

*Policies and Procedures*  
of the  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

**Title I**

**COMMITTEES, REPRESENTATIVES, AND SELECTION OF OFFICERS**

**Section 1. General Exercise of Presidential Appointment Authority.** In making all appointments, the President shall seek to enlarge and equalize participation by the active members to the maximum extent practicable.

**Section 2. Committee and Subcommittee Appointments.** The President shall appoint members to committees, subcommittees, and staff subcommittees and shall give due consideration to regional balance, to active participation in the Association and its regional affiliates, and to availability and willingness to participate in the work of the committee or subcommittee. In making appointments, the President shall consider the ability of all committees to perform their responsibilities. At some point, a committee may become too large to function effectively. So, too, each committee needs a minimum number of members, depending on its mission, to carry out its responsibilities.

**Section 3. Removal.** Appointees who attend less than one-half of the duly called meetings of the committee or subcommittee during the Association year shall be subject to removal by the President; in determining whether to remove a committee or subcommittee member, the President may, for good cause shown, choose not to remove a member based upon active participation in committee or subcommittee activities by means other than meeting attendance.

**Section 4. Notification Procedures for Committee Appointments.** A Commissioner, who wishes to either (1) change his or her existing committee assignment, or (2) receive an initial appointment to a committee, shall send a letter or electronic message to the President and Executive Director requesting consideration for service on the target committee. The Executive Director shall issue a letter electronically notifying the Commissioner if the request is granted with copies to the Chair of the relevant Committee or Committees.

**Section 5. Service and Terms.** No commissioner shall serve on more than one of the standing committees, other than the Board, the Committee on International Relations, the Committee on Consumer Affairs, and the Committee on Critical Infrastructure, which may include, at the discretion of the President, members from other standing committees. Service by more than one commissioner of a commission on the same committee or subcommittee shall be discouraged. Staff members may serve on more than one subcommittee. Commissioners and staff members may be annually reappointed to the same committees and subcommittees for as long as they remain a member of the Association and desire reappointment.

**Section 6. Observers.** Associate members of the Association appointed to committees and non-members appointed to staff subcommittees shall be designated as "Observers". All international associate members shall have Observer status on the Committee on International Relations and other

Standing Committees to which they have been appointed by the President. Observers shall have all rights of participation except the right to vote.

**Section 7. Voting.** No State or federal commission shall cast more than one vote on an issue before a committee or subcommittee. Where there is plural membership from a State or Federal commission the vote shall be divided equally among its members present. Except as provided in Constitution Article IX, Section 3 and in Bylaws Article I, Section 9(b), no proxy voting is permitted.

**Section 8. Quorum.** One third of the members of each committee and subcommittee shall constitute a quorum; provided, however, that in no case shall a quorum be fewer than two members.

**Section 9. Board of Directors (Board).**

**(a) Alternative Voting Process:**

- (1) If a matter affecting the finances of the Association requires action by the Board of Directors prior to its next regularly scheduled meeting, the Executive Director shall conduct the alternative voting process when directed to do so by the President, a majority of the members of the Executive Committee or a petition submitted with the signatures of a majority of the Board.
- (2) The alternative voting process shall include a teleconference of the Board to debate the matter at issue followed by mail or electronic ballot. By a majority vote of the Executive Committee, the pre-notification or ballot procedures of this section may be waived.
- (3) The Executive Director shall provide no less than ten business days' notice by mail or e-mail to each member of the Board of the time and date of the conference call. The notice shall include an agenda for the call and a specific statement of the matter to be considered. Notice of the impending vote and the issue(s) to be voted on shall be provided to the Chairs of each member commission simultaneously with the notice to Board members. If a majority of the members of the Board notify the Executive Director that they will not be available, the conference call shall be rescheduled. At the beginning of the call, the Executive Director shall take roll to determine if a quorum (as prescribed by section 8) is present. Only the matters described in the notice may be debated.
- (4) Immediately following the call, the Executive Director shall distribute a summary of the conference call and a ballot to each member of the Board of Directors no less than ten business days before the return date unless waived by the Executive Committee under Section 9(a)(2). The vote shall not be valid unless the Executive Director receives ballots from a quorum of the Board (as prescribed by section 8) by mail, email or facsimile on or before the return date. Ballots received after the return date shall not be counted. Immediately following the close of balloting, the Executive Director shall prepare a summary of the Board's

action which shall be distributed to all Board members, published in the NARUC Bulletin, and attached to the agenda of the next regularly scheduled Board meeting.

- (b) **Limited Proxy Voting:** If the Chair of a Standing Committee is unable to attend a meeting of the Board, that Chair shall contact an officer of the Association, indicate that he or she will not be able to attend the meeting, and designate a Vice Chair to attend with his or her proxy. The Presiding Officer shall recognize the designated Vice Chair to provide the Committee's report. Where the absent Chair has not contacted an officer, the Presiding Officer may designate a Vice Chair, or other member of that Standing Committee, to present the report of a Standing Committee. In either case, once recognized, if the designee is a Vice Chair, he or she may vote on matters before the Board.
- (c) **Conflict of Interest:** At the time of appointment, each appointee shall be requested to read the Association's Conflict of Interest Policy and sign an Annual Statement of Disclosure provided by the Chief Financial Officer. Sitting members shall be requested to sign the Annual Statement of Disclosure for the ensuing calendar year at the Board's Meeting held at the Annual Convention in November. The seat of a member who is unable or unwilling to sign the Annual Statement shall be declared vacant.

