



NARUC

National Association of Regulatory Utility Commissioners

Virtual Meeting Experiences – An Exchange

Facilitated by NARUC's Center for Partnerships and Innovation

Session Summary

Contents

Introduction.....	2
How This Document is Organized.....	2
Summary of State Experiences	3
Table 1. Virtual Meeting Experiences-At-A-Glance Summary Chart.....	3
California Public Utilities Commission (CPUC) Experience.....	5
Connecticut Public Utilities Regulatory Authority (PURA) Experience	8
Massachusetts Department of Public Utilities (DPU)	10
Michigan Public Service Commission (PSC)	12
Washington Utilities and Transportation Commission (UTC)	15
Additional Questions and Answers (Maryland, Ohio, Washington)	17
Public Comments.....	17
Working with Witnesses:	18
Planning for Virtual Events:	19
Translating Commission Business to Virtual Activity:.....	19
IT Management:	20
Appendix A. Other Resources on Managing COVID-19 and Virtual Court Meetings	22
Additional resources and information on conducting public hearings and meetings virtually: .	22
NARUC/NRRI resources on the regulators' role in managing the COVID-19 pandemic:	22

Introduction

On May 29, 2020, the National Association for Regulatory Utility Commissioners' (NARUC) Center for Partnerships and Innovation (CPI) facilitated a peer exchange among utility commissions across the country on how they have adjusted to conducting commission activities virtually (remotely). Five quick-moving commissions (California, Connecticut, Massachusetts, Michigan, and Washington) shared insights on what kinds of transition approaches their commissions have used at this point; how they've operated from a logistical and tactical perspective; and what strategies they are using to ensure proceedings, workshops, and related activities are meaningful and continuing in the public interest.

Speakers shared how they are leveraging a variety of software platforms (e.g., Zoom, Microsoft Teams, WebEx); running full-scale practice sessions with court reporters; taking comments from stakeholders via e-mail, phone, and online "chat boxes;" and finding new ways to prepare and share documents internally and among parties. Other participating states were eager to hear about processes for queuing up speakers for public comment sessions, handling objections, and how confidential conversations are occurring. Members also discussed personal tips and tricks they have used for managing surprise issues.

Panelists reflected on:

- 1) What types of meetings and proceedings are you holding virtually? What changes have you made to scheduling and facilitating meetings? What changes have you made to collecting and synthesizing information?
- 2) In a hearing where public comment will be received, how are speakers placed in a queue that would have otherwise occurred via an on-site sign-in sheet? How is the queue list provided to the presiding officer? How do you manage access issues to facilitate participation from those who do not have reliable broadband?
- 3) How are commissions handling confidential sessions and document sharing? What changes have been made to capturing and synthesizing the information? Are you receiving material before the meeting that you would have collected during an in-person meeting?

At the time of the NARUC CPI peer exchange, no featured commissions had any plans to conduct in-person or hybrid sessions soon, following general guidance from health officials. Some think that virtual meetings might become business as usual, with or without in-person options in the future.

In preparation for the facilitated exchange, featured states captured frequently asked questions in an Experience At-a-Glance Chart (figure 1).

How This Document is Organized

A summary chart for the five featured states is first, followed by each state's experience chart and a synopsis of their comments during the webinar. NARUC CPI solicited written responses to some key unanswered questions following the webinar. NARUC members from Maryland, Ohio, and Washington provided answers, which are included. Finally, an appendix provides additional resources about virtual approaches and COVID-19 trackers that members might find helpful.

Summary of State Experiences

Table 1. Virtual Meeting Experiences-At-A-Glance Summary Chart

State	California	Connecticut	Massachusetts	Michigan	Washington
Authorization Required to Begin Holding Remote Hearings¹	Not for remote evidentiary hearings. An executive order was needed to enable exemptions for commissioners to vote from their home offices.	None	Executive.	Executive order clarified ability to hold remote meetings under open meetings act	On March 24, 2020, Governor Inslee issued Proclamation 20-28, waiving and suspending laws and rules concerning: RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act
Web-Based Platform Used	<ul style="list-style-type: none"> • WebEx 	<ul style="list-style-type: none"> • Zoom 	<ul style="list-style-type: none"> • Zoom • GoToWebinar/GoTo Meeting 	<ul style="list-style-type: none"> • Microsoft Teams • Microsoft Teams Live Event 	<ul style="list-style-type: none"> • Skype for Business, implementing Microsoft Teams
Types of Virtual Meetings Being Held	<ul style="list-style-type: none"> • Commission Meetings • Prehearing Conferences • Workshops • (June) Evidentiary hearing 	<ul style="list-style-type: none"> • Weekly commission meetings • Technical meetings • Evidentiary hearings • Public comment hearings • Stakeholder work groups • Procedural conference • Press event 	<ul style="list-style-type: none"> • Public Hearings • Technical Workshops • Evidentiary Hearings 	<ul style="list-style-type: none"> • Commission meetings • Prehearing conferences • Stakeholder meetings • Workshops • Cross-examination hearings (including two major rate cases to date) 	<ul style="list-style-type: none"> • Meetings • Adjudications • Workshop • Rulemaking adoption hearings • 20+ experiences; no general rate case, yet

¹ Any legal modifications that needed to occur to conduct remote proceedings (such as executive orders, executive proclamations, or legislation).

