

ITEM 6

ADOPTION OF PROPOSED REGULATION AMENDMENTS AFTER CLOSE OF 45-DAY COMMENT PERIOD

FORMATTING REQUIREMENTS FOR ACCESSIBILITY, CLARIFICATION OF DESIGNATED REPRESENTATIVES, WITHDRAWAL OF INCOMPLETE FILINGS, CORRECTION OF INCORRECT CITATIONS AND MINOR CLEANUP EDITS

PROPOSED AMENDMENTS TO
CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5

ARTICLES 1, 3, 4, 5, AND 7

SECTIONS 1181.2, 1181.3, 1181.13, 1183.1, 1183.5, 1183.6, 1184.1, 1185.4, 1185.6,
1187.5, 1187.7, AND 1187.8

EXECUTIVE SUMMARY

Background

The proposed regulations: (1) add new formatting requirements for accessibility of new filings and written materials filed with the Commission; (2) clarify that firms or organizations may be a party's designated representative; (3) clarify the Commission's regulation on holding teleconferenced meetings; (4) delegate authority to the executive director to deem incomplete requests to review claiming instructions and notices of intent to join a consolidated incorrect reduction claim, withdrawn; (5) fix incorrect citations and add or remove authority and reference citations; and (6) make minor, non-substantive edits and corrections.

At its regular meeting on December 1, 2023, the Commission adopted Order No. 23-01 to initiate rulemaking proceedings in accordance with Government Code sections 11346.2, 11346.4, 11346.8, and 11346.9.

The proposed text was posted on the Commission's website and served on the regulatory mailing list on December 6, 2023; was published in the California Regulatory Notice Register 2023, Number 50-Z on December 15, 2023; and was available to the public through January 29, 2024 for the 45-day comment period. There was no request to hold a public hearing and no comments were filed on the proposed amendments.

Pursuant to Government Code section 11346.9(a)(4), staff finds that no alternative would be more effective in carrying out the purpose for which the regulations are proposed, would be as effective as and less burdensome to affected private persons than the proposed regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Staff therefore recommends that the Commission adopt the regulations as originally proposed to be amended in the Commission's Order No. 23-01 to initiate rulemaking proceedings, adopted on December 1, 2023 and issued on December 6, 2023.

Staff Recommendation

Staff recommends that the Commission:

- Find that no alternative would be more effective in carrying out the purpose for which the regulations are proposed, would be as effective as and less burdensome to affected private persons than the proposed regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
- Adopt the Final Statement of Reasons (Exhibit H).
- Adopt the proposed amendments, as originally noticed, to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 3, 4, 5, and 7, effective July 1, 2024 (Proposed Text, Exhibit B).
- Authorize staff to issue the Order to Adopt Proposed Rulemaking, Commission Order No. 23-01 (Exhibit I), and make any non-substantive, technical corrections to the proposed regulatory text requested by the Office of Administrative Law or Barclays Official California Code of Regulations prior to publication.