

MANAGING STAKEHOLDER AND PUBLIC PARTICIPATION

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Stakeholders

- Regulated utility companies
- Utility customers (ratepayers)
- Public Advocate (general public)
- Competing companies
- Governmental authorities, such as towns and municipally run utilities

Stakeholders (cont.)

- State agencies such as Natural Resources or Economic Development
- Special Interest Groups (environmental groups, developers)
- In Delaware, Commission Staff may actively participate in a case
 - Provide balanced viewpoint between parties
 - Offer expertise in a subject or on a utility
 - Without pecuniary bias

Stakeholders' Interests

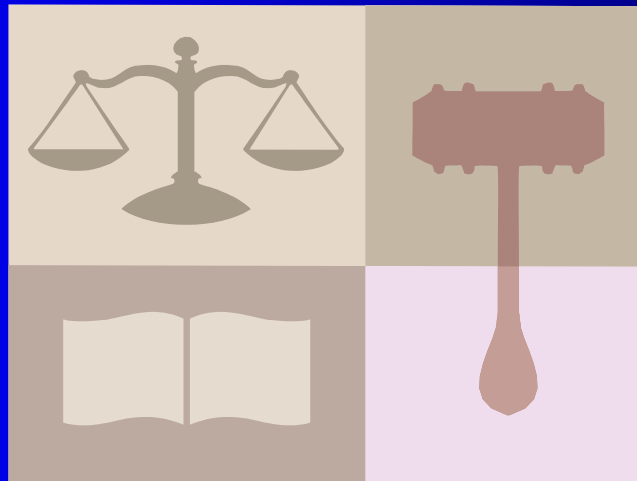
- Regulated utility:
 - Fair (high) profit
 - Attract investment
 - Secure adequate financing
- Ratepayers and Public Advocate:
 - Reasonable (low) rates
 - Reliable utility services
 - Quality customer service

Stakeholders' Interest (cont)

- Competing companies:
 - Level competition
 - Access to infrastructure at a fair price
- Other stakeholders:
 - Have interests in specific areas
 - Environmental groups are concerned with utility actions that may affect the environment
 - Economic Development Office is concerned with impact on job creation and sustainability

Commission's Balancing Act

Interests of
the utility



Interests of
utility's
ratepayers

Consideration of other parties' concerns

Given the strongly held and varied interests of the stakeholders, how does a Commission maintain a fair and balanced approach?

Fair and Balanced Approach

- Fair, credible and transparent process
 - Due process
 - Open meetings
 - Access to information
 - Ethical behavior
- Timeliness of process and decisions
- Reasoned and factually supported decisions
- Effective utilization of Staff and other resources

Intervention

- Allows formal active participation in a case
- Any person or entity may intervene by application in any docketed case before the Delaware Commission
 - Must have an interest in the proceeding that would not be adequately addressed by another participating party
 - The Public Advocate has a statutory right to intervene

Public Participation

- A member of the public may formally intervene in a case (rare occurrence)
- Participation without formal intervention:
 - Provide input during public hearings
 - File written comments
 - Receive or review case documents
 - Attend hearings

Commission Process

- Utility files Application with written testimony
- Interventions by DPA and interested parties
- Discovery (access to data and information)
- Intervening parties file written testimony
- Company files rebuttal testimony
- Public Comment Hearings
- Public Evidentiary Hearings

Commission Process (cont.)

- Utility and intervening parties file Briefs
- Hearing Examiner issues *Report of Findings and Recommendations*
- Parties file Exceptions to Hearing Examiner's Report
- Public Hearing before Commission
- Commission order memorializing its decision
- Right to appeal

Role of Commission Secretary in Delaware

- Manages the Commission's documents
 - Receives all documents for filing
 - Dockets applications for new proceedings
 - Certifies Commission orders
 - Maintains filed documents
- Official point of contact between the Commission and the public, and between the Commission and parties in a case

Commission Secretary (cont.)

- Supervises support staff, including information technology staff
- Oversees public access to documents filed with the Commission
- Protects information considered confidential by filing party

Public Access to Information

- Delaware's Freedom of Information Act requires almost all documents be made public available, with several exceptions:
 - Personnel or medical files
 - Commercially sensitive information
 - Investigatory files
- Public may view most documents by appointment during regular business hours

Confidential Information

A party may request confidential treatment of some or all information in a document

- Must attest information qualifies for confidential treatment
- Rebuttable presumption that information claimed as confidential will remain so unless Commission rules otherwise
- If challenged, then entity claiming information as confidential must demonstrate its legal protection

Customer Complaints

- Informal and formal complaints
 - Commission Staff mediates complaints in informal cases (quality control measures are implemented by Management)
 - Formal complaints are subject to due process and are ultimately resolved by the Commission
- Records of all complaints are electronically maintained and are mapped by location and type

Commission Outreach

- Commissions must engage in public outreach to ensure its mission is understood and to encourage participation by interested citizens
- Methods of communication include: press releases, public notices, speaking engagements, public and stakeholder workshops or meetings, media contacts, interaction with legislators and other officials

Commission Outreach (cont.)

- Delaware Commission created an Ombudsman position:
 - Purpose of position is to increase public understanding about the Commission
 - Commission representative responsible for outreach
 - Meets with stakeholders, the public, legislators and other government officials
 - Handles sensitive complaints and those made to the Governor's Office and state legislators

Conclusion

- Effective management of stakeholder and public participation is a vital function of the Commission.
- Stakeholders want a fair, timely and defined process, effective two-way communication of information, and assurance that their specific interests will be considered.
- Measures should be in place to assure basic fairness and communication concerns are addressed.