

CASE #: A176074, Div: 5

Case No.

(Related to A174317)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

BIOENERGY ASSOCIATION OF CALIFORNIA,

Petitioner,

v.

PUBLIC UTILITIES COMMISSION,

Respondent.

Relief Sought to Compel Ruling on Petition to Modify Decision
(PUC No. 20-08-043)

PETITION FOR WRIT OF MANDATE

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CERTIFICATE OF INTERESTED PERSONS
(Cal. Rules of Court, rule 8.488)

There are no interested entities or persons to list in this certificate other than the parties. (Cal. Rules of Court, rule 8.488.)

Date: April 3, 2026

BUCHALTER LLP

/s/ Robert M. Dato

By: Robert M. Dato

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INTRODUCTION

This mandate proceeding arises from the refusal of the California Public Utilities Commission (the Commission) to issue a final decision on a petition for modification that Bioenergy Association of California (Bioenergy) filed in March 2025. A Commission administrative law judge (ALJ) issued a proposed decision in September 2025 denying the petition. The Commission is required to issue a final decision within 60 days after the proposed decision. Instead, the Commission itself postponed issuing a final decision *five times* before withdrawing the proposed decision with no explanation, allowing the statutorily-created energy program at issue here to “terminate.” Commission staff has stated only that Bioenergy’s petition for modification “remains pending.”

The Commission’s inaction has placed Bioenergy in a state of bureaucratic limbo with no end in sight, unable to exhaust its administrative remedies. The Commission’s refusal to issue a final decision violates multiple provisions of the Public Utilities Code and the Commission’s own Rules of Practice and Procedure, and constitutes an abuse of discretion correctable by mandamus.

Bioenergy’s petition for modification asks the Commission to continue a statutorily-created bioenergy program known as “BioMAT” until mandated energy requirements are met. Bioenergy desires to have the matter decided by the Commission itself, for two reasons: (1) to have the opportunity to persuade the full Commission of the ALJ’s error; and (2) to exhaust its administrative remedies as necessary to obtain judicial review (if

necessary) of an important question of statutory interpretation: Can the Commission unilaterally terminate a statutorily-created energy program where the enabling statute has no end date? Bioenergy does not ask this court to answer that question now. Bioenergy merely asks this court to issue a writ of mandate compelling the Commission to answer that question by issuing a final decision in a timely fashion.

PETITION FOR WRIT OF MANDATE

Bioenergy alleges the following facts in support of its petition for writ of mandate:

A. The Parties and the Original Rulemaking.

1. Bioenergy is a section 501(c)(6) nonprofit corporation formed under California law. Bioenergy was formed in 2012 to promote sustainable bioenergy development. Bioenergy represents about 85 local governments, Tribes, public agencies, private companies, research institutions, utilities, non-profits, individuals and organizations interested in promoting community-scale Bioenergy development. Many of Bioenergy's members are developing projects pursuant to section 399.20, subdivision (f)(2) ("section 399.20(f)(2)").

2. The Commission is a state agency of constitutional origin charged with regulating public utilities under article XII of the California Constitution and the Public Utilities Code.

3. Section 399.20(f)(2), enacted in 2012 (Senate Bill No. 1122, stats. 2012, ch. 612), provides that the Commission "shall" direct the major investor-owned utilities to "collectively procure *at least* 250 megawatts" of power from small startup bioenergy

facilities, with the goal of “unleash[ing] a growth spurt in California’s biopower market.” {1R. 5 [Assem. Comm. on Util. & Commerce, analysis of Sen. Bill No. 1122 (2011-2012 Reg. Sess.) as amended June 18, 2012]}

4. Section 399.20(f)(2) does not contain an end date or any other indication that the Commission has discretion to cease implementing its requirements at any time prior to completing procurement of the 250-megawatt minimum.

5. The Commission adopted the BioMAT program as the mechanism to implement the requirements of section 399.20(f)(2). {1R. 8-118}

6. To date, electrical corporations have procured less than one-fifth of the megawatts required by this law. {1R. 226-227 [Letter to Gov. Newsom re: Need to Extend BioMAT Program]}

7. The BioMAT program provides important public health and safety benefits, including the reduction of wildfire and generation of renewable power that is available when intermittent resources such as solar and wind power are not. {1R. 123 [CPUC Res. E-4922]}

8. In recognition of these benefits, the Legislature has enacted several subsequent statutes to improve and expand the BioMAT program, including Senate Bill No. 840 (Budget, 2016), Assembly Bill No. 1979 (Bigelow, 2016), Assembly Bill No. 1923 (Wood, 2016) and Assembly Bill No. 843 (Aguiar-Curry, 2021). As with the original legislation, none of these bills set a program end date, cost cap, or other basis for ending BioMAT before the

required megawatts are procured.

