ENABLING ROBUST STAKEHOLDER ENGAGEMENT AT PUBLIC UTILITY COMMISSIONS

NARUC CENTER FOR PARTNERSHIPS & INNOVATION WEBINAR SERIES
SEPTEMBER 24, 2021
The National Association of Regulatory Utility Commissioners (NARUC) is a non-profit organization founded in 1889.

Our Members are the state utility regulatory Commissioners in all 50 states & the territories. FERC & FCC Commissioners are also members. NARUC has Associate Members in over 20 other countries.

NARUC member agencies regulate electricity, natural gas, telecommunications, and water utilities.
ABOUT NARUC’S CENTER FOR PARTNERSHIPS & INNOVATION

- Grant-funded team dedicated to providing technical assistance to members.
- CPI identifies emerging challenges and connects state commissions with expertise and strategies to inform their decision making.
- CPI builds relationships, develops resources, and delivers trainings.

Regularly updated CPI fact sheet with recent publications & upcoming events under Quick Links at:

https://www.naruc.org/cpi-1/
MODERATOR
MEGAN DECKER, CHAIR, OREGON PUBLIC UTILITY COMMISSION

PANELISTS
JASMINE MCADAMS, PROGRAM OFFICER, NARUC
ODOGWU OBI LINTON, COMMISSIONER, MARYLAND PUBLIC SERVICE COMMISSION
CHANDRA FARLEY, CEO, RESOLVE CONSULTING AND ENVIRONMENT & CLIMATE JUSTICE CHAIR, GEORGIA NAACP
Innovation Webinar

A Decision-Making Framework for PUC Stakeholder Engagement

Jasmine McAdams
Program Officer
NARUC
Moving beyond traditional regulatory processes to address emerging issues

- Energy infrastructure modernization
- Energy system transition
- Energy system resilience
- Energy policy goals
- Intersection of utility regulation with other sectors
Examined Processes Across 11 States

- **Arkansas** – 3 DER dockets
- **Ohio** – PowerForward
- **Michigan** – MI Power Grid
- **Minnesota** – Grid Modernization, Distribution System Planning
- **Maryland** – Transforming MD’s Electric Grid
- **DC** – Modernizing the Energy Delivery System for Increased Sustainability
- **Rhode Island** – Distribution Resource Planning
- **Washington** – Statewide Advisory Group
- **Oregon** – SB 978 Process
- **Nevada** – SB 146 Investigation
- **Puerto Rico** – Distribution Resource Planning
## The Decision-Making Framework

### Table 3. Summary of Commission Experiences

<table>
<thead>
<tr>
<th>State and Related Process</th>
<th>Scope</th>
<th>Facilitation Approach</th>
<th>Engagement Approach</th>
<th>Meeting Format</th>
<th>Timeline</th>
<th>Engagement Outcomes and Follow-Up Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Public Service Commission</td>
<td>Dockets related to ODRs</td>
<td>Third-party facilitation</td>
<td>In-person</td>
<td>Monthly meetings with stakeholder meetings in-person</td>
<td>2015-2019 from the start of 2015 to final report</td>
<td></td>
</tr>
<tr>
<td>District of Columbia Public Service Commission</td>
<td>Addressed grid modernization, gaps in regulations, how to spend $250M</td>
<td>Third-party facilitation</td>
<td>In-person</td>
<td>Weekly meetings with stakeholder meetings in-person</td>
<td>2015-2019 from the start of 2015 to final report</td>
<td></td>
</tr>
</tbody>
</table>

### Table 1. Emerging Best Practices and Key Questions for Commissions

**A. Scope**
- Clearly define the scope of the proceeding early in the process.
- Communicate the purpose and goals to stakeholders early in the process.
- Assess commission capacity and identify where capacity may be limited. Consider the possibility of needing to invest in increased staffing and/or additional resources to accommodate needs.

**Key Questions for Commissions**
- What is the purpose of the proceeding?
- How is the proceeding structured and conducted? How does the process meet the commission’s need in a way that can be met in a litigated proceeding?
- Are there priority issues that must be addressed?
- How and when will the scope of the proceeding be communicated to stakeholders?
- What is the capacity of the commission’s staff, and what resources are available? Is there a need for additional resources?