**Section 10. Commissioners' Subcommittees.** If authorized by the Board, committees may establish and abolish subcommittees of their members.

**Section 11. Staff Task Forces.** The staff subcommittees may establish and abolish task forces of their members upon notification to their supervising committees.

**Section 12. Committee and Subcommittee Chair Tenures.** The chair of a committee or subcommittee shall be appointed by the President for a one year term and may be reappointed for a maximum of three consecutive terms.

**Section 13. Vice Chair.** The appointment of one or more vice chairs for a committee or subcommittee shall be at the option of the President, after consultation with chair of the committee. Service as a Vice Chair shall not create a presumption that the incumbent shall succeed to the chair.

**Section 14. Conduct of Meetings and Conference Calls.** Committees and subcommittees should meet in conjunction with the convention, winter and summer meetings of the Association. Notice for each of those three meetings is given well in advance electronically through the NARUC Bulletin and by posting on NARUC's webpage. If a committee or subcommittee has failed to hold at least two meetings during the preceding calendar year, the President shall consider replacing the committee or subcommittee chair. Only members and associate members shall (i) participate in Committee or Subcommittee conference calls, except by special invitation, (ii) compile and organize the agenda, and any panel presentations, for any Committee or Subcommittee meeting or conference call, and (iii) sit at the table reserved for Commissioners at meetings. Non-members may be

permitted to sit at the reserved table as part of a special report or panel presentation to the committee or subcommittee, but only for the duration of the specified report or panel presentation.

**Section 15. Statements of Purpose.** Each committee and subcommittee shall prepare and maintain a current statement of its purpose. Staff subcommittee statements shall be subject to the approval of its supervising committee. Statements of Purpose shall be posted on the committee or subcommittee's page on the NARUC website.

**Section 16. Committee Supervision.** The Board shall exercise general supervision and policy direction over the other standing and ad hoc committees and they, in turn, shall exercise consistent supervision and policy direction over their subcommittees. Each committee shall annually review the functioning of its subcommittee structure and, where deficient, recommend the appointment of a new subcommittee chair or the consolidation or abolishment of the subcommittee.

**Section 17. Active Committee Policy.** Each committee shall have held at least three meetings during each calendar year.

**Section 18. Coordination of Policy Resolutions.**

- (a) Not later than Monday that is more than one week prior to the start of either the Winter, Summer or Convention meetings, each committee that anticipates recommending policy resolutions for the Board's consideration shall forward a draft of each such resolution, except for resolutions commemorating the service of an individual, to the General Counsel. Such resolutions shall expeditiously posted to NARUC's website. After posting, the General Counsel will send an email to each member State commissioner with a copy of all resolutions submitted by the deadline. If a proposed resolution that was not received by this deadline is offered for the Board's consideration, and a member of the Board raises a point of order, such resolution may only be adopted upon a vote of three-fourths of Board members in attendance.
- (b) After the resolutions are posted on the website, each committee shall convene a meeting by conference call within 5 business days to determine if members of the committee have an interest in any of the proposed resolutions. Based upon this meeting, a committee other than the original sponsoring committee may offer to either co-sponsor the resolution, offer an alternative resolution on the same or similar subject matter, or to recommend a specific action be taken when the resolution is considered by the Board. In such cases, the Chair of that non-sponsoring committee shall notify the Chair of the sponsoring committee and the Executive Director via e-mail of its interest in the resolution no later than noon on the Friday immediately before the Board meeting where the resolution will be considered.
- (c) After the resolutions are posted on the website, a committee proposing a resolution that requires or implies funding from NARUC or external sources, e.g., suggesting a study or project that cannot be implemented without separate

and specifically allocated funds, shall notify the Executive Director in writing as soon as practicable, but no later than noon on the Friday immediately before the Board meeting where the resolution will be considered. That written notification shall include (1) the amount of requested funding support, (2) an explanation of the basis for requesting that amount, (3) a short statement explaining the benefit of the expenditures to NARUC members, (4) a discussion of possible sources of funds, and (5) contact information for the sponsor of the resolution. The Executive Director shall forward such materials to the Executive Committee. No such resolution shall be considered by the Board absent a recommendation from the Executive Committee.