B. The Commission Unilaterally Imposes an End Date for the BioMAT Program.

9. Although section 399.20(f)(2) was enacted in September 2012, the Commission did not adopt the BioMAT program rules until December 2014 when it issued Decision 14-12-081. That Decision identified an initial “program end date” of December 31, 2020. {1R. 79-81} Bioenergy contends that this “end date” was unilaterally imposed and conflicts with the program goal itself, which sets forth it will remain extant until the required megawatts are procured.

10. In August 2020, the Commission issued Decision 20-08-043, which extended the BioMAT “program end date” to December 31, 2025 in order to comply with the statute. {1R. 142}

11. The Commission stated in Decision 20-08-043 that it was extending the program end date because “the BioMAT program has not yet served to fulfill the general statutory requirement to procure 250 MW of bioenergy.” {1R. 143}

12. In September 2021, California enacted the fifth law related to the BioMAT program, Assembly Bill No. 843 (Aguiar Curry), which expanded the program to allow local government procurement entities (Community Choice Aggregators) to participate in the BioMAT program. This was codified as subdivision (j)(2) of section 399.20.

C. The Commission Refuses to Rule on Bioenergy’s Petition for Modification.

13. On March 6, 2025, Bioenergy filed a petition for

modification of Decision 20-08-043, asking the Commission to extend the BioMAT program and make other changes to comply with section 399.20. {1R. 199}

14. No action was taken on this petition for over six months. With the “program end date” imposed by the Commission approaching, this failure to act effectively denied the relief sought, and Bioenergy therefore filed a petition for writ of review with this court on September 18, 2025. (Case No. A174317.) The Commission moved to dismiss the petition, arguing that Bioenergy was challenging Decision 20-08-043 but had “never filed an application for rehearing with the Commission,” and had thus failed to exhaust its administrative remedies. {2R. 335}

15. In its motion to dismiss, the Commission stated that it would take action on the petition for modification, and that Bioenergy would thereafter be entitled to judicial review:

[Bioenergy’s] March 6, 2025 petition for modification of D.20-08-043 is *not deemed denied* and is currently still pending before the Commission. *Once the Commission issues a decision on the petition for modification, [Bioenergy] retains its rights to file a rehearing application of the decision pursuant to section 1731 and subsequently seek judicial review after it has exhausted its administrative remedies.*” {2R. 342-343}

16. On December 9, 2025, Division Five of this court granted the motion to dismiss, citing sections 1731, 1732, and 1756, as well as *Consumers Lobby Against Monopolies v. Public Utilities Com.* (1979) 25 Cal.3d 891, 903, *San Pablo Bay Pipeline Co. LLC v. Public Utilities Com.* (2013) 221 Cal.App.4th 1436, 1443, and *Commercial Communications, Inc. v. Public Utilities*

Com. (1958) 50 Cal.2d 512, 517, footnote 1. {2R. 352}

17. The same day that Bioenergy filed its petition for writ of review (Sept. 18, 2025), the Commission's assigned ALJ issued a Proposed Decision finding the petition for modification timely and a procedurally appropriate means to modify the "program end date" specified in Decision 20-08-043, but proposing to deny Bioenergy's petition to extend the "program end date" on the merits. {1R. 238-240}

18. The Commission initially scheduled the adoption of the Proposed Decision on the consent agenda for the Commission's October 28, 2025 meeting. {2R. 264}

19. On October 27, 2025, the Commission removed the item from its consent agenda and rescheduled its vote on November 20, 2025. {2R. 328}

20. On November 19, 2025, the Commission rescheduled its vote on Bioenergy's petition yet again, this time on December 4, 2025. {2R. 329}

21. On December 3, 2025, the Commission delayed its vote on Bioenergy's petition for the third time, rescheduling its vote until its December 18, 2025 meeting. {2R. 357}

22. On December 17, 2025, the Commission postponed adopting a final decision on Bioenergy's petition for the fourth time, delaying its vote until January 15, 2026. {2R. 457}

23. On December 31, 2025, the BioMAT program ended and the investor-owned utilities stopped procuring bioenergy as required by section 399.20(f)(2). (See, e.g., PG&E's BioMAT webpage which states that the BioMAT Program is now closed.

https://pgebiomat.accionpower.com/_pgebiomat/home.asp.)