State	California	Connecticut	Massachusetts	Michigan	Washington
Methods for Accepting Public Comment	For Commission Voting Meetings, public comment is received through e-mail and over the phone. Phone comments are facilitated by a Verizon operator who queues up the callers. The e-mail comments are read aloud by the CPUC's Public Advisor.	<ul style="list-style-type: none"> • Chat • Q&A in webinar • Submit comments into the docket • Designated time in the hearing for live participant feedback 	<ul style="list-style-type: none"> • Written encouraged • Spoken comment • Live written comments read aloud into the record. 	Public comments received via e-mail, phone, and Teams Q&A chat function (viewable to host only and read aloud at meeting). Chat function also used to queue up phone comments (for individuals with access).	<ul style="list-style-type: none"> • Exhibits need to be submitted in advance
How Documents Are Being Filed / Shared	Documents are shared with the public through the CPUC's online docketing system and by e-mailing the service list.	<ul style="list-style-type: none"> • Online database for public documents • Confidential material filed electronically with Executive Secretary 	VPN to shared drive; E-mail; Electronic File Room	Document sharing via e-dockets system and SharePoint	

California Public Utilities Commission (CPUC) Experience

California Public Utilities Commission Virtual Meeting Experience-At-a-Glance	
Authorization Required to Begin Holding Remote Hearings	Authorization is not required for remote evidentiary hearings. However, the Bagley-Keene Act governs the teleconference requirements for Commission Voting Meetings, among others. Executive Orders N-25-20 and N-29-20 provide exceptions to some of the statutory teleconferences requirements so that the Commissioners may conduct voting meetings remotely from their home or office.
Web-Based Platform Used	The CPUC uses WebEx. The CPUC has a Commission-wide license for this platform, which is fully integrated with Microsoft Outlook.
Types of Virtual Meetings Being Held	<p>The CPUC is conducting commission meetings, prehearing conferences, and workshops using remote access technologies. The CPUC is planning to conduct evidentiary hearings starting in late June.</p> <p>To date, evidentiary hearings have not been necessary for larger cases, either because the hearing is scheduled to occur later in the year or because there were no material factual issues in dispute. For the smaller complaints, parties have opted to wait until an in-person option is available.</p> <p>The CPUC has held five commission missions remotely (none missed). The public-facing portion of the meetings last approximately 3 hours. The CPUC received between 10 and 59 telephonic comments and 10-42 e-mailed comments (read during the meeting).</p>
Methods for Accepting Public Comment	For Commission Voting Meetings, public comment is permitted through e-mail and over the telephone. Phone comments are facilitated by a Verizon operator who queues up the callers. The e-mail comments are read aloud by the CPUC's Public Advisor.
How Documents Are Being Filed / Shared	Documents are shared with the public through the CPUC's online docketing system and by e-mailing the service list.

Authorization: The Bagley Keene Act is a state law that requires Commission meetings to be open and accessible to the public (in an ADA-compliant location, see Textbox 1). Before the pandemic, the Act allowed for some virtual participation, with significant limitations. Some restrictions were due to the law being antiquated. Once the stay-at-home orders were in place, the Governor issued Executive Order N-29-20, allowing the Commission to waive some of the requirements for remote meetings, while maintaining public access availability. There is a public notice on their webpage, [CPUC Public Meetings during COVID-19 Pandemic](#). For people with disabilities/impairments, the meeting agenda includes options for accessing the meeting remotely.

Public Comments: The Commission has experience broadcasting meetings over WebEx pre-pandemic; however, comments were accepted in person. Now, the public can make comments on the phone and over e-mail. Teleconference operators (in this case Verizon), queue callers in the order received (sometimes with a wait), and the operator will call on them when it is their turn to speak. In a pre-hearing conference with many speakers, speakers will be assigned a number in order. If a judge has a question, then everyone is aware of the speaker order and responds one by one to each of the judge's questions (this method is cumbersome but straightforward, particularly for the court reporter to track who is speaking and prevent speakers from interrupting each other).

See Figure 1 for more information on the CPUC's pre- and post-COVID-19 processes.

Court Reporters: Some Commissions have been concerned that court reporters might not be able to quickly and easily identify people or that other glitches could make it difficult to listen. Thus far, they have done well in keeping up with the virtual meeting and transcribing the hearing with little to no difficulty.

Challenges: The CPUC encountered new challenges and considerations for moving to virtual sessions. They considered accessibility in new ways (noted above in "public comments). Unexpected technology issues, such as exceeding telephone line capacity, needed to be overcome. Generally, the CPUC found pre-planning and managing participants to be a heavier lift than for in-person sessions.

There have been no delays in decisions due to the pandemic.

Textbox 1. Bagley-Keene Open Meeting Act

Applicable when a majority of Commissioners meet to "hear, discuss, or deliberate upon any item that is within the subject matter" of the CPUC's jurisdiction (See California Government Code sections 11120-111321).