**Section 19. Requirements for Formation of Special Committees Affecting Two or More Standing Committees.**

- (a) This section provides a standard framework for special committees, including working groups and task forces, established under Constitution Article VIII, Section 2 to address a specific set of issues or complete a specific task that affects two or more standing committees.
- (b) Each special committee shall comply with the following requirements:
  - (i) Written Mission Statement: The mission and scope of work shall be described in a written statement approved by the Executive Committee at inception. The statement shall explain why a special committee needed rather than assigning the task to a standing committee.
  - (ii) Appointment of Members: Members shall be appointed by the President, from the members of the relevant standing committees. Where appropriate, the President shall consult with relevant standing committee chairs concerning these appointments. The President shall seek to appoint a balanced membership. The President shall designate the chair, or co-chairs. If possible, the chair shall be one of the representatives of the standing committee most directly affected by the given task. The tenure of the chair shall be one year subject to reappointment for an additional year.
  - (iii) Duration: The Mission Statement shall include a specific time frame to complete the specified task which shall not exceed 24 months. Special Committee requests for an extension beyond 24 months is subject to approval by the Executive Committee.
  - (iv) Conduct of Activities: The special committee shall follow these guidelines:
    - (A) Meetings shall be conducted by conference call or in conjunction with the summer and winter meetings or the Convention. Other members may attend calls and meetings as observers unless a majority of the special committee members specifically agree to close the call or

meeting. Calls or meetings may also be opened to non-members by agreement of a majority of the special committee members.

- (B) No expenses may be incurred (e.g. travel and meeting expenses, webinar expenses, consultant support) without the approval of the Executive Director or the Executive Committee.
- (C) Members of the special committee shall solicit State commission staff to support their work, including members of relevant Staff Subcommittees. The Executive Director shall also provide appropriate support by NARUC staff.
- (D) Any Federal grant funding available to support the work of the special committee shall be managed by the Grants and Research Department consistent with all Federal procurement and contract requirements. Proposed subcontracts must be approved by the Executive Committee prior to taking effect.
- (E) The Chair or Co-chair of the special committee, or a designee, may be invited to provide a written or oral report to the Boards. In addition, members of the special committee serving on Standing Committees shall be prepared to provide written or oral reports to those Committees upon request.
- (F) All activities of the special committee in policy development and advocacy shall be overseen by the Executive Committee.

**Section 20. Federal-State Joint Boards.** The State members of Federal-State Joint Boards established by the Federal Communications Commission under 47 U.S.C. Sections 410(c) and 254 shall be nominated by the President Prior to submission to the FCC, the nomination shall be confirmed by a majority vote of the Joint Board members present at a meeting or a majority of Board members responding electronically within 15 days to an e-mail solicitation seeking confirmation of the proposed nominee. A State member so nominated shall serve a three- year term from the date of appointment by the FCC, and no State member shall serve for more than two consecutive terms on a Joint Board. Nominations shall generally be made from the membership of the Committee on Telecommunications.

**Section 21. Staff Committees of Federal-State Joint Boards.** State members of staff committees for Federal-State Joint Boards shall be appointed by the President, except that each State member of a Joint Board shall be entitled to designate one staff member. The President will appoint the 4 staff members (Commissioners Staff) selected by each State Joint Board member. The President will consult with the State members of the Joint Board before making the other 7 staff appointments (At-Large Staff). Commissioner Staff may serve until either (1) their sponsoring commissioner leaves the Joint Board or (2) their sponsoring commissioner wishes to replace them. At-Large Staff serve three or four year terms which shall be specified in their appointment letters and referenced in NARUC's Membership Directory. The President should try to stagger at-large

term appointments. Once their term ends, At-Large Staff may remain in service on the Joint Board until (1) the President appoints a replacement or (2) the President reappoints them to the Joint Board. The formal Joint Board staff for each Joint Board shall be limited to 12 members consisting of 4 Commissioner members, the 7 At-Large members, and a member of NARUC staff. Appointment of additional members is discouraged. However, when particular expertise or participation by other staff is required, and the State employing that staff will fund all expenses associated with that staff's participation, the State members can request the President appoint additional staff. Such staff will be designated "Limited Appointment Staff" in both their appointment letters and the NARUC Directory. The terms for such staff will be limited to one year. In the absence of a reappointment letter, their service ends.

**Section 22. EPRI and GTI Advisory Councils.** The State members of the Advisory Council to the Board of Directors of the Electric Power Research Institute (EPRI) shall be appointed by the President for three year terms, with no State member serving for more than two consecutive terms. Partial terms do not count towards the two term maximum. State members of the Public Interest Advisory Council of the Gas Technology Institute (GTI) shall be appointed by the President. Appointments for EPRI shall generally be made from the Committees on Electricity and Energy Resources and the Environment. Appointments for GTI shall generally be made from the Committees on Gas and Energy Resources and the Environment.

**Section 23. Other Representatives.** Other representatives of the Association shall be appointed or nominated, as the case may be, by the Board or the President. The President and Board should attempt to limit the total service of any appointed representative to six years.

**Section 24. Attendance.** Representatives who attend less than one-half of the duly called meetings of the organization to which appointed during the Association year shall be subject to removal by the President.

