

COURT OF THE

S251190

Bradley L. Bartz,  
Petitioner,

v.

COURT OF APPEALS OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

Respondent,

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SOUTHERN CALIFORNIA EDISON, PACIFIC GAS & ELECTRIC  
COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY,

Real Parties In Interest.

Order denying petition B291465 - Bartz v. Public Utilities Commission of the State of California [ Trial Court Case No: 14-05-033 ]

PETITION FOR REVIEW  
STAY REQUESTED

Bradley L. Bartz, Individual  
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Individual in Self Protest and Preservation

**STAY REQUESTED:** On September 13, 2018 the Public Utilities Commission will make a decision on Bartz Petition to Modify D.14.05.033. Bartz has been denied all due process and has had all evidences and protests to the Proposed Decisions rejected. Bartz has had all rights stripped. The PUC staff only scheduled the 9/13/18 date after Bartz filed on July 24, 2018 with the 2nd Court of Appeals. To Bartz this is an emergency Stay Request. The Petition to Modify D.14.05.033 is of great social import. It impacts way beyond the ratepayer at the nexus of this case.

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[Word Count: 2,438](#)

## STAY REQUESTED

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## PETITION FOR REVIEW

**By this verified petition, Bradley L. Bartz alleges:**

### INTRODUCTION AND STATEMENT OF THE CASE

Emergency Request for Injunction to stop Public Utilities of the State of California (PUC) Commission from seeing this case until discovery is granted and Bartz comports to admissible evidence. Being denied today, 9/11/2018 of my opening statement and evidence in this case as not being in PDF/A format is outrageous. The evidence file is too large to convert to PDF/A. Two days before the hearing that was only scheduled because of my Writ of Mandamus request at the subject of today's appeal. A printed copy of the same brief is the hands of the heads of the PUC and its appellate staff. PUC Staff that have the denied evidence in print have yet to respond to Bartz request that they will give to the Docket Office.

Please note, Mr. Michael Oliveros from the PUC Docket Office told Bartz this morning that he is "the lowest on the totem pole". It took a while to understand what that this actually meant. The PUC is using a scapegoat to railroad Bartz.

Please grant Bartz discovery denied by the 2nd Court of Appeals of the State of California and as requested of the CPUC and its regulated investor owned utilities.

Without your intervention Bartz is being denied his ability to present a full case, a clear due

process violation. Besides the Discovery in question, Bartz seeks to add corroborating evidence to the record that has also been denied. It is clear by PUC Docket Office Actions that Bartz will have no representation of any kind at the PUC Commission hearing scheduled for September 13, 2018. Please grant an immediate injunction and order the postponement of final judgement until Bartz has exhausted efforts to be able to present any case at all.

Today's rejection of opening arguments for the PUC Commission because of the PDF/A issue is unconscionable. 48 hours before the case the Kangaroo Court at the PUC is silencing me in every way possible. Please stop them and allow me to argue my case. I was asked to remove "Kangaroo Court", but I submit this Webster's Dictionary definition for the articulate use of this common phrase: a court characterized by irresponsible, unauthorized, or irregular status or procedures.

Procedurally Bartz has exhausted the PUC and its staff. They seem to take more vacations and switch staff more often than any advocacy effort in my 52 years. I know their rules better than the PUC and challenge them to a debate in front of you. I am a solar guy, but I can read.

Clark, Darlene, a paralegal staff member of Ms. Helen Yee, Appellate Division of the Public Utilities Commission of California (PUC) stated to the plaintiff that most staff at the CPUC do not know how to use or interpret PUC Rules and Regulations.

I concur with this insight and seek a Review by the California Supreme Court of certain

injustices and more importantly the curbing and censoring by PUC of Bradley L. Bartz.

Bartz has established a pattern of behavior that matches the alleged cozy relationship between the Regulator (PUC) and the Regulated Investor Owned Utilities (IOU) that the Bartz Petition to Modify D.14.05.033 seeks to prove.

Besides the complete denial of discovery rights of any sort, the PUC is continuing to censor Bartz so the PUC commission does not receive the full record.

If I am denied discovery and denied the ability to submit evidence then a negative PUC commission decision on the Bartz Petition Modify D.14.05.033 will be appealed to this court. It seems my appeal will have its basis on this denial of discovery question also.