Compliance requirements include:

- Public notice of meeting and agenda
- ADA compliant publicly accessible physical location
- Public comment before voting
- Publicly accessible and noticed teleconference locations

Failure to meet these requirements can render a vote null and void, among other sanctions.

Figure 1. CPUC Pre- and Post-COVID-19 Processes

Statutory Requirements	Pre-COVID-19	Post-COVID-19
Public notice of meeting and agenda	CPUC Website	Unchanged
Publicly accessible ADA compliant physical meeting location	Meetings held at CPUC location or other ADA compliant location in the state	Waived by Executive Order N-29-20
Public comment before Commission vote	Public provided with a microphone during the meeting	Public permitted to make comments over e-mail or telephone, facilitated by a teleconference operator
Publicly accessible teleconference locations	Rarely used	Waived by Executive Order N-25-20, allowing Commissioners to participate remotely (e.g., office or home)

Connecticut Public Utilities Regulatory Authority (PURA) Experience

Connecticut Public Utilities Regulatory Authority Virtual Meeting Experience-At-a-Glance	
Authorization Required to Begin Holding Remote Hearings	<ul style="list-style-type: none"> • None
Web-Based Platform Used	<ul style="list-style-type: none"> • Zoom
Types of Virtual Meetings Being Held	<ul style="list-style-type: none"> • Weekly commission • Technical meetings • Evidentiary hearings • Public comment hearings • Stakeholder work groups • Procedural conference • Press event
Methods for Accepting Public Comment	<ul style="list-style-type: none"> • Chat • Q&A in webinar • Submit comments into the docket • Designated time in the hearing for live participant feedback
How Documents Are Being Filed / Shared	<ul style="list-style-type: none"> • Online database for public documents • Confidential material filed electronically with Executive Secretary

Virtual Platform: Connecticut PURA did not need additional authorization for remote hearings. One of the first decisions for Connecticut PURA to make concerned which platform(s) to use for internal and external communication. PURA uses Zoom for external meetings. The paid Zoom subscription functionalities allow for a lot more control of the meeting than a free version. Privacy and security concerns were mitigated internally (a few commissions noted that working through security concerns was an unexpected hurdle, yet they all found the process manageable).

Preparation & Logistics: Internally, staff prepared detailed directives stating roles and responsibilities for the existing and new variety of roles needed for remote meetings (such as lead Commissioner, lead Attorney) and lined those up with the roles the platform (Zoom) offers (“host,” “panelist,” etc.). Once directives were in place, staff ran a full practice session, first with internal and then with external intervenors. Once ready to “go live,” PURA first initiated a full remote hearing with a small public audience and a low number of attendees and speakers. They have since moved on to larger meetings and recommend practice for (public) stakeholders.

PURA also maintains a secondary method of communication for staff during hearings. This way, they can alert Commissioners or others when glitches occur. Having technical assistance on hand is helpful to the lead meeting manager.

Meeting Tips: Although PURA has not had a rate case yet, they have held oral arguments and evidentiary hearings. Functions like “raise hand” and making appearances (announcing name and affiliation) at the beginning of the meeting have been time-consuming (approximately 15-20 minutes) but are very helpful for the court reporter and for working out bugs with individual call-in lines. To accept public comments, PURA asks people to use the Q&A for questions for the record, while technology challenges are handled in the chat function.

Confidential Information: For confidential settings, bridge lines (conference calls with access codes) and SharePoint are the tools PURA has been using. Before the emergency, the Commission was not paperless but they have since moved internal document sharing to an electronic format.

Massachusetts Department of Public Utilities (DPU)

Massachusetts Department of Public Utilities Virtual Meeting Experience-At-a-Glance	
Authorization Required to Begin Holding Remote Hearings	<ul style="list-style-type: none"> • Yes, executive.
Web-Based Platform Used	<ul style="list-style-type: none"> • Zoom • GoToWebinar/GoToMeeting
Types of Virtual Meetings Being Held	<ul style="list-style-type: none"> • Public Hearings • Technical Workshops • Evidentiary Hearings
Methods for Accepting Public Comment	<ul style="list-style-type: none"> • Written encouraged • Spoken comment • Live written comments read aloud into the record.
How Documents Are Being Filed / Shared	<ul style="list-style-type: none"> • Electronic File Room

Virtual Platform: On March 10, 2020 the Governor declared a state of emergency. Since then, the Massachusetts DPU has conducted evidentiary and public hearings remotely. DPU tested a few platforms and found that different platforms align with different meeting objectives. The DPU will use GoToWebinar or GoToMeeting for something more technical where a scenographer might not be needed, whereas Zoom has been best for public or evidentiary hearings. One reason DPU does not use Zoom for everything is that Zoom could have third-party access to the recording of a session; if there is a need for the record to be sealed, then MA has a requirement that a third party cannot have access. The DPU continues to test platforms, but generally finds phone call bridge lines (conference call lines) to be sufficiently secure for “sealed record” activity. One note: DPU discovered that some participants – staff and the public – did not know that chats are subject to public records requirements (might vary state to state).

