



New Jersey Board of Public Utilities Office of the Secretary

Agenda Process – Commission Decisions

March 3, 2004

I. Docketing Petitions

Formal Matters docketed for tracking purposes

Assignment of Docket numbers: (example **EM02010029**)

- Formal Petitions are docketed for tracking purposes
- **Distribution of Petition to:**
- Case Management System – Original and 10 copies
- Legal Counsel
- Deputy Attorney General – DAG
- Ratepayer Advocate – RPA
- Divisions
- Special Distribution

Filing Fees:

- \$25.00 for New Petitions
- \$100.00 for Cable

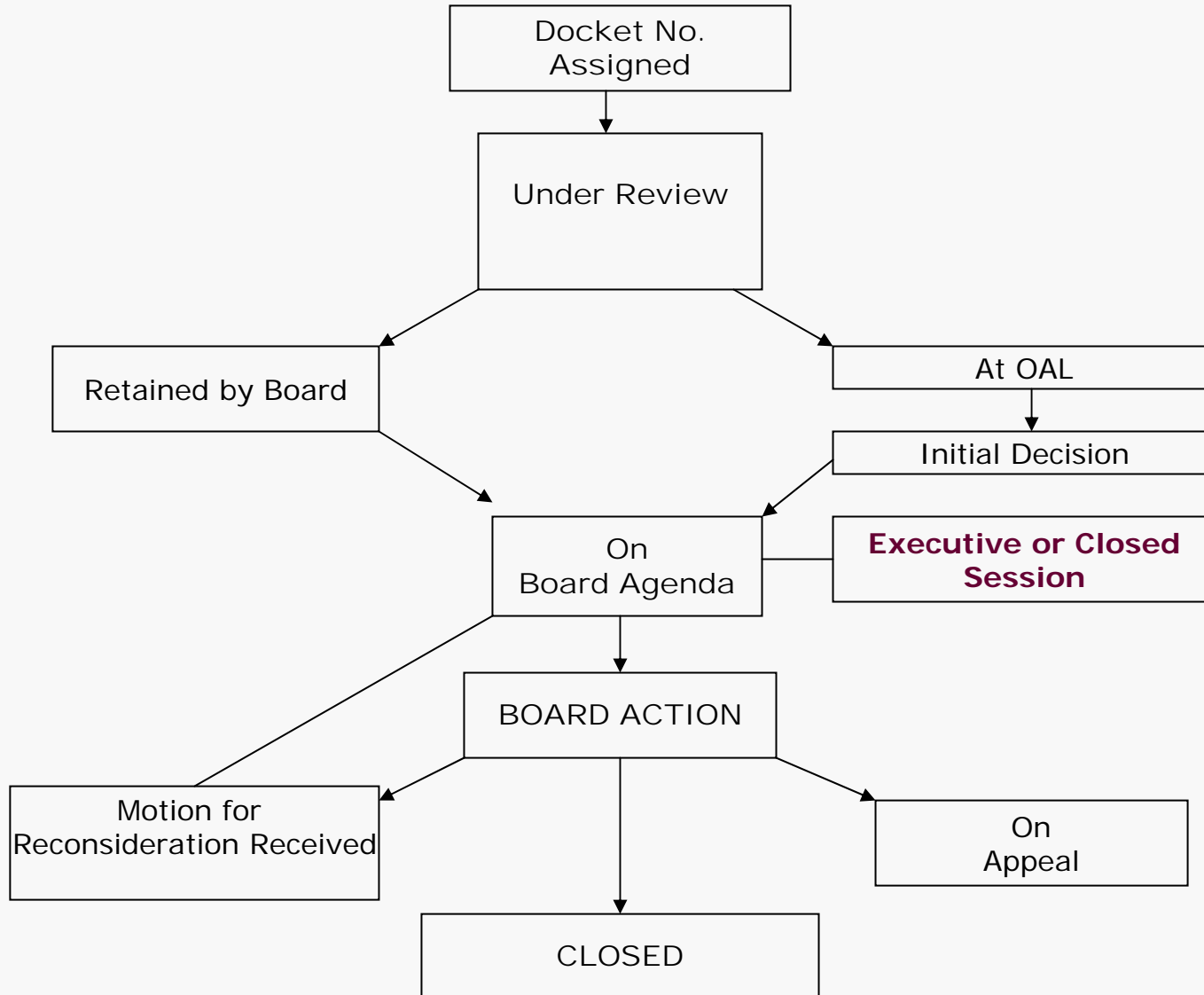
Categories for Docket Numbers

- **A** – All utilities
- **C** – Cable TV
- **E** – Electric
- **G** – Gas
- **T** – Telecommunications
- **W** – Water / Sewer
- **Suffix (last character)**
- **U** – Customer Assistance Case
- **K** – One-Call Violations
- **L** – Licensing
- **A** – Audits
- **C** – Complaint or Enforcement
- **D** – Discontinuance of Service
- **E** – Operating Rights
- **F** – Financing
- **M** – Merger, Sale or Transfer
- **R** – Rates
- **S** – Show Cause Order
- **T** – Tariff Revision
- **X** – Generic or Rulemaking
- **O** – Other

