



Bureau of
Energy Resources,
United States
Department of State



National
Association of
Regulatory
Utility
Commissioners

Types of Public Hearings

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California Public Utilities Commission

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Rules of Practice and Procedure California Code of Regulations

- How to Participate in Proceedings before the California Public Utilities Commission
- Who does what, when, where, & how?
- Roles of the Commission, Administrative Law Judge (ALJ), Participants
- Filing of Documents
- Ex-Parte
- Intervenor Compensation
- Appeals



Types of Proceedings

- Application
 - Initiated by a regulated entity to request use and/or modify ratepayer funds and/or assets
- Advice Letter and Resolutions
 - A written request by a regulated entity to implement a CPUC decision, or to make a request to change services or tariffs
- Complaint
 - Initiated by a person, business, or government entity alleging violation of Public Utilities Code, CPUC decision, or regulation.



Types of Proceedings (cont.)

- Orders Instituting Investigation(OII)
 - Initiated by the CPUC to examine specific issue as a result of a regulated entity's actions that may lead to new or changed legislation, programs, enforcement, policies, or rates. It is also the prosecution phase of an investigation.
- Order Instituting Rulemaking (OIR)
 - Initiated by the CPUC to establish new rules and regulations.



Rule 1.3—Definitions/Categorizing of Proceedings

- **Adjudicatory Proceedings**

- Enforcement investigations into possible violations of any provision of statutory law, order, or rule of the Commission; and
- Complaints against regulated entities, including complaints that challenge the accuracy or a bill, but excluding those complaints that challenge the reasonableness of rates or charges, in the past, present, or future.
- Ex-parte Communications Prohibited.



Rule 1.3—Definitions/Categorizing of Proceedings

- Quasi-legislative
 - Proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry
 - Ex-Parte Communications are allowed without restriction or reporting requirement.



Rule 1.3—Definitions/Categorizing of Proceedings (cont.)

- Rate-setting
 - Proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities).
 - May include complaints that challenge the reasonableness of rates or charges, past, present, or future.
 - When a proceeding does not clearly fit into any of the categories as defined in rule 1.3.
 - Restricted Ex-Parte Communications, Reporting



Application—Rate-setting

- PG&E's Application proposing cost of service and rates for gas transmission and storage services for 2015-2017. PG&E requests a revenue requirement of \$1.286 billion for 2015, \$1.347 billion for 2016, and \$1.515 billion for 2017. PG&E requests that the new rates go into effect on January 1, 2015 ([A.13-12-012](#)).



Order Instituting Rulemaking— Quasi-legislative

- The CPUC is currently evaluating residential electric rate design change proposal that could include baseline percentage changes and time of use rates. The CPUC is holding a series of Public Participation Hearings (PPH) in Phase 1 of its proceeding ([R.12-06-013](#)) to provide an opportunity for customers of Southern California Edison, Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric to communicate directly with the CPUC about how proposed rate design changes, if approved, would impact them.



Order Instituting Investigation—Adjudicatory

- The CPUC's investigation into the outage of the San Onofre Nuclear Generating Station (SONGS) ([I.12-10-013](#))
- The CPUC opened this multiphase investigation to consolidate and consider issues raised by the extended outages of Units 2 and 3 at SONGS. Generally, the proceeding is focused on any warranted refunds to ratepayers or rate reductions. The Phase 2 Evidentiary Hearings on October 7-11, 2013 will consider the removal from rate base of non-useful capital assets at SONGS. Other phases of the proceeding have or will address other SONGS-related cost issues.



Evidentiary Hearings

- Purpose is to gather evidence so that the ALJ and the Commissioner fully understand the issues of the case;
- A formal courtroom proceeding;
- Participants may present their "case" through testimony and evidence, and may be subject to questioning from other participants;
- Formal participants receive copies of all filings, legal briefs, formal testimonies, and other documents related to the general proceeding.
- The general proceeding is a formal process and many stakeholders find that legal assistance is necessary to participate fully.



The Hearing Process

- Pre-hearing Conference is set for 45-60 days after the initiation of proceeding.
 - Assigned Commissioner or Administrative Law Judge issues the scoping memo (schedule, issues to be addressed)
- ▶ Commission gives notice of evidentiary hearing (publish time, date, and place of hearing)
- Witness
- Evidence
- Exhibits
- Prepared Testimony
- Briefs
- Issuance of Recommended Decision
- Commission Decision



Public Participation Hearings (PPHs)

- Give the public a chance to learn about, or express their opinions on, issues before the California Public Utilities Commission.
 - For example, when a utility asks to increase rates or to construct a power plant, PPHs will be held in the area that may be impacted by the request.
- PPHs are free and open to the public. No advance reservation or sign ups are necessary.
- An Administrative Law Judge (ALJ) presides over the PPH, and sometimes a CPUC Commissioner may attend. At the beginning of the PPH the ALJ will provide an overview of the CPUC hearing process. If the applicant (the utility in most cases) is present, the ALJ may ask them to describe their proposal to the audience.



Public Participation Hearings (cont.)

- The ALJ may set a time limit in order to allow everyone a chance to be heard.
- A CPUC court reporter is present to record comments for the official record.
- Elected officials attending the PPH are allowed to speak first.
- Public participants may not bring to PPHs signs larger than 8.5 in x 11 in, or signs of any size with supports or handles (wood, metal, etc).
- Sometimes no one, or only few people, show up at PPHs. In such cases the ALJ may end the PPH after waiting a short period of time.



The Public Advisor's Office

- Sign-up people who wish to speak;
- Answer questions about the CPUC;
- Provide information on how to receive documents related to a proceeding, and/or participate in the formal proceeding;
- Explain how and where to provide written comments;
- Answer other related questions;
- Provide language interpreter, and/or American Sign Language interpreter as needed (Free of Charge)



Public Participation Hearings— Southern California Edison

- Public Participation Hearings on Application of Southern California Edison for Authority to, among other things, Increase its Authorized Revenues for Electric Service in 2015, and to reflect that increase in Rates ([A.13-11-003](#))
 - [READ THE HEARING NOTICE](#)
 - May 28, 2014, 1:30 p.m. AND 6 p.m.: Ayres Hotel & Suites Essex Room, [325 Bristol St., Costa Mesa, CA 92626](#)
 - May 29, 2014, 1:30 p.m. AND 6 p.m.: Temple City Council Chambers, [5938 Kauffman Ave., Temple City, CA 91780](#)
 - June 3, 2014, 1:30 p.m. AND 6 p.m.: Residence Inn by Marriott at River Ridge Augusta Room, [2101 W. Vineyard Ave., Oxnard, CA 93036](#)
 - June 4, 2014, 3 p.m.: Tulare City Council Chambers, [491 N. M St., Tulare, CA 93274](#)