
PUBLIC UTILITIES - CALIFORNIA

Center for Biological Diversity, Inc. v. Public Utilities Commission

Supreme Court of California - August 7, 2025 - P.3d - 2025 WL 2253765

Environmental and utility ratepayer advocacy groups petitioned for writ of review challenging the Public Utilities Commission's decision adopting a tariff that reduced the price utilities pay for customer-generated power, arguing the tariff was inconsistent with the Public Utilities Code.

The First District Court of Appeal granted the petition and affirmed the Commission's decision. Supreme Court granted review.

The Supreme Court held that Court of Appeal erred by upholding Commission's decision under unduly deferential standard of review instead of applying its independent judgment; disapproving *Southern Cal. Edison Co. v. Public Utilities Com.*, 117 Cal.App.4th 1039, 12 Cal.Rptr.3d 441, *The Utility Reform Network v. Public Utilities Com.*, 166 Cal.App.4th 522, 82 Cal.Rptr.3d 791, and *Ames v. Public Utilities Com.*, 197 Cal.App.4th 1411, 128 Cal.Rptr.3d 702.

Court of Appeal, in performing inquiry required by statutory amendments governing judicial review of Public Utilities Commission decisions when making its conclusion on Commission's adoption of successor tariff that utilities paid for energy from solar panel power systems, was required to independently review whether tariff was based on costs and benefits of renewable electrical generation facility as required by customer-generator provision of PUC, rather than apply unduly deferential standard of review, because amendments retained "regularly pursued its authority" standard, to which uniquely deferential review applied, only for decisions pertaining solely to water corporations.

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