24. On January 14, 2026, the Commission withdrew its Proposed Decision on Bioenergy’s petition from its voting agenda for its January 15, 2026 meeting. The Commission’s hold list for the January 15 meeting stated that Item No. 2 was withdrawn, but did not provide any reasons or explain what exactly was being withdrawn – the voting item, the petition for modification itself, or the Proposed Decision. The minutes of the January 15 meeting likewise merely state withdrawn (“W/D”) under agenda item number 2, without any explanation of the nature, reason, or effect of this withdrawal. {2R. 458} At no time has Bioenergy ever withdrawn its petition for modification.

25. On February 10, 2026, Bioenergy filed a joint application for rehearing (the application) together with the Agricultural Energy Consumers Association, California Association of Sanitation Agencies, and the California Forestry Association to preserve the parties’ right to judicial review, if needed. {2R. 459} The application sought rehearing of the Commission’s decision to “withdraw” action on the petition for modification, which could potentially be interpreted as a denial. Bioenergy contended that the Commission had in fact rejected the petition for modification since the Commission had issued a Proposed Decision denying it five months earlier, scheduled a vote on the Proposed Decision five times (always on the Commission’s consent agenda), had not revised the Proposed Decision during those five months, and then stated that the proceeding was closed on its January 15, 2026 agenda. {2R. 462}

26. The Commission refused to consider the application for rehearing. Instead, Commission staff rejected its filing with the following explanation: Per Rule 16.1 and Public Utilities Code section 1731, a rehearing application may only be filed of an adopted and issued Commission decision or order. The tendered rehearing application claims the Commission has made a final decision to terminate the BioMAT proceeding but fails to identify any adopted Commission decision. Furthermore, the current status of R.18-07-003 is reopened and Bioenergy Association of California’s petition for modification remains pending.” {2R. 525}

27. Since that time, the Commission has taken no action on Bioenergy’s petition for modification and has not given any indication that it will do so. The Commission’s attorneys have affirmed, in a related federal proceeding, that the Commissioners have not adopted a final decision as of March 6, 2026. {2R. 535}

THEREFORE, BIOENERGY REQUESTS THAT THIS COURT:

1. Issue a writ of mandate or other appropriate relief, compelling the Commission to issue a final decision on Bioenergy’s petition for modification within 30 days of this court’s opinion and to make that opinion final immediately upon issuance;
2. Award Bioenergy its attorney fees as authorized under Code of Civil Procedure section 1021.5; and
3. Grant such further relief as this court deems proper, including costs for bringing this proceeding.

Respectfully submitted,

BUCHALTER LLP

Alicia C. Guerra

Robert M. Dato

Katharine Heldt Falace

Attorneys for Petitioner

BIOENERGY ASSOCIATION OF CALIFORNIA

VERIFICATION

I, Robert M. Dato, declare as follows:

1. I am an attorney duly admitted and licensed to practice law in California. I am of counsel to Buchalter LLP, attorneys of record for petitioner in this matter.
2. I have read this petition for writ of mandate and know its contents. The facts alleged in the petition are based on papers I reviewed that are part of the administrative proceeding from which this petition was commenced, with the exception of one document from a related proceeding before the Federal Energy Regulatory Commission.
3. I have participated in the preparation of this petition and because of my familiarity with the record in the proceeding before the Commission. I accordingly make this verification on my client's behalf.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 3, 2026, at Irvine, California.



Robert M. Dato

SUPPORTING MEMORANDUM

I

A Writ of Mandate is the Proper Remedy to Compel the Commission to Rule on Bioenergy’s Petition for Modification.

Bioenergy filed its petition to modify Decision 20-08-043 over one year ago, on March 6, 2025. This was well in advance of the Commission-imposed expiration date for the BioMAT program. In September 2025, the assigned ALJ issued a proposed decision to deny Bioenergy’s petition on the merits. But rather than voting to approve or reject the proposed decision, the full Commission repeatedly deferred adoption of *any* final decision, allowing the BioMAT program to end. That leaves the petition for modification in limbo with no resolution, while effectively denying the substantive relief sought *and* stymieing judicial review.

