



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 22, 2026

Simon Baker
NextEra Energy Resources
6 Sandstone Drive
Durango, CO 81301

**Re: Your Request for Informal Assistance
Our File No. I-26-077**

Dear Mr. Baker:

This letter responds to your request for advice regarding the post-governmental employment provisions of the Political Reform Act (the “Act”).¹ Please note that we are only providing advice under the post-governmental employment provisions of the Act and not the application, if any, of other post-governmental employment laws, such as Public Contract Code Section 10411.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice. Given that your question presents limited facts, we treat your request as one for informal assistance.²

QUESTION

Does the Act’s permanent ban prohibit you, as an employee of NextEra Energy Resources, from participating in advice letter filings made by Pacific Gas & Electric (“PG&E”) and Southern California Gas (“SoCalGas”) in response to Decision 26-04-044 related to eligibility rules for procurement under the renewable gas standards issued in the California Public Utilities Commission (the “CPUC”) Rulemaking 13-02-008, where you oversaw staff work on that rulemaking as a Staff Director at the CPUC?

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

CONCLUSION

Under the Act's post-governmental employment provisions, rulemakings of general applicability are not generally subject to the permanent ban, but the permanent ban does apply to particular proceedings involving specific parties. Accordingly, the permanent ban may apply to components of a rulemaking proceeding that involve specific parties. Based on the information provided, you have not clearly detailed the specifics of Decision 26-04-044 or the advice letter filings made by PG&E and SoCalGas. You have also not been able to clearly describe your previous participation in these components of the rulemaking that appear to involve specific parties. Thus, at this time, we can only generally and conservatively advise that the permanent ban prohibits you from advising or assisting NextEra Energy Resources in advice letter filings by PG&E and SoCalGas if you, or staff under your supervision, previously participated in any proceedings specific to Decision 26-04-044 or any proceedings specific to the advice letter filings.

FACTS AS PRESENTED BY REQUESTER

You were employed at the CPUC until February 14, 2025. As Staff Director, you filed a Statement of Economic Interest. You provided the duty statement for your vacant position and indicated the duties and responsibilities contained in the duty statement that reflect the duties and responsibilities you had. In your role, you advised on a broad range of energy policy matters under CPUC's jurisdiction, including demand response, customer generation, retail rates, energy efficiency, customer programs, natural gas, electric resource planning and procurement, and grid planning. You worked with the CPUC Commissioners, Administrative Law Judges, the Governor's Office, the California Legislature, state and federal agencies, external stakeholders, and senior management within the CPUC.

Also, you specifically reviewed work on Rulemaking ("R.") 13-02-008, a formal proceeding that is still open. R.13-02-008 was initiated on Feb 13, 2013, to implement provisions of Assembly Bill 1900. According to the Rulemaking Order for R.13-02-008:

We open this rulemaking to implement two provisions of Assembly Bill 1900 (Stats. 2012, Ch. 602). First, we must adopt standards and requirements relative to health, safety and facility integrity for biomethane injected into common carrier pipelines, including the obligation that gas corporation tariffs condition access to those pipelines on customers meeting the adopted standards and requirements. Second, we must adopt pipeline access rules to ensure that each gas corporation provides non-discriminatory open access to its system. We undertake this work in the context of our core mission to ensure public health and safety of utility service, including necessary enforcement.

Staff under your direction advised the Administrative Law Judge (the "ALJ") and the assigned CPUC commissioner on the issues before the CPUC in R.13-02-008. Staff prepared memos and summaries of parties' comments with considerations and recommendations to the ALJ and CPUC commissioner on rulings for further record development or proposed decisions. Staff considered comments submitted by PG&E, SoCalGas, and all other parties involved.

Recommendations presented by staff were industry-wide and not utility-specific. You do not recall whether there were any specific decisions pertaining to PG&E or SoCalGas in R.13-02-008. As Staff Director, you reviewed all staff work products and, if necessary, provided guidance on strategy and policy.

Earlier this year, Decision (“D.”) 26-04-044 in R.13-02-008 ordered gas utilities to file “advice letters” pursuant to the decision’s Ordering Paragraph 8 detailing a proposal for how to include landfills in the Renewable Gas Standard procurement. Ordering Paragraph 8 states:

OP 8. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southwest Gas Corporation (collectively, the “Utilities”) shall file a Tier 2 Advice Letter with the Commission’s Energy Division within three months of issuance of this decision including a proposal for how to include landfills in Renewable Gas Standard procurement. The Utilities shall work with the Commission’s Energy Division in coordination with other Regulatory Agencies to develop this proposal, and an approved proposal will allow the Utilities to include open landfill projects in renewable gas standard solicitations. The Utilities must copy the Service Lists for Rulemaking 13-02-008 and Rulemaking 22-12-011 on this Advice Letter filing.

