

## Informal and Formal Participation

Public participation is important to the CPUC and has its role and place in proceedings. There are two types of participation, informal and formal:

- **Informal:** Informal participation includes attending and expressing your views at CPUC meetings scheduled to receive public comment and to hear the positions of others. It also includes providing written informal comments to the Public Advisor's Office. Informal comments are included in the proceeding's "Correspondence File" and made available to CPUC decision-makers as information. It is important to understand that informal comments are not considered evidence.
- **Formal:** To become a formal participant in a proceeding, a person or group must formally file to become a "party." The judge assigned to the proceeding will determine whether to grant party status. All parties have rights, responsibilities, and obligations including providing testimony and cross-examining witnesses.



## Types of CPUC Hearings, Etc.

The CPUC uses hearings and meetings to gather information related to proceedings. For example, parties to proceedings participate in evidentiary hearings by making presentations and providing evidence through testimony and cross-examination. All hearings are open to the public to observe; however, Public Participation Hearings and portions of other hearings are specially scheduled for receiving public comments. The following is a sample of the types of hearings and meetings:

- **Prehearing Conference (PHC)** - held by the judge to receive requests from individuals and groups to participate in the proceeding, discuss scope, set schedule, proceeding category, and other matters.
- **Evidentiary Hearings** - held if the CPUC determines that it would be helpful to take evidence through oral presentation and cross-examination.
- **Public Participation Hearings** - held when matters are of interest to the public and public input is desirable and useful.
- **Oral Arguments** - may be scheduled after the conclusion of a proceeding. Parties provide statements to the five-member Commission.
- **Workshops** - held to discuss and define technical issues or to reach agreement.
- **Full Panel Hearings or *En Banc* Hearings** - held for the majority of the five-member Commission to meet, hear, and discuss issues.

### Follow CPUC Proceedings!

Use the CPUC's Subscription Service to follow proceedings. Go to:  
[www.cpuc.ca.gov/subscription](http://www.cpuc.ca.gov/subscription)

### Contact Information for the Public Advisor's Office

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Public Participation Information Series # 1

## Understanding a CPUC Proceeding

This brochure is part of the CPUC Public Advisor's Office Public Participation Information Series. The brochures in the series are:

- # 1 Understanding a CPUC Proceeding
- # 2 Participating at a CPUC Voting Meeting
- # 3 Participating at CPUC Public Participation Hearings and Workshops
- # 4 How to Become a Party in a CPUC Proceeding
- # 5 CPUC Intervenor Compensation Program
- # 6 Ex Parte Communications at the CPUC



[www.cpuc.ca.gov](http://www.cpuc.ca.gov)



## 3 Types of Proceedings

**1) RATESETTING** - Sets or investigates rates for utilities. Includes applications from utilities and formal complaints that challenge the reasonableness of rates.

**2) QUASI-LEGISLATIVE** - Proceedings can be initiated by legislation, petition, or by the CPUC to establish policy or rules affecting a class of regulated entities. May be resolved based on documents submitted and without hearings.

**3) ADJUDICATORY** - Investigates possible violations of state law and/or CPUC order or rule. Includes formal complaints against regulated entities. May be resolved based on documents submitted and without hearings.

# Proceeding Basics

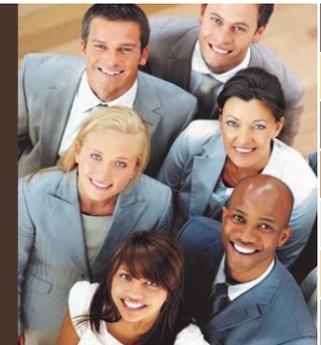
Proceedings of the California Public Utilities Commission (CPUC) are a formal judicial process used to evaluate a variety of requests related to the industries that the CPUC regulates. A proceeding can be a request, complaint, or application by a person, group, or company, or it can be a CPUC initiated investigation or rulemaking, etc. The purpose of proceedings is to establish an evidentiary record on which CPUC decisions will be based. Here is an example of the general progression of an application:

- An application is filed with the CPUC; notice of it is posted in the Daily Calendar, accessible on the CPUC website. It is often sent to the service list of similar proceedings. The application is categorized and a Commissioner and judge are assigned.
- Generally, interested parties have 30 days from the date the application is noticed in the Daily Calendar to formally file a protest.
- When it is initially determined that a hearing is needed, a Prehearing Conference (PHC) is scheduled 45 to 60 days from the initiation of the proceeding or as soon as practical. If it is determined that hearings are not needed, then no PHC is scheduled.
- At or after the PHC, a scoping memo will be issued, which outlines the schedule and the issues to be addressed.
- A proceeding may be conducted entirely through a written comment/reply comment process, or conducted through an evidentiary hearing process, which includes testimony (subject to cross-examination), briefs, and comments.
- Both processes result in a proposed decision from the judge, which is based on the evidentiary record.
- A proposed decision is subject to a 30 day period for public review and comment prior to being voted on by the CPUC Commissioners, unless it is not contested.
- An alternate decision can be filed at any time by any Commissioner prior to the vote on a decision. There can also be multiple alternate decisions up for vote.
- The adopted decision is implemented according to the direction and time frame in the ordering paragraphs. The proceeding is then closed.



California  
Public Utilities  
Commission

Public Advisor's Office  
[www.cpuc.ca.gov/pao/](http://www.cpuc.ca.gov/pao/)



### For More Information

This brochure provides an overview of CPUC practices. Anyone who would like to participate in a CPUC proceeding must follow the CPUC's **Rules of Practice and Procedure**, available at: <http://www.cpuc.ca.gov/rpp/>.

### Ex Parte Communications

Ex parte communications are any communications between a decision-maker and a person with an interest in a matter before the CPUC. Ex parte communications concern substantive, but not procedural issues, which occur outside of a public hearing, workshop, or other public meeting or outside the official record of the proceeding. Ex parte communications are:

- Prohibited in Adjudicatory Proceedings.
- Permitted in Ratesetting Proceedings with certain restrictions and requirements.
- Permitted in Quasi-legislative Proceedings without restrictions or reporting requirements.

More information is available in the *Ex Parte Communications at the CPUC* brochure and on the CPUC website.