**Section 25. Selection of Officers - Regional Rotation.** Beginning with the election of Officers in November 2013, the Second Vice President shall be chosen from the Association's regional affiliates on the following schedule:

- 2013 – Western Conference of Public Service Commissioners (WCPSC)
- 2014 – Mid-Atlantic Conference of Regulatory Utility Commissioners (MACRUC)
- 2015 – New England Conference of Public Utilities Commissioners (NECPUC)
- 2016 – Mid-America Regulatory Commissioners (MARC)
- 2017 – Southeastern Association of Regulatory Utility Commissioners (SEARUC)
- 2018 – WCPSC
- 2019 – MACRUC
- 2020 – NECPUC
- 2021 – MARC
- 2022 – SEARUC
- 2023 – WCPSC
- 2024 – MACRUC
- 2025 – MARC
- 2026 – SEARUC

2027 – WCPSC  
2028 – MACRUC  
2029 – NECPUC

Beginning in 2030, this cycle shall be repeated.

## **Title II**

### **POLICY DEVELOPMENT AND IMPLEMENTATION**

#### **A. Statements of Association Policy**

##### **Section 1. Policy Resolutions**

- A. Policy resolutions adopted by either the NARUC in plenary session or its Board express the basic beliefs and objectives of the Association. The policy positions of the Association, whether reflected by resolutions or otherwise, shall only be adopted by the membership assembled in the annual conventions or by the Board, with the former taking precedence over the latter. The role of the standing committees in policy formulation is restricted to recommending positions for consideration by the conventions and the Board. Policy resolutions take two forms: first, to define and revise the internal operations of the Association, and second, to express the Association’s views on public policy issues affecting the regulation of carriers and utilities. Resolutions shall stand until revised or repealed.
- B. The General Counsel shall ensure that adopted resolutions are posted to the NARUC webpage within 10 days after each meeting. Each resolution shall bear the date of adoption, and the name of the standing committee or committees originating or sponsoring the resolution.

##### **Section 2: Other Statements of Policy**

- A. Statements of principle and other policy guidelines recommended for consideration by member commissions shall be collegial in nature, reflecting the need for individual commissions to comply with their respective statutes and regulations. Such statements and guidelines shall be adopted by resolution.
- B. Any model statutes, model regulations, white papers, or “best practices,” whether prepared by staff, by contractors or by other organizations or individuals, shall represent the official policy of the Association only when adopted by resolution. NARUC may disseminate new statutory or regulatory policies developed and implemented by its members through its website and newsletter.



- C. In general, testimony and other statements, briefs, agency comments and legal pleadings shall be based upon Association policy resolutions and reasonable inferences taken there-from.
- D. Committees, subcommittees and special committees shall not file comments, letters, testimony or other advocacy documents. Such items may be filed by Washington Staff in compliance with the procedures in these bylaws.

**Section 3: Policy Development with Other Organizations.**

With the approval of the Executive Committee and the chair of any relevant standing committee, the Association may join policy statements with other organizations. The Executive Committee and committee chairs shall be vigilant to avoid associating NARUC with positions and arguments inconsistent with the its interests or existing positions. Unless the Board has endorsed the document in question, NARUC shall ensure that when the Association's name is on a report, white paper or similar document developed with other organizations that it includes a written disclaimer that it does not reflect the policy of the Association.

**B. Congressional Relations**

**Section 1: Association Witnesses.**

- A. Washington Staff shall seek to place members as witnesses at all relevant Congressional hearings. Where a NARUC representative is not requested or appropriate, Washington Staff shall seek to facilitate the participation of representatives of individual State commissions testifying on behalf of their State or region.
- B. NARUC witnesses shall be chosen by the officers and relevant committee chair or chairs with the advice of Washington Staff. The following factors shall be considered in choosing a witness:
  - 1. Knowledge of the issues;
  - 2. Affinity of State or region of the witness and members of Congressional committee, particularly any personal relationship with the committee chairman or ranking member;
  - 3. Request of congressional committee for a specific witness or point of view;
  - 4. Political balance;
  - 5. Membership on the relevant standing committee; and
  - 6. Need to provide opportunity for new witnesses.

## **Section 2: Congressional Testimony**

- A. Washington Staff shall draft Association testimony in cooperation with the witness and his or her staff. Positions taken in testimony shall be based upon the Association's policy resolutions and reasonable inferences taken therefrom. If NARUC has no position addressing an issue raised by proposed Congressional action that directly affects members' interests, and it appears necessary or prudent to address that issue prior to any meeting where a resolution can be considered, then NARUC staff may utilize the inter-meeting NARUC policy adoption process outlined in Section C. 1. B., *infra*, to supplement proposed testimony. However, that inter-meeting process shall not be used to support in testimony Congressional initiatives benefitting primarily third parties.
- B. A NARUC witness may be invited to provide views of his or her individual State commission, either orally or in written testimony. In such cases, the NARUC witness shall clearly distinguish NARUC's positions from the views of his or her State commission or his or her personal views.
- C. Responses to post-hearing questions from congressional committees shall be prepared by the Washington Staff in consultation with the witness and as appropriate, the chair of the relevant committee or committees.
- D. Washington Staff shall prepare a press release in conjunction with the appearance of a NARUC witness for distribution to relevant media and inclusion in the NARUC Bulletin.