State law (and the Commission’s rules) require the Commission to issue a final decision within 60 days of issuing a Proposed Decision in rate-setting matters. (§ 1701.3, subd. (j); Commission Rules of Practice and Procedure (“RPP”) 15.4.)¹ The Commission has not complied with this requirement.

More broadly, while the Public Utilities Code and the Commission’s rules may not specify an *overall* deadline for disposing of petitions for modification (see § 1708; RPP 16.4), it is well-established that “where no time limit is specified for the

¹ Proceeding R. 18-07-003, in which the petition was filed, has been designated as rate-setting by the Commission.

doing of an act, it may be done within a reasonable time... What is reasonable time is dependent upon the surrounding circumstances.” (*Beck v. Piatt* (1972) 24 Cal.App.3d 611; see also *Wood v. Strother* (1888) 76 Cal. 545.) These principles are intended to prevent exactly the scenario here, where an agency delays making a decision until it’s too late, thus effectively causing harm without allowing recourse.

The Commission has conceded in prior proceedings before this court that, in the normal course of events, the Commission is supposed to “issue[] a decision on the petition for modification,” but has displayed no intention of actually doing so. In light of (1) the statutory requirement to make a final decision within 60 days after the proposed decision is issued, and (2) the impending (and now passed) expiration of the *very deadline at issue in the petition*, the Commission’s action here – delaying decision *five* times, the last time indefinitely – is plainly unreasonable under the circumstances.

The proper remedy is a petition for writ of mandate to this court under section 1759, subdivision (b), to compel the Commission to rule on Bioenergy’s petition. “Mandate will lie to compel an officer, board, or court to exercise its discretion, where it refuses to act at all. While ordinarily, mandamus may not be available to compel the exercise by a court or officer of the discretion possessed by them in a particular manner, or to reach a particular result, it does lie to command the exercise of discretion—to compel some action upon the subject involved.” (*State Comp. Ins. Fund v. Workers’ Comp. Appeals Bd.* (2016) 248

Cal.App.4th 349, 370; see *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 442 [mandate will lie to compel a board to exercise its discretion].)

Further support is found in cases interpreting the predecessor to section 1759, former section 67 of the Public Utilities Act. (See, e.g., *Allen v. Railroad Com. of California* (1918) 179 Cal. 68, 74 [“this court by mandate may compel the commission to exercise powers which it does possess”]; *Palmer v. Railroad Com. of California* (1914) 167 Cal. 163, 166-167 [if the Railroad Commission wrongfully refuses to exercise its powers, “the remedy of the aggrieved party would be mandamus”].) These authorities remain good law under the modern provisions of the Public Utilities Code. (See *Greener v. Workers’ Comp. Appeals Bd.* (1993) 6 Cal.4th 1028, 1045-1046.)

“While ordinarily, mandamus may not be available to compel the exercise by a [commission] of the discretion possessed by them in a particular manner, or to reach a particular result, *it does lie to command the exercise of discretion—to compel some action upon the subject involved.*” (*Hollman v. Warren* (1948) 32 Cal.2d 351, 355, italics added.) While modification of prior decisions is within the Commission’s discretion, under both the Public Utilities Code and RPP, Bioenergy is entitled to the Commissioners’ actual and timely exercise of that discretion. What the Commission *cannot* do is what it attempts to do here, which is to avoid decision-making until the matter becomes moot or Bioenergy goes away. As set forth below, the Commission should be ordered to take *some* final action so that Bioenergy can

exhaust its administrative remedies and then seek judicial review (if necessary).

II

The Commission Should be Compelled to Rule on the Petition for Modification so That Bioenergy Can Exhaust Its Administrative Remedies and Then Seek Judicial Review if Necessary.