**B. Facilitation Approach**
- Commissions select a neutral facilitator who is familiar with the regulatory process. Facilitators can be preselected, and RFPs issued on a case-by-case basis to facilitate with demonstrated requisite qualifications.
- Commission prioritizes receiving actionable input from stakeholders to make a decision and clearly communicate this priority to the facilitator.
- Some facilitators may need to address the historical relationships between stakeholders; in these instances, commission staff will need to bring the facilitator up to speed to understand how stakeholder relationships may have an impact on the current process.
- The role of the facilitator is clearly defined.
- Frequent communication between the facilitator and commission can ensure alignment with commission objectives and allow the commission to adjust or incorporate process developments into its plan.
- Facilitators establish clear boundaries, goals, and ground rules with participants.

**Key Questions for Commissions**
- How will the facilitator address concerns of bias?
- What is the standard role of the facilitator?
- How much technical knowledge should the facilitator have for their role in this process?
- Does the facilitator need to be aware of any historical relationships between stakeholders?
- Does the facilitator have experience building consensus or productive collaboration among diverse stakeholders?

---

https://bit.ly/3zM5hAI
The Decision-Making Framework

A. Scope

B. Facilitation Approach

C. Engagement Approach

D. Meeting Format

E. Timeline

F. Engagement Outcomes and Follow-Up Actions
Scope
delineating the extent, or the bounds, of the stakeholder engagement approach

- Define the focus of the stakeholder engagement process
- Identify and communicate the purpose and goals of the engagement – is it investigatory or decisional?
- Assess internal capacity
- Consider the initiator of the engagement processes
Facilitation Approach refers to who is leading the facilitation and the role of the facilitator throughout the stakeholder process.

Evaluate which type of facilitation is best for your engagement:
- Commission-led
- Utility-led
- Third party-led

Clearly define the role of the facilitator.
Engagement Approach

the methods used to engage stakeholders

- Identify stakeholders and conduct outreach
- Communicate scope with participants
- Educate stakeholders / frame the issue(s)
- Reach consensus in increments
Meeting Format

Considerations for the structure and accessibility of the stakeholder engagement process

1. **Consider venues for participation that are best aligned with the purpose of the engagement**
   (See the Spectrum of Processes for Collaboration and Consensus-Building in Public Decisions)

2. **Make participation accessible** - for example:
   - Providing language services
   - Ensure ADA accessible meeting spaces
   - Provide virtual options for participation
   - Consider rotating meeting times so stakeholders with different work schedules can participate
Timeline
the schedule of the stakeholder engagement process

- Set the timeline by working backwards from due dates
- Design timelines to accommodate flexibility
- Clearly communicate timelines to stakeholders

Phase 1
- Time Period
- Activities
- Staff/Facilitator
- Stakeholders
- Milestone/Output

Phase 2
- Time Period
- Activities
- Staff/Facilitator
- Stakeholders
- Milestone/Output

Phase 3
- Time Period
- Activities
- Staff/Facilitator
- Stakeholders
- Milestone/Output
Engagement Outcomes and Follow-Up

the interim and final outputs of the stakeholder engagement process and relevant activities that continue or commence after the process is formally complete

- Set clear intentions for how stakeholders will contribute to outputs
- Consider and set resources aside to continue follow-up discussions and activities
- Solicit input from stakeholders on the engagement process
Thank You

Jasmine McAdams
jmcadams@naruc.org
NARUC Innovation Webinar series

One Thursday each month, 3-4pm ET
All NARUC members and stakeholders are invited

New Approaches to Understanding Economic Impacts of Electric Outages
• October 14, 2021 | 3:00 - 4:00 PM Eastern

Black Start Considerations in a Highly Renewable Future
• November 18, 2021 | 3:00 - 4:00 PM Eastern

Smart Vegetation Management: New Strategies for an Age-Old Problem
• December 16, 2021 | 3:00 - 4:00 PM Eastern

Considering Non-Energy Benefits in PUC Decision Making: What Counts?
• January 20, 2022 | 3:00 - 4:00 PM Eastern

Register at: https://www.naruc.org/cpi-1/innovation-webinars/

NARUC thanks the U.S. Department of Energy for its support of this series.
THANK YOU

DLIBERATORE@NARUC.ORG

HTTP://WWW.NARUC.ORG/CPI-1