## **Section 3: Congressional Correspondence**

- A. Subject to the approval of the relevant committee chair, Washington Staff shall prepare and deliver correspondence to Congress before committee mark-ups or floor action in all cases in which the Association has taken a position. . Congressional correspondence shall include in the Executive Director's report to the Board and may be summarized in the NARUC Bulletin. If NARUC has no position addressing an issue or issues raised by proposed Congressional action that directly affects the interests of NARUC's member Commissions, and it appears necessary or prudent to address that issue(s) prior to any meeting where a resolution can be considered, then NARUC staff may utilize the inter-meeting NARUC policy adoption process outlined in Section C. 1. B., *infra*, to draft correspondence. However, that inter-meeting process shall not be used to draft correspondence to support Congressional initiatives benefitting primarily third parties.
- B. Congressional correspondence shall be transmitted over the signature of the President and/or relevant committee chair or chairs if time permits.

Congressional correspondence may be signed by the Executive Director or General Counsel as necessary in cases where time is short.

**Section 4: Congressional Meetings**

- A. Washington Staff shall arrange meetings between members and relevant members of Congress and their staffs as necessary to meet the strategic needs of the Association.
- B. The Association shall seek to maximize participation of its members in congressional meetings. In designating attendees at congressional meetings, the Association shall consider the factors described in part I.B. The President, after consultation with the chairs of relevant committees, shall determine the makeup of delegations in cases where attendance is limited.

**C. Litigation**

**Section 1: Briefs, Comments and other Pleadings**

- A. In general, briefs, agency comments and legal pleadings shall be based upon the Association's policy resolutions and reasonable inferences taken therefrom. The NARUC attorney preparing a legal pleading shall consult with the chair of the relevant committee or committees and notice to the Executive Committee prior to submitting the pleading. If time permits, the NARUC attorney shall provide draft pleadings to the chair before filing. Copies of all briefs, comments and legal pleadings (other than those involving procedural matters) shall be posted to the website after filing.
- B. Where the anticipated action is directed by, or the expected response to, a NARUC resolution, NARUC attorneys will file an appropriate pleading in accordance with part A, above. Often cases arise where NARUC attorneys believe that the Association should consider instituting litigation or intervening in pending litigation to address an issue of importance to the Association's membership but the schedule of NARUC triennial meetings does not permit the Association to respond with a targeted resolution. If NARUC has an outstanding policy position addressing the issue or issues, NARUC attorneys shall file appropriate pleadings after consultation with the chair of the relevant committee or committees. If NARUC has no outstanding policy position addressing the issue or issues, NARUC attorneys shall file appropriate pleadings after consultation with and approval by the chair of the relevant standing committee or committees and notice to the Executive Committee. In addition, if the case has a direct impact on individual member State commissions, NARUC attorneys shall consult with the chair of each affected commission before contacting the relevant committee chair or Executive Committee members. The specified notices to the Executive Committee may be by phone or electronic message. Such notices must indicate the issue,

proposed action, timeframe for action, and a notation that NARUC is consulting directly with the chair of the relevant committee(s) and the President [or if the President is unavailable another member of the Executive Committee] before taking action.

- C. As required by court rules or for strategic purposes, NARUC may be required to join in joint pleadings with other parties, both individual State commissions and other parties deemed to have similar interests. In such cases, NARUC attorneys shall consult with the chair of the relevant committee or committees concerning the decision to file joint pleadings. In addition, NARUC attorneys shall be vigilant to avoid associating NARUC with positions and arguments inconsistent with the Association's positions or interests.

## **Section 2: NARUC Representation**

- A. NARUC's attorneys shall represent the Association in judicial proceedings and agency hearings and conferences. In cases of joint party participation in a case or proceeding, the Executive Committee, after consultation with the chair of the relevant standing committee, shall determine the appropriate attorney to represent State commission interests in oral arguments and similar proceedings. The Executive Committee shall base its decision on the attorney's familiarity with the case or proceeding, previous experience in similar cases or proceedings, and reputation for skill and preparation.
- B. Washington Staff will arrange meetings between members and relevant members of Federal agencies and commissions as necessary to meet the strategic goals of the Association. NARUC shall seek to maximize participation by its members in such meetings. The President, after consultation with the chairs of relevant committees, shall determine the makeup of delegations in cases where attendance is limited.
- C. Washington Staff will prepare correspondence to Federal agencies and commissions as directed by officers or relevant committee chairs. Such correspondence shall be transmitted over the signature of the President and/or relevant committee chair or chairs if time permits. Correspondence may be signed by the Executive Director, General Counsel or other staff member as directed by officers or relevant committee chairs.

## **C. Press Releases**

**Section 1. The NARUC Press Release.** The Washington Office shall maintain appropriate lists of current press contacts covering matters of interest to the Association.