In *Bioenergy Association of California v. Public Utilities Commission* (A174317), Bioenergy filed a petition for writ of review based on its contention that the Commission's failure to rule on Bioenergy's petition for modification was a deemed denial of that petition. However, Division Five of this District disagreed and dismissed Bioenergy's petition for writ of review on the ground that Bioenergy had not exhausted its administrative remedies. {2R. 352}

As set forth in the allegations section *ante*, the Commission's assigned ALJ issued the Proposed Decision denying Bioenergy's petition for modification on September 18, 2025, but the Commission *sua sponte* postponed its vote on the proposed decision five separate times. The fifth and last scheduled vote was on January 15, 2026, two weeks after the BioMAT "program end date" at issue. When the Commission withdrew the proposed decision from its agenda, Bioenergy and other parties filed an application for rehearing with the Commission on February 10, 2026. Two days later, however, Commission staff declined to process that application, asserting that "a rehearing application may only be filed of an adopted and

issued Commission decision or order,” that no such decision had issued and that Bioenergy’s “petition for modification remains pending.” {2R. 525} Since that time, the Commission has taken no action on Bioenergy’s petition for modification and has not given any indication that it will do so.

The Commission’s actions have put Bioenergy in a state of limbo with no resolution possible unless this court orders the Commission to adopt a final decision. Bioenergy has attempted to exhaust its administrative remedies on multiple occasions, only to have the Commission fail to issue a formal decision on the petition for modification while the BioMAT program was allowed to lapse. Bioenergy contends that this lapse violates state law, and that the petition for modification is a timely and appropriate means of correcting this violation. The Commissioners may (or may not) ultimately agree, but Bioenergy nonetheless is entitled to have the Commission issue a final decision so that Bioenergy can seek meaningful judicial review.² Such review will allow this

² Contrary to any assertion the Commission may make, Bioenergy is not required to exhaust administrative remedies before bringing this mandamus petition. There are no available remedies to exhaust when the Commission fails to act. Moreover, the case law is clear that the exhaustion doctrine is no bar where the agency, despite the efforts of the party seeking the writ, has failed or refused to reach a final decision. (*Hollon v. Pierce* (1967) 257 Cal.App.2d 468, 476; see also *California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1156; *In re Hudson* (2006) 143 Cal.App.4th 1, 8; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1211-1212; *Martino v. Concord Community Hospital Dist.* (1965) 233 Cal.App.2d 51, 56; *Ware v. Retirement Board of San Francisco* (1944) 65 Cal.App.2d 781, 791.)

court to apply “its independent judgment de novo to the merits of the legal issue before it.” (*Center for Biological Diversity, Inc. v. Public Utilities Com.* (2025) 18 Cal.5th 293, 305.)³

In moving to dismiss Bioenergy’s initial petition for writ of review (A174317), the Commission argued that there is no required timeframe for the Commission to act on a petition for modification. {2R. 340} This is not correct, especially where (as here) a proposed decision has been issued in a rate-setting matter, and both section 1701.3, subdivision (j) and rule 15.4 of the Commission’s Rules of Practice and Procedure set forth a 60-day deadline for Commission action. Further, and even absent such specific deadlines, agencies are obligated to act within a reasonable time. (See, e.g., *Chaplin v. State Personnel Bd.* (2020) 54 Cal.App.5th 1104, 1117.) The circumstances here, including multiple deferrals of Commission action and the lack of intention to render a final decision, constitute unreasonable delay.

³ In its response to Bioenergy’s prior petition for writ of review, the Commission argued that “[o]nce the Commission issues a decision on the petition for modification, [Bioenergy] retains its rights to file a rehearing application of the decision pursuant to section 1731 and subsequently seek judicial review after it has exhausted its administrative remedies.” {2R. 342-343} Although Bioenergy believes a rehearing application would not be necessary under these circumstances, that issue is beyond the scope of this writ proceeding. In any event, the Commission is not entitled to withhold a reviewable decision indefinitely. (See *Hollon v. Pierce, supra*, 257 Cal.App.2d at p. 476.)

III

Bioenergy Was Not Required to File an Application for Rehearing in 2020 When Decision 20-08-043 Was Issued.

Bioenergy anticipates that the Commission may reprise an argument it made in its motion to dismiss Bioenergy’s petition for review in A174317. In that motion, the Commission contended that Bioenergy had waived *any* challenge to Decision 20-08-043 because it did not file an application for rehearing in 2020, when the Commission issued that Decision.

Although Bioenergy disputes that contention, such an argument is premature and inappropriate here. The Commission regulates dynamic industries in an ever-changing world, and its decisions thus cannot be immutable for all time. For this reason, the Public Utilities Code grants the Commission discretion to modify its decisions (§ 1708), and the Commission’s own rules allow interested parties to request such modifications *at any time* if the Commission determines the submission “justified.” (RPP 16.4(d).)