Court Reporters: At the start of the stay-at-home orders, the DPU held a practice meeting with commissioners, staff, and court reporters. During the practice, the court reporters were proactive and provided substantial comments on what would be most useful for them in documenting the meeting. For example, court reporters requested that participants provide their names using the convention: last name, first name, and organization when appearing on the remote meeting. The DPU also considers translation services while preparing meetings.

Witnesses: The DPU is looking to host a rate case soon. To manage objections, ground rules are being laid out in advance and practiced during practice sessions. One set of concerns the DPU is working through relates to witnesses: on the one hand, they need to ensure witnesses are not receiving information from non-sworn parties; on the other hand, they need to allow a witness to confer at appropriate times. Advice from the DPU is to practice the platform mechanics and logistics.

Preparation & Logistics: Based on their practice, the DPU has separated the roles and responsibilities of the lead presiding officer and the person that is technically hosting the remote-meeting from a logistical perspective because it seemed too much for one person to do.

Public Access: Although public hearings can be more challenging to manage, because of the scale of participation, the DPU is encouraged that participation and access have been increasing during use of remote platforms. Recently, a Massachusetts court ruled (on a city-level case) that public notification requirements were met by sharing information about joining a Zoom meeting. The DPU has been posting about Commission proceedings on websites and in newspapers to ensure the public has been aware of opportunities to participate in relevant meetings. DPU will set up their webinar and then live stream/SimulStream their meeting over YouTube. That way, they can capture comments and have notices that people can call in to the meeting to comment.

Confidential Information: The DPU seeks to receive any relevant documents in advance of hearings. The DPU has not had to introduce new evidence during a meeting thus far. They have looked at share-screen capabilities, but the Commission must consider officers' responsibilities, including keeping a record of the evidence. If needed, a petitioner will use SharePoint to share files when necessary. Without infringing on anybody's rights, DPU strives to be specific during cross-examination. Due to the moving pieces, the Commission has asked to reserve confidential sessions for strictly necessary purposes only. DPU has found that bridge lines (conference calls) work well, particularly for sensitive information.

Michigan Public Service Commission (PSC)

Michigan Public Service Commission Virtual Meeting Experience-At-a-Glance	
Authorization Required to Begin Holding Remote Hearings	<ul style="list-style-type: none"> • Executive order clarified ability to hold remote meetings under open meetings act
Web-Based Platform Used	<ul style="list-style-type: none"> • Microsoft Teams – technical workshops, cross-examination hearings, prehearing conferences • Microsoft Teams Live for commission meetings • Salesforce – e-dockets (https://mipsc.froce.com/s/) • SharePoint – File sharing for cross-examination • See Michigan PSC staff memo on using the chat function of various platforms.
Types of Virtual Meetings Being Held	<ul style="list-style-type: none"> • Commission meetings • Prehearing conferences • Stakeholder meetings • Workshops • Cross-examination hearings (including two major rate cases to date)
Methods for Accepting Public Comment	<ul style="list-style-type: none"> • E-mail / Phone • Teams Q&A chat function (viewable to host only and read aloud at meeting). • Chat function also used to queue up phone comments).
How Documents Are Being Filed / Shared	<ul style="list-style-type: none"> • Document sharing via e-dockets system • SharePoint

Authorization: Before stay-at-home orders, the Michigan PSC could host remote open (public) meetings, as long as there was an opportunity for public comment. A recent Executive Order clarified that ability after the stay-at-home order.

Public Comments: MPSC held two major rate cases in May. One commission meeting had over 200 people with 75 comments. Each meeting notice included detailed instructions on how to join the conference (see Figure 3. Sample Commission Meeting Notice) and make public comments (see box for example). Participants over the webinar submitted their name through the chat function to line up in a queue to comment. When taking public comment, only the host can view the comments as they come in; the staff host read comments aloud. Only one comment was allowed per person.

For example, PSC Michigan Power Grid workshop meeting materials and recordings are available at: www.michigan.gov/mipowergrid.

Preparation & Logistics: Even with experience hosting remote meetings previously, hosting complex meetings such as technical workshops (with over 100 people and multiple presenters) required a lot more logistical preparation. Some key advice from the PSC includes:

Michigan Supreme Court Chief Justice Bridget Mary McCormack, a state leader in government transparency, said on Twitter, “We will make mistakes. It won’t be perfectly smooth. That’s ok.”