Example EM02010029

The Agenda Process

The Path of Cases



II. Case Path

**A. Transmitted to the Office of
Administrative Law (OAL)**

or

B. Retained by the Board

II-A. Office of Administrative Law (OAL)

At this phase, it has been determined that certain matters (primarily contested cases) will be sent to OAL for handling

- **Notice of Transmittal by Legal Staff**
- **Types of Hearings**
 - Prehearing
 - Status
 - Discovery
 - Settlement
 - Plenary / Evidentiary

II-A. Office of Administrative Law (OAL)

(Cont.)

- **Correspondence and Hearing Notices:**

The Board should receive copies and notifications of everything in process at OAL including:

- o Hearing notices
- o Motions
- o Discovery
- o OAL Orders
- o All other correspondence

- **Motions for Interlocutory Review**

II-A. Office of Administrative Law (OAL)

(Cont.)

Receipt of Initial Decision

- Types – partial/complete
- Time period for action
 - Requests for Extensions
 - Reports to inform staff/DAG's of upcoming deadlines
- Parties responses
- Deadline issues

II-B. Jurisdiction Retained by the Board:

Case work begins by Division and the Office of Attorney General

Preliminary tasks

- Staff from Division and DAG (deputy attorney general) assigned
- Determine how case will proceed (i.e. schedule)
- Service list established

**Establish Schedule of hearings,
meetings or conferences**

III. On Board Agenda - The Agenda Process

Board Meeting:

- Location - at the Newark office
- Frequency - bi-weekly and usually falls on a Wednesday
- Notice Requirements - No later than 48 hours before the meeting
– generally publish 5 business days before the agenda
- Preparation of the Agenda: 10 days before the meeting.
- Copies of Agenda are collated and distributed one week prior to the meeting to:
 - 50 staff receive copies of regular agenda items only
 - 26 staff receive a full packet of the agenda.

III. On Board Agenda - The Agenda Process (con't)

- Following the Commissioner vote on an Agenda item, Orders or Secretary's letters must be signed memorializing the Board's actions.
- Schedule of Board meeting posted on Website, bulletin boards with notification to newspapers
- Public is invited, but not allowed to speak

III. On Board Agenda

The Agenda Process (cont.)

- **2004 Meeting Dates for Pre-Agenda and Board Agenda Meetings:**
 - o Annual schedule of meetings
 - o See *meeting chart dates*
- **Agenda:**
 - o Determination for Eligibility
 - o Is this something that needs to go on the agenda
 - o Should it be on the agenda or on Consent agenda
 - o Late starters

Board Agenda Dates & Pre-Agenda Meeting Dates for 2004

Agenda Date	Pre-Agenda Meeting Date	Agenda Items Due
Wednesday, January 7 (January 9 @ 10am)	Monday, December 29	Thursday, December 18
Wednesday, January 21 (January 23 @ 10:30)	Monday, January 12	Thursday, January 8
Wednesday, February 4 @ 9:30	Monday, January 26	Thursday, January 22
Wednesday, February 18	Monday, February 9	Thursday, February 5
Wednesday, March 3	Monday, February 23	Thursday, February 19
Wednesday, March 17	Monday, March 8	Thursday March 4
Thursday, April 1	Monday, March 22	Thursday, March 18
Wednesday, April 14	Monday, April 5	Thursday, April 1
Wednesday, April 28	Monday, April 19	Thursday, April 15
Wednesday, May 12	Monday, May 3	Thursday, April 29
Wednesday, May 26	Monday, May 17	Thursday, May 13
Wednesday, June 9	Tuesday, June 1	Thursday, May 27
Wednesday, June 23	Monday, June 14	Thursday, June 10
Wednesday, July 7	Monday, June 28	Thursday, June 24
Wednesday, July 21	Monday, July 12	Thursday, July 8
Wednesday, August 4	Monday, July 26	Thursday, July 22
Wednesday, August 18	Monday, August 9	Thursday, August 5
Wednesday, September 8	Monday, August 30	Thursday, August 26
Wednesday, September 22	Monday, September 13	Thursday, September 9
Wednesday, October 6	Monday, September 27	Thursday, September 23
Wednesday, October 20	Tuesday, October 12	Thursday, October 7
Wednesday, November 10	Monday, November 1	Thursday, October 28
Wednesday, December 1	Monday, November 22	Thursday, November 18
Wednesday, December 15	Monday, December 6	Thursday, December 2

III. On Board Agenda

The Agenda Process (Cont.)

