



Thomas J. MacBride, Jr. Of Counsel

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Practice Areas

Energy | Energy Project Development | Infrastructure | Public Utility
Regulation

Thomas MacBride, Jr. has practiced before the California Public Utilities Commission (CPUC) for more than 45 years.

Tom has served as regulatory counsel to a wide variety of entities with interests in matters before the CPUC including ground and water transportation providers, publicly and privately owned water service providers, telecommunications and energy companies, trade associations, municipalities, real estate developers, homeowners' associations, and independent metering and billing companies.

Tom has participated in a number of legislative initiatives to reform CPUC procedures, including the 1983 legislation revising provisions of the California Public Utilities Code regarding rehearing of CPUC decisions; the 1985 legislation that expanded the CPUC's Commission's authority to exempt certain financial transactions from otherwise applicable statutory requirements for advance formal CPUC approval; and the 1989 legislation that revised the fashion in which CPUC decisions are published.

During the 1997-1998 legislative session, Tom participated in drafting and advocacy, which led to the enactment of the Calderon-Peace-MacBride Judicial Review Act of 1998 (SB 779), greatly enlarging the scope of judicial review of CPUC decisions, permitting review of most CPUC decisions in the Court of Appeal. The Act also provided for Internet access to CPUC documents and expanded the opportunity for parties to comment on proposed CPUC orders. In connection with that endeavor, Tom began publication of the regularly updated Summary of California Supreme Court and Court of Appeal Opinions Reviewing Decisions of the California Public Utilities Commission, which is distributed by the Conference of California Public Utility Counsel (CCPUC) and various organizations.

Prior to joining Downey Brand, Tom was a partner at the San Francisco firm of Goodin, Macbride, Squeri & Day from 1985 until 2021. Earlier in his career, upon graduation from law school, Tom joined the staff of the CPUC where he served as Staff Counsel and as the Advisor to the late Commissioner Vernon L. Sturgeon.

Experience

- Argued before the California Supreme Court on behalf of the Petitioner in *Monterey Peninsula Water Management District v. California Public Utilities Commission*. 62 Cal. 4th 693 2016 Cal. LEXIS 45. The Court's January 25, 2016 decision marked the first California Supreme Court reversal of a Commission decision in over twenty years.
- Advised publicly owned water district in acquisition by eminent domain of shares of privately owned water company regulated by the CPUC.
- Represented successful party in multi-years of litigation before the CPUC to determine freight carrier certificated to provide vessel freight service between Port of Los Angeles and Santa Catalina Island.
- Represented the National Sub-Metering and Utility Allocation Association (NSUAA) in the 1990s, successfully convincing the CPUC to lift restrictions on landlord sub-metering of energy in residential multi-family dwellings. Several years later, successfully pursued a similar course on behalf of BOMA California to lift restrictions on sub-metering of electricity in commercial buildings served by the three large CPUC-regulated electric utilities – PG&E, SCE, and SDG&E.
- Represents a homeowners association in Southern California and has successfully opposed rate increase proposals by a wastewater service provider seeking to include excessive tax expenses and labor costs in rates.
- Provided pro bono representation to GoGo Grandparent, a start-up that had developed a technology through which physically or economically disadvantaged persons could order Uber or Lyft without having to use a smartphone. After an evidentiary hearing and briefs, the CPUC, agreed, over the strong objection of its enforcement staff, that it had no jurisdiction over the client. The matter drew significant media attention.
- Served as CPUC counsel to SuperShuttle as it grew from a new airport van company serving a small area south of LAX into the largest airport ground transportation provider in the United States prior to its acquisition by Veolia Transportation (an acquisition which itself the subject of a contested proceeding before the CPUC in which Tom succeeded in obtaining CPUC approval of the sale).
- Successfully obtained dismissals of several complaints filed against clients at the CPUC, including motion to dismiss a complaint filed by a mineral company seeking to construct a lime plant in the service area of a water company in Trona, and motion to dismiss a complaint filed by a newspaper publisher in Los Angeles which alleged that Tom's client, the largest competitive local exchange carrier (CLEC) in California, had assessed excessive charges for telephone service.

Professional & Community Service

- Institute of Governmental Studies at the University of California at Berkeley, National Advisory

Council Chair, 2020-present

- California Public Utilities Commission Foundation, Board of Directors and Chief Financial Officer, 2010-2012
- Conference of California Public Utility Counsel, President, 1982-1983, 1997-1998
- San Francisco Women's Rehabilitation Foundation (Stepping Stone), Board of Directors, 2005-2011; President; 2010-2011; Recipient of the Foundation's award for outstanding service, 2012
- University of California at Berkeley, Alumni Association, Board of Directors, 1977-1981; Vice President, 1980-1981; Chairman of Legislative Relations Committee, 1990-1992; Recipient of the California Alumni Citation, 1982

Education

- J.D., University of California College of the Law, San Francisco (formerly University of California, Hastings College of the Law), 1975
- B.S., University of California at Berkeley, 1971

Honors & Rankings

- AV Preeminent® Rating by Martindale-Hubbell®
- Best Lawyers® 2012 "Lawyer of the Year" for Communications Law in San Francisco
- Best Lawyers in America®, Energy Law, Communications Law, 1991-2025

Speaking Engagements / Events

- *Judicial Review Panel*, Panelist, CCPUC Annual Meeting, May 5-7, 2024

Publications

- *Summary of California Supreme Court and Court of Appeal Opinions Reviewing Decisions of the California Public Utilities Commission*, Provided by Downey Brand's Public Utility Regulation Practice, April 18, 2022 (Revised)
- *Court of Appeal Again Rejects CPUC Intervenor Compensation Award to TURN and CforAT*, Goodin Macbride Administrative Law Blog, April 20, 2018
- *PU Code Section 1759 Shields Uber From Class Action By Taxi Owners*, Goodin Macbride Administrative Law Blog, April 9, 2018

Legal Alerts

- *Supreme Court of California Rejects Class Action Suit Against PG&E for its 2019 Blackouts*, November 20, 2023