- Post the agenda with instructions for access in advance of the meeting
- Proactively consider accessibility issues
- Host a practice session for attendees
- Ensure staff and attorneys have proper training to deliver meeting materials
- Assume you are always live and that anybody can be listening.
- Have additional tech support beyond standard meeting participants
 - Have dedicated IT on hand for preparation (such as platform identification) and day-of for the live broadcast
 - Have a person monitoring participants entering and exiting the meeting (for hearings)
- Practice does not make perfect, but it is still worth it
- Write out backup plans (think through “what if” scenarios)
- Details matter (angle camera, background, distance from the microphone, etc.)
- Keep platform how-to tips handy
- Establish etiquette for the court reporter
- Review the [MPSC memo](#) on utilizing the chat/Q&A function for public comment during virtual public meetings
- See Figure 2 for an example housekeeping slide to help in setting ground rules

Confidential Information: For confidential document sharing, the PSC leverages SharePoint. The only people with access to the SharePoint documents are the Administrative Law Judges (ALJs) and the person that signed the relevant non-disclosure agreement (NDA) (i.e., person that submits the document). If such a person were to share the SharePoint password or otherwise improperly allow access, they would violate the NDA. If an attorney wants to submit a piece of evidence during the meeting that is not pre-loaded, the PSC handles the mechanics of that when it comes up. For closed sessions, Microsoft Teams provides many functionalities for hosts to control participants.

Figure 2. Example Housekeeping Slide

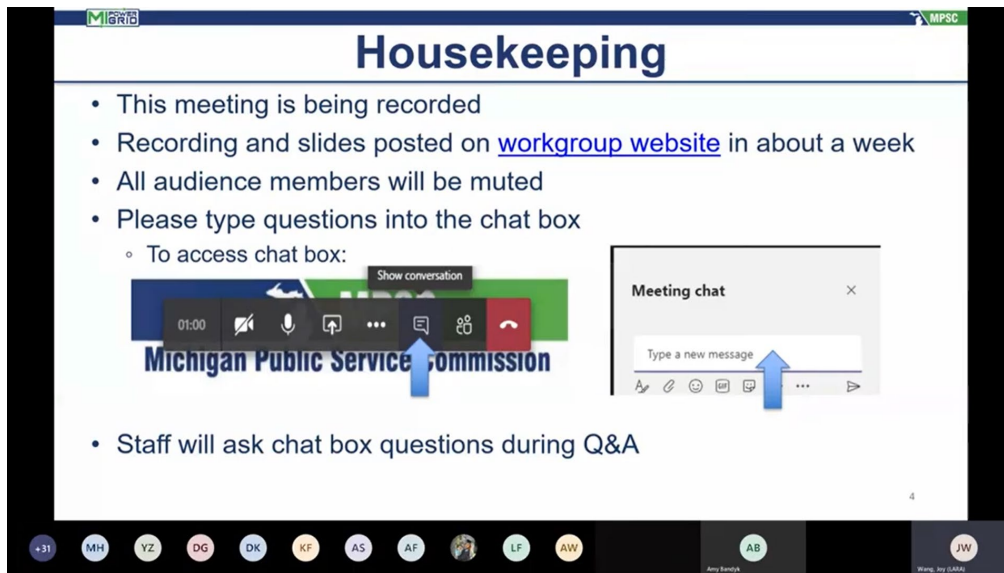


Figure 3. Sample Commission Meeting Notice (with virtual participation information)

REGULAR COMMISSION MEETING OF APRIL 15, 2020
1:30 PM to 2:30 PM

Event Page: <https://bit.ly/2VhoCqJ>

Consistent with Executive Order 2020-15, the meeting scheduled for April 15, 2020, **WILL NOT** be held at the above address. Instead, this meeting **WILL BE** held via Microsoft Teams video conferencing. The meeting is open to the public, and all members of the public may participate by using the following Microsoft Teams meeting <https://bit.ly/2ViDXy3>, or by dialing (248) 509-0316 and entering the following conference ID 230 522 313# when prompted. The meeting will begin at its regularly scheduled time, but members of the public may access the meeting five (5) minutes before it begins. This meeting may be recorded, and the recording may be posted at www.youtube.com/MichiganPublicServiceCommission.

In order to minimize disruptions, until the time designated by the Commission for public comment, members of the public will be muted to the Commission and other attendees and participants. During the time designated by the Commission for public comment, members of the public will no longer be muted, and they may provide their comments by orderly speaking using the microphone on their telephone. Individual members of the public participating through Microsoft Teams will also have an opportunity to submit comments. The Commission's bylaws regarding public comment will still apply.

In the event of a disconnection caused by the meeting host, the Commission will be considered to be in recess. Every effort will be made to reestablish a publicly accessible connection. If the host is unable to do so within 30 minutes from the time of the disconnection, the Commission will adjourn and not address any further business until its next meeting. Any decisions made before the disconnection will be binding. The Commission will not recess or adjourn due to technical or other issues experienced by individual members of the public that render them unable to attend or participate in the meeting.

Members of the public who are unable to attend or participate in this

Washington Utilities and Transportation Commission (UTC)

Washington Utilities and Transportation Commission Virtual Meeting Experience-At-a-Glance	
Authorization Required to Begin Holding Remote Hearings	<ul style="list-style-type: none"> On March 24, 2020, Governor Inslee issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act and RCW 42.30, the Open Public Meetings Act
Web-Based Platform Used	<ul style="list-style-type: none"> Skype for Business, implementing Microsoft Teams
Types of Virtual Meetings Being Held	<ul style="list-style-type: none"> Meetings Adjudications Workshop Rulemaking adoption hearings (20+ experiences; no general rate case, yet.)
Methods for Accepting Public Comment	<ul style="list-style-type: none"> Exhibits need to be submitted in advance

Authorization: Before the state of emergency and the Washington stay-at-home order, Washington UTC had some experience with taking testimony over the phone, conducting pre-hearings telephonically, and taking public comments over the phone. However, adjustments had to be made within the Commission and within the state to adhere to Open Meetings requirements. Governor Inslee, through Proclamation 20-28, waived and suspended laws and rules concerning: RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act.