Bartz is 100% sure he will lose without the discovery requested and being able to admit damning evidence against SCE and the PUC to the record prior to ruling.

**Issue Summary:**

1. Bartz owns and is licensed contractor for ABC Solar Incorporated, an 18-year-old established solar design build company.
2. Bartz sold, designed, supplied, installed and got the city of Hermosa Beach to sign off on the installation.
3. PUC rule D.14.05.033 was used by Southern California Edison (SCE) to deny Permission to Operate (PTO) of this 10.8 kWac Solar PV with Advanced Storage System.
4. D.14.05.033 was used SCE to set a 10KWac line against advanced storage technology.

5. [www.SolarPanic.com](http://www.SolarPanic.com) houses the current brief presented to the appellate court.

I pray for the opportunity to clearly summarize this brief for your generous review.

6. SCE denied PTO based on D.14.05.033 and in the same breath said that the technology does not exist and you will never get PTO.

7. Hazing comes to mind.

8. Then Circular Arguments used as red-tape tautologies.

I bring to your review today a text-book example of the “Golden Rule.” E.g. the man with the gold, SCE, makes the rules.

Your honor, I had the audacity to question the monopoly. I got crushed and I am still being crushed today, with this being received from the Docket Office at the PUC this Sunday morning, September 9, 2018:

This is a notification that the filing you submitted in to the California Public Utilities Commission, transaction number 0000118653, received on 3/19/2018 has been rejected by the Clerk for the following reason:

1. Document is not authorized for formal filing. Pursuant to CPUC Rules of Practice and Procedure Rule 11.1(f), with the permission of a the Administrative Law Judge, the moving party may reply to response to a motion. Your tendered document does not state that you have secured permission from the Assigned Administrative Law Judge to file a reply to Southern California Edison’s Response to ABC Solar’s Motion for

Discovery.

Annalissa Herbert, Legal Analyst

On Behalf of Docket Office

Your honor, please, this request for review will finish shortly. Given the opportunity I will present a robust calendar of events, players and evidence. Please note that according the ALJ Kao, the Administrative Law Judge assigned to my Petition to Modify D.14.05.033 states in her “Proposed Decision” that I did not respond to some other motion from SCE back last year. BUT here, the Docket Office is clearly stating that I need permission to respond to file a reply.

Bartz asks Goose and Gander? Do the same rules apply to all at the PUC? Bartz’s silenced evidence shows alternate rules for SCE compared to Bartz.

Your honor, I have methodically followed every path known at the PUC to try and present my case to a neutral decision maker.

The 1st path was given to me by the PUC directly by telling me that I would have to file a Petition to Modify D.14.05.033 and win to be able to achieve Permission to Operate (PTO) for my Solar PV with Advanced Storage System client.

The PUC told Ms. Heather Sanders, an appointee of Governor Brown to clean up the PUC, that Bartz’s Petition to modify would not be answered.

The staff told Ms. Sanders rules allow them to ignore Bartz.

Ms. Sanders reported that to me both in writing and by voice phone call. Both of us, and I hope you too, felt incredulous at the PUC and its arrogant process.

SCE refused to discuss or meet at any time.

Bartz continued to advocate for his client and contacted multiple divisions of the PUC and all told Bartz in writing and by voice phone call that the Petition to Modify D.14.05.033 was the right avenue.

Even the Chairman of the Federal Energy Regulatory Commission wrote a letter to Bartz, via Senator Dianne Feinstein, that also told Bartz that the Petition to Modify process at the PUC was the right venue.

Your honor, I exhausted due process at PUC.

I thought I made that clear to the 2nd Court of Appeals of the State of California.

Please note, that after I filed with the Court of Appeals the PUC changed status to filed on all my pending motions and then swiftly ALJ Kao issued her Proposed Decision. Prior to this I have evidence the PUC willfully and illegally going to ignore Bartz.

I made it to a “neutral decision maker” of the 5-member PUC Commission by filing with the 2nd court of appeal, but I am naked.

Without the Discovery requested that would indeed turn into admissible evidence and more importantly without the submittal into evidence Bartz motions for such is a shameful silencing of Bartz.

Finally, the law states a few things that should compel your review and then do two things:

1. Order discovery granted as, but not limited too, as requested. And,
2. Order the PUC Commission to postpone deciding on Bartz Petition to Modify D.14.05.033 until discovery is comported to evidence and a process to up or down approve each item for submitting to the record.