**Section 2. Authority to Issue Press Release.** Only the Executive Director, or his or her designee, may authorize the issuance of a press release. The President, a majority of the

Executive Committee, or a majority of the Board may direct the Executive Director to issue a press release.

**Section 3. Scope of Press Release; Disclaimers.** In general, NARUC press releases fall in two categories: first, releases announcing news of the Association such as election of officers, key personnel changes or upcoming meetings; and second, releases addressing the Association's views on matters of public policy. NARUC may also issue press releases on matters of public policy that reflect the plans or activities of a subgroup of the Association such as a Standing Committee or Subcommittee, or special committee. Such press releases shall include an appropriate disclaimer making clear that the focus of the Committee, Subcommittee or Working Group's plans or activities, e.g., a proposed white paper being released for comment, is preliminary and should in no way be considered to reflect the views or have the endorsement of the NARUC, its Board, or any of its members. The press release should caution the press that "Unless and until a formal NARUC resolution taking a position on any proposed Committee activity is considered and passes through the NARUC decisional process, it cannot represent the views or even predilections of the organization." Any press release that can be read to advocate positions clearly contrary to NARUC's announced policy – as expressed in resolutions – or in statements of position or procedure approved in the alternative methods provided in the Constitution and Policies and Procedures will not be released through the NARUC office or suggest that NARUC in any way endorses that contrary position. Washington Staff shall not informally circulate to the press, State Commission press releases that are contrary to NARUC's established policies.

**Section 4. Consultation.** The Washington Staff shall consult with the Chair of each Standing Committee affected by the subject matter of a planned press release that states the Association's views on a matter of public policy. Where NARUC's policy views are clearly enunciated in an approved letter or resolution, a press release fairly outlining the resolution or approved statement of policy may be released when the chair or vice-chair of the relevant committee cannot be located in time to make perceived press deadlines. As appropriate, each press release shall include a statement in quotations from each affected Committee Chair wishing to be quoted. Each press release shall be electronically provided to the Executive Committee at the same time it is issued.

## **Title III**

### **FUNDING BY GOVERNMENTAL AND PRIVATE ORGANIZATIONS; SUPPORT FOR TRAINING PROGRAMS, CONFERENCES AND OTHER EVENTS**

#### **A. Funding by Governmental and Private Organizations**

**Section 1. Scope of Policy.** This policy statement governs NARUC applications for funding from governmental and private organizations and the employment of consultants and other persons paid from such funding.

**Section 2. Applications for Funding.** Each application for funding shall be consistent with the Constitution and Policies and Procedures and shall be signed by the Executive Director. A summary of funding activities shall be included in the Board briefing materials prepared for the winter and summer meeting and the convention.

**Section 3. Competitive Bidding.** After a request for competitive bids, a contract for consultant services can be awarded. A bidder shall be selected based on an evaluation by NARUC of the price, experience, reliability, expertise and performance methodology evidenced by the bidding process. Competitive bids may be dispensed with when only a single source is qualified to perform the work, or when the price is less than \$50,000.

**Section 4. List of Potential Bidders.** Washington Staff shall maintain lists of potential bidders. Bidders may be added to the list if they appear qualified.

**Section 5. Request for Proposals.** The request for proposals shall identify the work to be performed, the time allotted for performance, and the deadline for the submission of proposals. The request for proposals shall be distributed electronically.

**Section 6. Proposal.** Each proposal shall respond fully to the NARUC request for proposals, state the total price for the performance of the work, and identify the persons, including their education and experience, to perform the work. A proposal shall become the property of NARUC and shall not be returned. Any or all proposals may be rejected by NARUC.

**Section 7. Selection of Consultant.** NARUC shall recommend either that all proposals be rejected or that a particular consultant be awarded the contract. That recommendation may be confirmed by the chair of the committee that will provide policy direction for the conduct of the work, after consultation with the Executive Director. Contracts that involve more than \$50,000 must be approved by the Executive Committee. The Executive Committee shall act promptly to approve or disapprove the recommendation, either in a meeting or through e-mail or electronic balloting.

**Section 8. Consultant Contracts.** Each contract between NARUC and a consultant selected under Section 7, shall signed by the NARUC Executive Director and shall include the following provisions:

- (a) The contract shall identify the work to be performed, the employees of the consultant to perform it, reporting requirements, the time allotted for performance, and the total price for the work.
- (b) The contract shall place limitations on reimbursement for travel expenses, if anticipated.
- (c) The contract shall identify the NARUC committee representatives, in consultation with NARUC staff members, to review and accept or reject the work of the consultant.
- (d) The consultant shall act as an independent contractor and shall not be deemed an agent or employee of the NARUC for any purpose.
- (e) The consultant shall not engage in other activity that would create a conflict of interest with the performance of the contract.
- (f) The consultant shall not discriminate against any person in strict conformance with existing federal equal employment laws applicable to private employers, and employers holding federal contracts or subcontracts, as well as the employment prohibitions found in the District of Columbia Official Code Section 2-1401.01 et seq. . The consultant shall comply with all other applicable laws regarding the operation of its business.
- (g) The consultant (including any employee or subcontractor engaged in the performance of the contract) shall not be, or have been, a member of during the course of the contract or within one year prior to its execution.. In addition, this prohibition may be waived by a majority vote of the Executive Committee based upon a finding that no other consultant can reasonably perform the contract or that waiving the prohibition is otherwise in the Association's interest.
- (h) The consultant shall indemnify and hold harmless the NARUC against any claim for damages incurred by reason of any willful or negligent act of commission or omission of the consultant in the performance of the contract.
- (i) The contract shall be subject to termination, with or without cause, by either the NARUC or the consultant, upon thirty days advance notice from one to the other.