Bioenergy has argued – and the Commission’s assigned ALJ agreed – that renewed consideration of the BioMAT “program end date” is indeed “justified” at the present time, and not a time-barred challenge to the original Decision 20-08-043 because circumstances had changed in unforeseeable ways since the adoption of the Commission’s 2020 Decision. {1R. 238-240} Bioenergy is entitled to the Commission’s exercise of discretion on this point. If the Commissioners agree with the ALJ that reconsideration is justified, the parties may proceed to address

(and if necessary, litigate) the merits. If they disagree, they must vote publicly to that effect and explain their reasons. Bioenergy may then seek judicial review of whether the Commission abused its discretion.⁴

Conflating the Commission’s present *duty to rule* on the petition for modification with the substantive question of whether the petition is a timely and procedurally appropriate vehicle to seek extension or removal of the BioMAT “program end date” would allow the Commission to avoid exercising the discretion confided to it by law and its own rules, and to evade all judicial review. That is not the law.

The opportunity for judicial review is especially necessary here, where the Commission (or at least its staff) has interpreted the Commission’s operative decision (20-08-043) in ways that were not foreseeable at the time it was adopted, and that fail to take account of subsequent changes in the law. Reasonable participants could not easily have predicted that the Commission would treat the stated “program end date” as the termination of all efforts to execute an unambiguous statutory command⁵ – and

⁴ Bioenergy contends that procedural denial of the petition for modification as an untimely challenge to D. 20-08-043 would indeed be an abuse of discretion, for all of the reasons outlined by the Commission’s own ALJ; however, the Commission has not yet made any such decision.

⁵ Decision 20-08-043 merely stated that it was extending the “end date” to 2025 to comply with the “the general statutory requirement to procure 250 MW of bioenergy.” Based on this stated rationale – and specific acknowledgement of statutory duty – the only reasonable conclusion was that the Commission intended to extend the program again in 2025 (or adopt a

no one could have foreseen the Legislature's subsequent action to expand the BioMAT program to include Community Choice Aggregators (who would, as the ALJ recognized, need adequate time to take advantage of the program).

If the Commission itself accepts this interpretation, Bioenergy – and indeed, all interested Californians – are entitled to judicial review of the Commission's unlawful termination of a statutorily mandated program before meeting the requirements of that statute. However, no such judicial review may be had, of either procedure or substance, *until the Commission makes a final decision* – which is the only relief sought in this mandamus proceeding.

CONCLUSION

The Commission should not be allowed to refuse to rule on Bioenergy's petition for modification indefinitely, thus making it impossible for Bioenergy to exhaust its administrative remedies. A writ of mandate should therefore issue, commanding the Commission to rule on Bioenergy's petition no later than 30 days after issuance of the remittitur, and should further order that the Court's decision becomes final immediately upon issuance pursuant to California Rules of Court, rule 8.490(b)(2)(A) to promote the interests of justice and avoid further delay.

successor program) if the statutory requirements were still not yet met by the revised end date.

Respectfully submitted,

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Alicia C. Guerra

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Attorneys for Petitioner

BIOENERGY ASSOCIATION OF CALIFORNIA

WORD COUNT CERTIFICATION [CRC 8.204(c)(1)]

Counsel for petitioner hereby certify that this petition for writ of mandate contains 3,879 words as measured by the word processing software used to create this document.

BUCHALTER LLP

Alicia C. Guerra

Robert M. Dato

Katharine Heldt Falace

Attorneys for Petitioner

BIOENERGY ASSOCIATION OF CALIFORNIA

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at Buchalter LLP, 18400 Von Karman Avenue, Suite 800, Irvine CA 92612.

On the date set forth below, I served the foregoing documents described as:

PETITION FOR WRIT OF MADATE AND SUPPORTING EXHIBITS (2 vol.)

as follows:

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BY ELECTRONIC SERVICE: On **April 3, 2026**, via electronic transmission through True Filing e-service via the Internet as a scanned image of the document by electronically uploading a true copy thereof to True Filing e-service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on **April 3, 2026**, at Irvine, California.

Raquel Moreno

/s/ *Raquel Moreno*

(Signature)