Adjudicative hearings in Washington State are governed by the Administrative Procedures Act, RCW 34.05.449(3) (see Textbox 2). The Act allows telephonic hearings so long as the parties' rights are not prejudiced.

Virtual Platform: The Washington UTC is using Audio Skype for Business (no web video). Thus far, the Washington Commission has experienced smaller adjudicative hearings, such as classification hearings. The UTC has received requests for video meetings occasionally. Public participation is low due to the nature of the hearings, but the Commission anticipates more public participation for upcoming rate cases and integrated resource planning (IRP) hearings. The Commission is considering the Microsoft Teams platform for that hearing.

Textbox 2. Washington State – Administrative Procedures Act

RCW 34.05.449(3):

“In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.”

Preparation & Logistics: UTC staff have been teleworking since March 13, 2020, with the first online-only public meeting on March 26 (2020). The UTC has held more than 20 online meetings, adjudications, workshops, and rulemaking adoption hearings. The judge asks for all documents and evidence in advance.

The meeting agenda includes time for setting group rules. The UTC has experienced smaller technical hiccups like echoes/ambient noises, glitches, hold music, muting/unmuting phones. If there are major issues, the “ground rule” is to pause, ask everyone to log off, and restart at the top or bottom of the hour.

Public Comments: In-person, there is a live sign-in sheet to line up comments during Open Meetings, where anyone can view how many people there are speaking and who wants to talk. Now, if something comes before the UTC, they ask staff to make a presentation, then the affected company will respond; then, the health department and consumer advocate have time to respond, before opening the floor.

Occasionally, people do talk over one another, but people understand. The industry is niche, so many people are already familiar with each other, which makes managing people during meetings easier (for instance, many of the attorneys are a part of the same utility bar association).

Witnesses: Predating this, in adjudications, the UTC has had witnesses call in from across the country. Testimony is pre-filed and written, and during the hearings, the Commissioners cross-examine. Due to the nature of pre-filing comments, the UTC is not concerned about witnesses receiving external communications while being remote.

Additional Questions and Answers (Maryland, Ohio, Washington)

During the May 2020 webinar, more questions were asked than there were time to answer live. NARUC members from the Maryland Public Service Commission (PSC), Public Utilities Commission of Ohio (PUCO), and Washington Utilities and Transportation Commission (UTC) offered written responses to five categories of questions: (1) public comments, (2) working with witnesses, (3) planning for virtual events, (4) general questions on transitioning to virtual, and (5) IT management.

Public Comments

- (1) In a hearing where public comment will be received, how are speakers placed in a queue that would have otherwise occurred via an on-site sign-in sheet? How is the queue list provided to the presiding officer?

Maryland PSC: Public Utility Law Judges (PULJs) have set a deadline (noon the day before the hearing) for individuals that wanted to speak to send an e-mail that they would like to speak and whether they were for or against the project. There was not a queue established. Everyone was in the meeting either by computer / smartphone or telephonically and was muted until their name was called. Approximately 45-50 people e-mailed that they wanted to participate and they were called alternating between one in favor, then one against, and so on. The PULJ set a 4 minute time limit for all speakers and sent an e-mail to each individual advising them of the process. After everyone had an opportunity to speak, the PULJ allowed anyone that wished to speak again (briefly) and opportunity to do so.

Ohio PUCO: Potential speakers notify the agency in advance of the meeting if they wish to participate. On the day of the meeting, these commenters are called one by one (WebEx allows you to mute and unmute individual speakers). The presiding officer is given a list prior to the meeting start time.

Washington UTC: Unless you are using a platform that allows an IT coordinator to place speakers in a lobby for admission (such as Microsoft Teams), there is no perfect method. We recently used a system of calling on people alphabetically by last name. That seemed to work well enough, although we encountered some interruptions by others not called upon to speak.

We also recently encountered challenges at a hearing attended by senior citizens, who lacked access to web-based platforms and relied on voice telephone. This created a problem because of their inability to mute their calls. This required the coordinator to mute their lines, which created a different challenge because they could not raise their virtual hands to speak. We are exploring solutions to these challenges.

- (2) Have any states required commenters at public statement hearings to pre-register to speak? If not, how are commenters recognized for their time to speak?

Maryland PSC: While it's certainly not be a formal requirement, Maryland has found that pre-registering makes the process more orderly in the absence of a sign-in sheet.

Ohio PUCO: We use the pre-registration. Our first meeting is coming up soon.

Washington UTC: We have requested participants to preregister, but not all do, and under state law we cannot require participants to identify themselves (CQ). Again, we have called on participants alphabetically by last name.