**Section 9. Other Employment.** Each person needed to perform the work under a funding arrangement, other than a consultant as provided in Sections 3 through 9 above, shall be employed by the Executive Director. The employment contract shall contain the provisions of Section 8 above to the extent practicable.

## **B. Support of Training Programs, Conferences and Events**

**Section 1. Purpose.** The Subcommittee on Education and Research has responsibility for the oversight of the Association's educational and research programs. As one of its tasks, the Subcommittee establishes appropriate standards and policies to govern the operation of any educational, training or research programs supported by NARUC.

**Section 2. Guidelines for NARUC Support of an Event:** The following guidelines shall apply to the administration of all conferences, workshops, committee retreats, and other events when the NARUC is the primary organizer and/or other institutions seek NARUC's endorsement for their activities. These guidelines shall not apply to the meetings of NARUC affiliates or to NARUC's regular winter and summer meetings or NARUC's Annual Convention. NARUC supports solicitation of a broad range of ideas from diverse viewpoints in any event or meeting supported or endorsed by the Association.

**Section 3. Executive Committee Approval:** The Executive Committee shall have responsibility for approving all inquiries for all categories of NARUC support. The Executive Committee shall be permitted to bestow a multi-year approval (maximum 3 years, or until revocation upon identification of significant issues) upon certain annual events (such as training programs or conferences). For all applications, the Executive Committee shall first seek the recommendation of the Subcommittee on Education & Research.

**Section 4. Categories of Support:** NARUC recognizes the following categories of support. The terms Host/Co-host, Sponsor, and Promoter will be used for conferences, workshops, and other events. Endorsement is appropriate for formal technical training programs.

**[a] Host or Co-host:** A host is defined as an organization or association assuming principal financial responsibility. NARUC shall be considered a co-host of an activity if it is providing certain financial obligations. NARUC and the primary host shall enter into a contract (if funding is passing from one organization to another) or a memorandum of understanding (if both parties have direct responsibility for different financial obligations). This document shall outline financial obligations, roles, and responsibilities. Example: NARUC is Host of the NARUC Winter Committee Meetings.

**[b] Sponsors:** A sponsor is defined as an organization or association providing financial support. NARUC may either serve as a sponsor for another organization's event or may obtain sponsorship for its own event, provided all pre-existing sponsorship criteria are met. Example: NARUC is the Co-sponsor of the Electricity Forum

**[c] Promoters:** A promoter is defined as an organization or associations providing non-monetary support, cross-marketing contracts, or in-kind contributions. NARUC may be a promoter of another organization's event provided that the event does not conflict with an event hosted by NARUC or hosted by any NARUC affiliates. NARUC and the primary organizer shall enter into an MOU defining each party's roles and obligations, including but not limited to advertising/marketing of an event and the proper use of NARUC's logo. This is the most typical type of status



that is given for events. Example: NARUC was a Promoter for the World Forum on Energy Regulation V (Quebec City) May 2012.

**[d] Endorsement:** NARUC may endorse a formal training program, which means that it has reviewed the training curriculum and deems it appropriate and useful for the regulatory community. This status allows the organizer to use NARUC's logo and name following signature of a memorandum of understanding. The contract (for programs involving NARUC finances) or the MOU shall detail both parties' roles and responsibilities, including manner of use of the NARUC name and/or logo, clarification of NARUC's name and the relationship to the organizer in marketing materials, and other requirements as may be negotiated in the contract or MOU. Endorsement of a training program requires the inclusion of a member of NARUC's Subcommittee on Education & Research in the curriculum review or agenda development process to ensure that the program content meets NARUC's expectations. Example: NARUC endorses the *IPU/MSU Annual Regulatory Studies Program: "Camp NARUC"*

**Section 5. Approval Process:** Events shall be deemed to be officially supported by the NARUC in those instances when the NARUC Executive Committee has expressly approved such support, upon recommendation of the Subcommittee on Education and Research, as defined in the categories above through a memorandum of understanding or other agreement. All operations involving financial commitments shall be approved by NARUC staff acting under the general supervision of the Officers and the Executive Committee and/or Board. Co-organizers of such events shall work with the NARUC staff to assure compliance with these guidelines.

