

Resolution E-4195, 11/6/2008, as modified by D.11-06-022⁶; Supplementing and Replacing in its Entirety Resolution E-4017, 10/5/2006; Enforcing Compliance with System and Local Resource Adequacy Filing Requirements by Load Serving Entities

Additional Statutory Authority: § 380

Event	Resolution E-4195	Governing Appellate Rule
File Appeal	Within 30 days of issuance of citation. (Appendix A § 2.7.1)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution E-4195, Appendix A § 2.7.1.
Content of Appeal	State grounds. (Appendix A § 2.7.1.)	Program Rule 5: State date and dollar amount of citation; indicate rationale for appeal as required by Resolution E-4195, Appendix A § 2.7.1.
Compliance Filing	Silent	Program Rule 7: Staff issuing citation must file complete citation and proof of service with Commission's Docket Office no later than 14 days after Notice of Appeal is filed. Staff must serve filing on Chief Judge and Appellant on same day.

⁶ D.11-06-022 modified the penalty structure of the Resource Adequacy program in certain respects, but did not change the procedural rules applicable to citation appeals which are set forth in Appendix B. Thus, the procedural rules applicable to citation appeals set forth in Resolution E-4195, Appendix A and D.11-06-022, Appendix B are the same, and will be referenced herein by the section number to the two appendices.

Event	Resolution E-4195	Governing Appellate Rule
Exchange of Info	Silent	Program Rule 9: Parties must exchange all information intended to be introduced into the record at hearing which is not included in citation or compliance filing no later than three business days prior to hearing.
Hearing Date	Promptly; not less than 10 days after appeal filed. Judge may for good cause or parties' agreement, grant reasonable hearing continuance. (Appendix A § 2.7.3)	Program Rule 10: Hearing must commence as required by Resolution E-4195, Appendix A § 2.7.3.
Burden of Proof	Staff. Staff opens and closes; Judge may alter order. (Appendix A § 2.7.7)	Program Rule 11: The burden of proof is as set forth in Resolution E-4195, Appendix A § 2.7.7.
Evidence	Formal rules do not necessarily apply; Judge may receive all relevant and reliable evidence. (Appendix A § 2.7.7)	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
Hearing Venue	SF (Appendix A § 2.7.4)	Program Rule 12: Venue as set forth in Resolution E-4195, Appendix A § 2.7.4.
Party Representative	At appellant's expense. (Appendix A § 2.7.6)	Program Rule 13: At appellant's expense.

Event	Resolution E-4195	Governing Appellate Rule
Transcript	Appellant must pay costs per Commission's procedures. (Appendix A § 2.7.5)	Program Rule 14: Appellant must pay costs per Commission's procedures.
Interpreter	Silent	Program Rule 15: Upon a good faith showing of language difficulty and written request to the assigned Judge and Commission's Public Advisor's Office not less than five business days prior to date of hearing. At Commission's expense.
Submission	Ordinarily at close of hearing; Judge may keep record open for good cause for a reasonable period to permit a party to submit additional evidence or argument. (Appendix A § 2.7.8)	Program Rule 16: The submission date is governed by Resolution E-4195, Appendix A § 2.7.8.
Issuance of Draft Resolution	Not later than 30 days after submission. (Appendix A § 2.7.9)	Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment.
Ex Parte Communications	Prohibited from date citation issues to final	Program Rule 19: Prohibited from date the

Event	Resolution E-4195	Governing Appellate Rule
	decision. (Appendix A § 2.7.10)	citation (which is being appealed) issues to final order.
Rehearing	Silent	Program Rule 20: Resolution subject to rehearing.

Additional Program Rules:

- Rule 1: Applicability
- Rule 2: Definitions
- Rule 4: Extension of Time to File the Notice of Appeal
- Rule 6: Minimum Service Requirements for the Notice of Appeal
- Rule 6.1: Expedited Citation Appeal Procedure
- Rule 8: Service List and Parties to An Appeal
- Rule 21: Service of Rules and Resolution Adopting Them With All Citations and Clearinghouse Decisions Concerning General Order 156
- Rule 22: Applicable Procedure when Appellate Rules Are Silent