You work for NextEra Energy Resources (“NEER”), which is not a party to R.13-02-008. You have specifically asked whether you may participate in the CPUC proceedings initiated by advice letter filings by PG&E and SoCalGas pursuant to Ordering Paragraph 8 in D.26-04-044. You would correspond and meet with the CPUC’s staff to discuss NEER’s viewpoints, submit written protests or comments on the advice letter filings made by utilities as required by Ordering Paragraph 8, engage in any public workshops or meetings that the CPUC staff may organize to facilitate their disposition of the advice letter filings, and otherwise represent NEER’s policy positions before the CPUC staff.

ANALYSIS

The Act

Public officials who leave state service are subject to two types of post-governmental employment provisions under the Act: the one-year ban and the permanent ban. These provisions are commonly referred to as the “revolving door” prohibitions. The one-year ban, which applies to former state employees for one year after leaving state employment, is no longer applicable to you because you permanently left state employment on February 14, 2025.

The Permanent Ban

The “permanent ban” prohibits a former state employee from “switching sides” and participating or assisting, for compensation, in certain judicial, quasi-judicial, or other proceedings where the State is a party or has a “direct and substantial interest,” and the proceeding is one in which the former state employee participated. (Sections 87401(a) and (b).) The permanent ban applies when an official has permanently left or taken a leave of absence

from any state office or employment. (Regulation 18741.1(a)(1).) It applies to every “state administrative official,” which is defined as “every member, officer, employee, or consultant of a state administrative agency who as part of that person’s official responsibilities, engages in any judicial, quasi-judicial, or other proceeding in other than a purely clerical, secretarial, or ministerial capacity.” (Section 87400(b).)

“Judicial, quasi-judicial, or other proceeding” means an “application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter” involving a specific party or parties. (Section 87400(c).) An official is considered to have “participated” in a proceeding if the official took part in the proceeding “personally, and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation, or use of confidential information ...” (Section 87400(d).) A supervisor is deemed to have participated in any proceeding that was “pending before” the official’s agency and that was under the supervisor’s “supervisory authority.” (Regulation 18741.1(a)(4).) A proceeding is under a supervisor’s “supervisory authority” if any of the following applies:

“(A) The supervisor’s duties include the primary responsibility within the agency for directing the operation or function of the program where the proceeding is initiated or conducted. However, this provision does not apply to a supervisor who is only responsible for the general oversight of the administrative actions or functions of a program in which the responsibilities concerning the specific or final review of the proceeding are expressly delegated to other persons in the agency.

“(B) The supervisor directly supervises the person performing the investigation, review, or other action involved in the proceeding including, but not limited to, assigning the matter for which the required conduct is taken.

“(C) The supervisor reviews, discusses, or authorizes any action in the proceeding.

“(D) The supervisor has contact with any of the participants in the proceeding regarding the subject of the proceeding.” (*Id.*)

The permanent ban does not apply to rules or policies of general applicability, including rulemaking proceedings of general applicability. It does apply to proceedings that affect the rights or claims of a specific party or parties. (*Lowry* Advice Letter, No. I-08-053.) We have previously advised that the permanent ban may apply to components of rulemaking proceedings involving specific parties. (*Adeyeye* Advice Letter, No. A-20-027.)

As Staff Director, you filed an annual Statement of Economic Interest, and the facts indicate you participated in proceedings in more than a clerical, ministerial, or secretarial capacity. Therefore, the permanent ban applies to you and generally prohibits you from participating or assisting your employer, NEER, in proceedings that involve the State of California and other specific parties if you previously participated in the proceeding while

employed by the State. We note that the permanent ban must be considered prior to your involvement in any proceedings before the CPUC, but you have limited this inquiry to the application of the permanent ban to your participation in advice letter filings by PG&E and SoCalGas.

While the permanent ban does not typically apply to rulemaking proceedings of general applicability, your inquiry involves a component of the rulemaking specific to advice letter filings by PG&E and SoCalGas. Thus, the pertinent question is whether you, or staff under your supervisory authority, previously participated in a specific decision involving D.26-04-044, which was a decision specific to PG&E, SoCalGas, San Diego Gas & Electric Company, and Southwest Gas Corporation requiring these four specific entities to submit advice letters proposing “how to include landfills in Renewable Gas Standard procurement,” or specific decisions involving the advice letter filings of these specific entities. However, when asked whether you, or staff under your supervisory authority, participated in these decisions, you were unable to recall whether there were any specific decisions pertaining to PG&E or SoCalGas.

With the limited information before us, we can only generally and conservatively conclude that Decision 26-04-044, and any other decisions involving the advice letter filings made by PG&E and SoCalGas, are components of the rulemaking that appear to involve specific parties. Without further information regarding the specifics of these proceeding, including your (or staff under your supervisory authority) previous participation in the proceedings, we can only generally advise that the permanent ban prohibits you from advising or assisting NEER in advice letter filings by PG&E and SoCalGas if you, or staff under your supervision, previously participated in any proceedings specific to Decision 26-04-044 or any proceedings specific to the advice letter.

If you have other questions on this matter, please contact me at mroeckl-navazio@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

Margaret L. Roeckl-Navazio

By: Margaret L. Roeckl-Navazio
Counsel, Legal Division

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