■ **Consent Agenda:**

Routine Items

- o Uncontested Requests for Extension of Time
- o Uncontested Initial Decisions and Settlements for Billing Disputes
- o Tariff Filings Unrelated to Rates or Charges (Name Change in Service Territory)
- o Suspension Orders
- o Uncontested Interconnection Agreements
- o Consent Matters are Moved and Voted on as One Item – No Discussion

■ **Agenda Deadlines:**

- o Divisions must provide Items two weeks before the Board meeting
- o Draft memo/order if a matter will not be completed before the due date, but before agenda date.

III. On Board Agenda

The Agenda Process (cont.)

■ **Agenda Procedures:**

Items listed on Agenda or Consent Agenda must follow Staff Memorandum format

- The Memo is a brief summary of the matter.
- Contains information not listed in Order

**Board of Public Utilities
Memorandum**

TO: The Board
FROM:
DATE:
RE: Caption & Docket No.

Executive Summary:

Briefly describe the matter and summarize staff's recommendation (keep it to one paragraph)

Background/Procedural History:

Include as much information as necessary/applicable in bulleted format and simply put not applicable for any category that doesn't need to be included:

- History or other details that might be helpful including date filed and relief being sought by petitioner, indicate if Initial Decision was issued and its recommendations and any board ordered conditions.
- Policy Considerations
- Interveners
- Major Issues
- Position of the parties
- Settlement criteria, if applicable
- Rate impacts on residential customers (current rate, proposed rate, settlement rate, recommended rate, statewide average rate: show calculations if possible)
- Customers and constituencies affected who you feel should be identified (including number of customers and location or a map)
- Environmental concerns
- Smart Growth impact
- Legislative interest
- If the item is newsworthy

Options and Recommendations:

Let Board know what the options are and provide recommendation

You may include table with a timeline for the process and important calculations for rate cases where you think this might help Commissioners.

III. On Board Agenda

The Agenda Process (cont.)

Routing of Agenda Items:

- **Types:**

Pink – Consent Agenda Gold – Late Starters

Yellow – Regular Agenda Green – New Orders

- **Original agenda packages with completed route slip to the Secretary's Office**
- **Approval and Sign off required by DAGs, Legal Specialist and Division Director**

IV. On Board Agenda

The Agenda Process (cont.)

■ **Processing Pre-Agenda**

- Distribution – in-house and outside, website
- Pre-Agenda meeting
- Commissioner Briefings

■ **Late Starters**

Once the agenda is published, new matters are considered Late Starters.

Late Starters will only be added if:

- President approves
- Staff demonstrates urgency of the matter
- The appropriate Senior Staff approves

IV. Executive Session

Items permitted in Closed or Executive Session

- Attorney-Client privilege
- Matters Under Investigation
- Personnel Matters
- Matters Deemed Confidential by State or Federal Courts or Law

V. Board Action

- **Difference Between Approved and Issued Orders**
- **Types of Actions**
 - o Orders – interim, final
 - o Secretary's letters
 - o Status reports
 - o Joint Actions with other agencies

V. Board Action (cont.)

■ Time

- Between approval and issuance
- Orders ready at time of Board meeting
- Orders modified by Commissioners at Board meeting
- Orders written after Board meeting
- Website posting

VI. Website: Posting Final Orders

- Secretary's Office obtains orders via e-mail from divisions prior to agenda meeting
- Once orders are signed, date and e-mail to web master for inclusion on website
- Attempt to have urgent matters posted on the website the day they are signed
- Orders on website useful for Staff and the public

VII. CASE CLOSURE

- **Ways in which a Case may be Closed**
 - Order or Secretary's letter
 - Withdrawal or Dismissal
 - Consolidation under different numbers
 - Administrative (pass through) closings
 - Miscellaneous

- **Case may still be pending, therefore:**
 - All actions revert back to Under Review or OAL status
 - Something is remanded or forwarded to either OAL, the Appellate Division, or in rare instances Federal and/or State Superior Courts.

VIII. Post Closure Circumstances

■ Appeals

- Timing – During pendency or after
- Portion of case being appealed
- Whose responsibility is it to handle?

■ Board Orders with Conditions

- Closely track Board Order with conditions
- Responsibility for tracking
- Identification of conditions
- Notifications to CMS as to tracking conditions

I X. Request for Documents

OPRA - Open Public Records Act

- Burden of proof now on us
- Documents previously held may now be released
- Retroactive
- Rules require substantiation
- Must turn around in 7 business days

Document Storage / Requests