

Bond Case Briefs

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PUBLIC UTILITIES - CALIFORNIA

California Public Utilities Commission v. Superior Court

Court of Appeal, First District, Division 2, California - August 31, 2016 - Cal.Rptr.3d - 2016 WL 4540053

Requestor filed petition for writ of mandamus and complaint for injunctive and declaratory relief against California Public Utilities Commission (CPUC) for failing to produce documents under Public Records Act (PRA) related to CPUC's investigation of nuclear plant shutdown and subsequent settlement and meeting relating to costs and losses due to shutdown.

CPUC demurred on grounds that the Superior Court lacked subject matter jurisdiction and that requestor had failed to exhaust his administrative remedies.

Following hearing, the Superior Court overruled demurrer. CPUC filed petition for extraordinary writ directing the Superior Court to vacate its order and sustain demurrer.

The Court of Appeal held that as a matter of apparent first impression, trial court had no jurisdiction over requestor's petition, other than to sustain CPUC's demurrer.

Trial court had no jurisdiction over requestor's petition for writ of mandamus seeking to compel California Public Utilities Commission (CPUC) to produce documents under Public Records Act (PRA), other than to sustain CPUC's demurrer without leave to amend on ground that court lacked subject matter jurisdiction over matter. Duty to comply with PRA was an official duty of CPUC within meaning of statute providing that no court, except Supreme Court and Court of Appeal, had jurisdiction to interfere with CPUC in the performance of its official duties, fact that provision of PRA referred to proceedings in trial court did not enlarge jurisdiction of trial court when case was against CPUC, and statute providing for original appellate jurisdiction over applicable claims against CPUC did not limit any right of access, and thus statute was not subject to narrow construction.