedural device of an administratively final decision to conclude the first phase, and the PUC used the equally unusual procedural device of initiating the second phase by the filing of new complaints and a ratemaking application.

Public Utilities Commission's (PUC) bifurcation of oil shippers' proceeding for damages from a pipeline company under the Public Utilities Act into separate jurisdictional and ratemaking phases did not offend constitutional limitations relating to statutes and due process, even though the PUC tolled or stopped the running of the statute of limitations between the filing of the initial complaint and the initiation of the second phase, where the parties agreed to the bifurcation of the proceeding, and the PUC explicitly found the pipeline company advocated and benefited from the bifurcation of the proceedings.

The Public Utilities Commission (PUC) acted within its equitable authority in tolling the two-year statute of limitations for a complaint resulting from a violation of the Public Utilities Act between the filing of the initial complaint in oil shippers' bifurcated proceeding for a refund from a pipeline company and the initiation of the second phase, even though the PUC used the unusual procedural device of an administratively final decision to conclude the first phase, and the PUC used the equally unusual procedural device of initiating the second phase by the filing of new complaints and a ratemaking application.