- (3) If conducting a hearing or rulemaking where comments might best be grouped by topic, how have folks done that remotely?

Maryland PSC: Generally, an agenda has been created with one party leading the discussion and other parties speaking as appropriate.

Washington UTC: We have held structured workshops with stakeholders with preset agendas organized by topic, in which a facilitator or speaker focuses on a topic, and then invites stakeholders to raise their hands in the Skype feature, or using the chat box, identify that they wish to speak. This has worked reasonably well, although as noted below, not all stakeholders had successful Skype connections and participated by phone, so virtually raising hands is not possible.

Working with Witnesses:

- (4) How do you address concerns about managing witnesses for evidentiary hearings and ensuring they are not fed responses?

Maryland PSC: The witnesses are sworn under oath similar to a physical hearing. If there is a break, they are also instructed not to confer with counsel. This does not specifically address the concerns, but there is some level of accountability.

Washington UTC: With one exception, attorneys have not been present in the same location as their clients, so this hasn't been a concern. In the one situation where the attorney and client were in the same room, there was little opportunity for abuse because testimony was limited to cross-examination and questions were purely factual (dates, times, explanations for events). If we have a more complex evidentiary hearing in a virtual setting, we will likely address these concerns by requiring anyone who is speaking (attorneys and witnesses) to turn on their cameras for the duration of their exchange. Providing that level of visual accountability should alleviate these concerns. If a witness or attorney turns their attention elsewhere, mutes their microphone, or goes off camera, we will be able to see it and can inquire about their actions.

- (5) How have you changed scheduling an agenda, particularly witnesses?

Maryland PSC: Maryland is requiring participants to contact the Commission before Administrative Meetings, holding test runs, generally providing advance notice of other participants for each agenda item, allowing participants to ask questions about the virtual hearings at the test runs, and requesting that parties limit the number of participants planning to present while having additional experts available as necessary.

Washington UTC: The Commission's practice is to request that parties agree to an order of witnesses prior to an evidentiary hearing, and to share that information with the presiding officer a week in advance of the hearing. We continue to use this practice in a virtual setting. Parties are also required to provide time estimates for cross-examination, so both the Commission and parties are able to know, within a reasonable ballpark, approximately what time a witness will need to be available.

(6) Have you found a good way to handle objections during virtual hearings?

Washington UTC: Yes. During virtual hearings, we advise witnesses to silently count to three before answering question to give their attorney an opportunity to object. If an objection is made, opposing counsel is allowed to respond and then the judge makes a ruling.

Planning for Virtual Events:

(7) Virtual ground rules are important - what ground rules have you found to be helpful/important?

Maryland PSC: Maryland is requesting that participants who are not actively presenting, cross-examining a witness or otherwise participating remain muted and turn off their video.

Maryland is livestreaming all hearings to its YouTube channel and is requesting that anyone who is interested in attending a hearing but will not be speaking should watch on the livestream and not join the video conference.

All parties are required to attend a test run or “mic check” before hearings and administrative meetings to check audio and video capabilities and troubleshoot and issues.

Ohio PUC: It is difficult to continuously monitor microphone muting. WebEx’s muting ability is helpful there. Otherwise, we maintain the same ground rules that exist for in-person events. To be called upon, participants use the virtual “raise hand” function.

Washington UTC: We remind everyone who has joined a call to please keep their phone muted unless it is their turn to speak. We also put them on notice that if they are disruptive, we will mute them ourselves.

(8) One of the more surprising issues we've had is the presumption that a hearing is "casual." We had a sworn witness get up and walk away; and another broadcast from her bedroom. Have you discovered strategies for dealing with this?

NARUC staff: Participating in virtual events from one’s bedroom (or closet or kitchen) is a reality for many who were suddenly forced to work remotely. Using platforms that enable users to set a virtual background (e.g., Zoom), turning on those features as the host, and providing instructions to users for doing so can be helpful to attendees.

Ohio PUC: The issue has yet to come up for us, but the virtual/blurred background has been useful via Zoom and Teams.

Translating Commission Business to Virtual Activity:

(9) How are you publicizing hearings, workshops, and other commission meetings?

Maryland PSC: Maryland is continuing to issue the usual notices of public hearings including a link to the Commission or Public Utility Law Judge’s video conferencing location. However, Maryland is requesting that anyone who wants to watch a hearing, but does not need to actively participate, attend via the livestreams on YouTube.

Ohio PUC: We have been able to utilize existing list serves, our website, and social media accounts for digital communication. While most employees are working from home, we require that at least one employee in our docket division be in the office to handle mail communications.

Washington UTC: We are using the method we normally use, which is serving notices in interested persons and stakeholders electronically. Notices contain Skype links and call-in information, and remind people that they may not attend in person.

(10) What, if any, changes have you made to collecting and synthesizing information (e.g., have you received some information before a meeting that you normally would have collected during a meeting)?

Maryland PSC: Maryland is asking that parties provide exhibits to the Commission and parties prior to hearings to the greatest extent possible. When an unexpected exhibit needs to be entered it can be done by e-mailing the Executive Secretary during the hearing or through video conference file sharing.