Bradley L. Bartz's request for discovery is not a fishing expedition. Even it was considered a "fishing expedition", this California Supreme court has ruled clear rights to discovery in the broadest terms available. *Williams v. Superior Court*, 5 Cal. 5th 331, 2017 WL 2980258 (Cal. July 13, 2017).

According to Williams, your decision states that discovery should be granted in the least restrictive way possible.

Bartz use of and need of discovery to advocate to win the Petition to Modify 14.05.033 is a must, otherwise Bartz is naked.

A tragedy of justice can be avoided by the Supreme Court finding the way for Bartz to complete his task and present a strong case to the PUC Commissioners for their decision.

Further, Willems states that the appeals court was the first and only choice for Bartz to seek justice. The documented knee-jerk reactions by the PUC to deny Bartz rights should not be allowed.

It is a rare opportunity to argue before your court.

I will need three days to present my case and evidence. Bartz is ready to clearly timeline for this court the actions of PUC and SCE staff that are suspect.

Finally, this is about a publicly regulated utility confiscating a California citizens property under the nose of a PUC that forgot its mission.

When property is confiscated illegally by the government the case should be elevated much higher than just a Monopoly institutionalizing hazing with the permission and shield of the cozy relationship with PUC.

Bartz brief is substantial in legal reference to the above paragraph.

## CONCLUSION

The PUC, from the director on down, does not know how to use or administer its own rules. That has created a due-process free zone.

The immunity artifice used by SCE and the PUC make the higher courts in California the only resort. Actually, the first resort.

Your Williams decision fits clearly Bartz discovery denial at the hands of a cozy relationship at the PUC.

The PUC tries to deny that D.14.05.033 is not Permissive Detariffing.

As noted by US Supreme Court Justice Anton Scalia when a regulator makes more than a minor change of law to the benefit of its regulated a shining light should inspect this behavior.

The Solar Rights Act of California states 1,000,000 watts at the Residential Solar Energy threshold. One Million Watts is 1 Megawatt.

D.14.05.033 on its face is Permissive Detariffing in that a 10,000 watt (10KW) is much smaller than 1,000,000 watts. Regulators are tasked with minor modifications to laws signed by our governor. 10,000 from 1,000,000 is major.

The discovery requested will lead to admissible evidence to prove the shameful behavior of Permissive Detariffing is at play in PUC D.14.05.033.

BARTZ PRAYS FOR YOUR REVIEW and the granting of Discovery to the original questions raised in the BARTZ PUC Petition to Modify D.14.05.033, namely illegal Permissive Detariffing.

Please overrule the 2nd Court of Appeals and grant discovery and tell the PUC Commission postpone any final hearing on the Petition to Modify until such time as BARTZ is afforded proper due-process rights.

Please ask the PUC to be properly patient while Bartz comports your granted discovery to admissible evidence so I may convict PUC and SCE of being too cozy to the detriment of the state and its citizens.

Therefore, please issue injunction order delaying the September 13, 2018 hearing.

Sincerely yours,

Bradley L. Bartz

Signed: /S/ Bradley L. Bartz

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Word Count: 2,428 according to Microsoft Word.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

COURT OF APPEAL – SECOND DIST.

**FILED**

**Sep 06, 2018**

JOSEPH A. LANE, Clerk

Z. Clayton Deputy Clerk

BRADLEY L. BARTZ,

B291465

Petitioner,

(CPUC. Dec. No. 14-05-033;  
CPUC Docket R.14-07-002)

v.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA,

Respondent;

ORDER

SOUTHERN CALIFORNIA EDISON  
et al.,

Real Parties in Interest.

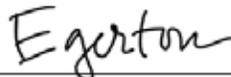
THE COURT:

We have read and considered (1) the petition for writ of mandamus filed on July 24, 2018, (2) the document captioned “Protest With Extreme Prejudice . . . .” filed by petitioner on August 21, 2018, and (3) the answer filed by respondent on August 28, 2018.

The petition is denied.



LAVIN, Acting P. J.



EGERTON, J.



DHANIDINA, J.

## CERTIFICATE OF SERVICE

In addition to service on parties and counsel, as provided in California Rule of Court, rule 8.25(a), the petition for review must be served on the clerk for the Court of Appeal and the

superior court clerk, under rule 8.500(f).

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