**Section 6. Recommendation from Subcommittee on Education and Research:** Any request for NARUC to support an event shall be referred to the Subcommittee on Education and Research for a recommendation. . The Chair, in consultation with the members of the subcommittee, shall consider, at a minimum, the following criteria in determining whether to recommend support:

- Timing of the event and the likely impact on attendance at other NARUC-supported events.
- The reason NARUC is being solicited to support the event.
- The level of staff or other resources NARUC is likely to divert to support the event or is being specifically asked to contribute to support the event.
- Impact on standing Committees and/or their support or level of engagement.
- Whether the event is likely to add value to NARUC's membership or reputation.
  - o Likely degree of member participation at event.
  - o Subject matter's relevance to members' duties/NARUC's mission, goals and priorities.
  - o Given the political and social climate at the locus of the event, if support will enhance NARUC's image in the regulatory community.
- Whether the event is national, as opposed to regional, in scope.

- Whether other sponsors are commercial, as opposed to non-profit, entities.
- Whether other sponsors are regulated or affiliated with regulated entities.

The Chair should reference these criteria and their impact in any oral or written recommendation to the Executive Committee through the Application Form for NARUC Support of Training Programs, Conferences, and Other Events.

**Section 7. Application to Subcommittee on Education & Research:** The Subcommittee has developed the *Application Form for NARUC Support of Training Programs, Conferences and Other Events*. Events to be used by not only outside parties seeking NARUC support, but also by NARUC committees and staff subcommittees that are organizing events outside of the three annual NARUC meetings. This will ensure proper use of the NARUC name and logo as well as ensure that all members are aware of all educational and training related activities. The information provided in the Application Form will be used to compile an on-going calendar of educational events, to be posted on the NARUC website.

**Section 8. Logistical Issues for Approved Applications.**

**[a] Scheduling:** The scheduling of more than one NARUC-supported event on any given date shall be discouraged. The NARUC shall not support an event which conflicts with a previously announced supported event without the approval of the Executive Committee. The Executive Committee shall not approve a proposed request for support that conflicts with any scheduled meeting of the Association, including the Winter and Summer Committee Meetings, the Annual Convention, or the annual meeting of any regional affiliate organization.

**[b] Location:** The NARUC Meetings Director will investigate locations and probable dates for all NARUC meetings, including the Annual Convention, and make recommendations to the Board.

**[c] Promotion:** The NARUC shall utilize a mix of reasonable means to promote attendance at NARUC supported events including publication in the NARUC Bulletin, mailings, distribution of promotional literature at NARUC events, and publication of notice of the event on the NARUC internet home page. The exact nature of this promotion will be detailed in the memorandum of understanding for each event.

**[d] Where NARUC is a host, co-host or sponsor, the following shall apply:**

**[i] Registration:** The processing of receipts and expenses for NARUC supported events shall conform to the record keeping requirements of the NARUC Accounting Department and external auditor.

**[ii] Finances and Budgeting:** A budget shall be established for all NARUC-supported events. The budget shall be based on reasonable expectations of attendance and shall conform to the funding restrictions imposed by the NARUC

Executive Committee at the time of support. Appropriate reductions in expenditures shall be made if and when it is clear that attendance at the event will fall short of expectations. All expenses shall be made in consultation with the NARUC Accounting Department or other NARUC staff member identified by the Executive Director. All event revenues and expenses shall be documented with appropriate receipts in conformance with the requirements of the Treasurer and external auditor.

**[iii] Contractual Assistance:** The use of outside professional assistance (consultants) for the administration of NARUC-supported events shall be discouraged unless there is a compelling need for such services. In those instances where such assistance is required, the NARUC guidelines for the selection of consultants shall be observed.

**[iv] Contracts:** All contracts executed in the name of the NARUC shall be signed by the Executive Director or, if the Executive Director is unavailable, the President. Oral contracts are prohibited.

**[v] Audio Visual Expenses:** Event organizers shall attempt to minimize expenditures for audio visual equipment by restricting the use of excessive equipment and by ordering audio visual equipment from a vendor other than the in-house vendor at the hotel when it is cost effective to do so.

**[vi] Travel Expenses:** Reimbursements to NARUC staff who travel to supported events shall conform to the policies set forth in the most recent edition of the NARUC Office Manual. Reimbursements to speakers who travel to NARUC-supported events shall be discouraged. In those instances when speaker travel expenses are to be reimbursed, the amount of the reimbursement shall be based on a clear understanding in advance of the travel expenses to be so reimbursed by the NARUC Treasurer and the speaker.

**[vii] Reimbursement for NARUC Expenses:** The NARUC shall be reimbursed from event revenues for all expenses associated with the administration of NARUC-supported events, including travel. To the extent that NARUC staff assist in the administration of NARUC supported events, the NARUC shall be reimbursed for each hour of such staff assistance plus a pro-rata portion of the annual fringe benefits earned by such employees. The calculation for hourly staff costs and fringe benefit expenses shall conform to the accounting techniques used with respect to the Federal grant awards to the NARUC.

Adopted by the 125<sup>th</sup> NARUC Annual Meeting on November 18, 2013; Amended by the NARUC Board of Directors July 27, 2016.