All hearings are also live streamed on either the Commission's or the PULJ's YouTube channel.

(11) How have you modified facilitating a hearing or workshop?

Maryland PSC: Historically, the Commission rotated through Commissioners making motions at Administrative Meetings. In our teleconferencing format the Chairman makes all motions and manages all procedural issues. Also, the Executive Secretary now calls the names of all potential participants on a particular non-consent item at Administrative Meetings.

IT Management:

(12) Do states conducting virtual public statement and evidentiary hearings have a dedicated IT person managing the platform or, is the ALJ/Hearing Officer responsible for managing the platform?

Maryland PSC: For the Commission, Maryland is using Commission Advisors and Administrative personnel to produce or MC the video conferencing application during the hearings. The producer for each hearing is responsible for opening the meeting, admitting Commissioners to get settled on the virtual bench, admitting participants at the appropriate time, connecting the livestream, recording the meeting, and then managing participants (muting as necessary) and keeping an eye on any dropped participants during the hearing. The Public Utility Law Judges are managing their own platform.

Ohio PUC: During public meetings, a representative of our Office of Public Affairs serves as a producer for the meeting and handles the platform.

Washington UTC: The ALJ is responsible for managing the platform in an adjudicative proceeding, but IT is available through a Skype chat if needed. For public comment hearings, dedicated Records Center Staff manage the call.

(13) Has anyone had any issues with "zoom bombings"? Does your state have a policy requiring one platform or another?

Maryland PSC: Maryland's State IT division prohibited the use of Zoom. After testing numerous platforms (GoToMeeting, Samba, Callbridge, Meets) Maryland settled on WebEx. We also address security by collecting the names of participants in advance, having a test run, and limiting entry into the WebEx to actual participants. Others can watch live on YouTube.

Ohio PUC: The PUCO has not had issues with zoom bombings for a few reasons. First, we use a password to protect our Commission meetings, which is now Zoom policy. We also do not publicize the password until the day of the meeting. Additionally, we stream our meetings on YouTube which allows people to view the meeting without joining the Zoom call, which may prevent unwanted interruptions. We have also started using WebEx more frequently since our state has now set up host accounts for key PUCO staff.

Washington UTC: No, our agency has only used Skype for Business. There is no state policy on the platform. Based on issues described below, we are looking at Microsoft Teams.

(14) Have you encountered technical issues hosting evidentiary hearings with a large number of participants (i.e., more than 40)? Any experience on whether limiting the number of participants can reduce those issues?

Maryland PSC: Maryland is limiting meetings to participants just for purposes of keeping the number of people in the meeting manageable. There have been no issues with participant numbers impacting the technical experience. Instead, we have had issues with weather for Commissioners and participants who are in more rural areas without adequate internet connections. In many cases this issue has been mitigated by providing toll-free and local call in capabilities where video conferencing isn't feasible.

Washington UTC: No issues for evidentiary hearings, but we have had significant issues with public hearings and workshops (skype connections being dropped, issues with callers not being able to unmute themselves, older participants not muting their conversations, or understanding the technology, and inability to see slides presented on the screen. While Skype for Business can accommodate up to 1,000 participants, we have had issues with as many as 50 people, so limiting the numbers does not seem to help. We are not sure if this is bandwidth issues on the Commission's side or others, it has not been successful, and we are looking at using Microsoft Teams.

Appendix A. Other Resources on Managing COVID-19 and Virtual Court Meetings

The [NARUC Staff Subcommittee on Law](#) has provided an active forum for discussing procedural best practices in light of COVID-19 remote work requirements. NARUC members are invited to contact Staff Subcommittee leadership to learn more or participate in such information sharing.

Additional resources and information on conducting public hearings and meetings virtually:

[National Center for State Courts: Coronavirus Response Webinar Series](#) Lights, Cameras, Motion! Series

Lights, Cameras, Motion! Act III, April 20, 2020 (Point of Contact: [John Doerner](#))

- [Webinar recording](#)
- [Webinar materials](#)

Lights, Cameras, Motion! Act II, April 15, 2020 (Point of Contact: [Nora Sydow](#))

- [Webinar recording](#)
- [Webinar materials](#)

Lights, Cameras, Motion! Act I, April 7, 2020 (Point of Contact: [Nora Sydow](#))

- [Webinar recording](#)
- [Webinar materials](#)
- [Key Virtual Hearing Platform Capability](#)
- ["Lights, Camera, Motion!"](#)
- [Remote Hearing Checklist](#)
- [Strategic Issues to Consider when Starting Virtual Hearings](#)

Michigan PSC's May 12, 2020, [memorandum](#) on utilizing the chat/Q&A function for public comment during virtual public meetings.

NARUC/NRRI resources on the regulators' role in managing the COVID-19 pandemic:

- NARUC, NRRI, and EEI: [State Response \(to COVID-19\) Tracker](#)
- NARUC/NRRI: [Map of Disconnection Moratoria](#)
- NARUC/NRRI: [Additional Resources for COVID-19](#)