

| DRAFT COMMISSION POLICY | |
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| <p>Category: Governance Process</p> | <p>Title: Meeting Procedures</p> <p>Policy Number: GP-5 <i>(Note: this proposed policy modifies CR-2, Commission Policies and Guidelines Regarding the Commission Public Agenda, adopted by the Commission 9/27/2002)</i></p> |

The Commission operates its meetings under the following meeting principles:

1. An item appearing on the public agenda shall be voted upon, withdrawn or continued to a commission meeting date certain. A list of items appearing on the public agenda that are continued to future meetings ("hold list") shall be made available to the public the day before each commission meeting along with the date of the meeting to which the items (except for executive session items) are continued. Items held at the behest request of an individual commissioner shall include a statement of the reason for the hold. The hold list may be updated as a result of public discussion (or non-public discussion, in the case of executive session items) during the course of the commission meeting. ~~(This paragraph was adopted at the Commission Meeting of May 16, 2002.) (Capitalization changed subsequent to 5/16/02). (This paragraph was adopted as modified at the Commission Meeting of September 19, 2002.)~~
2. An item appearing on the hold list, as modified during a commission meeting, shall be set for the public agenda on the commission meeting date indicated on the hold list. In the event that no date is clearly designated on the hold list, the item shall be set for the next meeting and shall be so reflected in the public agenda ~~therefor for that meeting.~~ ~~(This paragraph was adopted at the Commission Meeting of May 16, 2002.) (Capitalization changed subsequent to 5/16/02)~~
3. ~~Except when the return date and reasons for a hold are stated at a Commission meeting, a commissioner shall state in written form the date of return to the agenda and the reason therefor on an item each time a hold is requested. This hold list and the Commissioner's reasons therefor shall be made available to the public (except for executive session items) on the Commission's web site as soon as practicable. An individual commissioner may hold any public agenda or executive session item for no more than two occasions meetings. For stated extraordinary circumstances, a majority may vote to hold an item for additional meetings.~~ ~~(This paragraph was adopted at the Commission Meeting of July 17, 2002.) (This paragraph was adopted as modified at the Commission Meeting of September 19, 2002.)~~
4. Each item on the Commission's public agenda shall state the initial date the matter appeared on the public agenda, each date the item previously appeared on the agenda, and the applicable categorization. ~~for ex parte rule purposes.~~ ~~(This~~

~~paragraph was adopted at the Commission Meeting of July 17, 2002.)~~

5. All cover sheets on decisions, resolutions, memoranda, and other matters pertaining to public agenda items shall state in a consistent position (as designated by the Chief Administrative Law Judge) the current agenda placement number (e.g., CA-7 or H-3), the date of the meeting at which it is to be considered, the applicable categorization ~~for ex parte rule purposes~~ and its agenda identification number. ~~(This paragraph was adopted at the Commission Meeting of July 17, 2002.)~~
6. All decisions, draft decisions and proposed decisions shall state the name of any the assigned commissioner and administrative law judge. If the Commission makes revisions to a recommended decision from the dais or in closed session, the opinion decision shall reflect such action. ~~In the event that a decision reflects a result or opinion with which the administrative law judge (or other hearing officer) disagrees, the opinion shall reflect such disagreement but shall nonetheless designate the person who served as hearing officer. (This paragraph was adopted at the Commission Meeting of July 17, 2002.)~~
7. Only the assigned commissioner (as defined in Public Utilities Code §§311, 1701.1, 1701.2, and 1701.4) may place an assigned matter on the agenda for decision, except that any commissioner may place such assigned matter on the agenda for status report and/or discussion. Any commissioner may place any other matter (e.g., resolutions, legislative items, personnel matters, management and commissioner reports, external agency matters, appeals, potential and actual litigation, rehearings, originating orders initiating investigations (OII's), originating orders initiating rulemaking (OIRs), assignment or reassignment of cases to commissioners, or new matters on the agenda for discussion or action by the commission. Placement of matters on the agenda pursuant to this section shall comport with due process requirements, the rules of the commission, and the Bagley-Keene Open Meeting Act (Government Code §11120 et seq.). Whenever possible, non-routine matters should be brought by commissioners to the attention of the chief administrative law judge or the general counsel for advice and assistance on their legal form and sufficiency prior to their being placed on the agenda. Nothing in this provision shall be deemed to restrict the commission's power to delegate to divisions or designated employees the power to place matters on the agenda.
8. ~~All executive session meetings shall be recorded electronically, or by tape recorder and the recordings shall be maintained for at least one year. Recordings shall be made available to a commissioner on request (Government Code Section §11126.1). (This paragraph was adopted at the Commission Meeting of July 17, 2002.)~~
9. ~~Any letter or other written communication that represents a significant policy statement by a commissioner or director level staff member to a government agency, government official or media representative made on behalf of the Public Utilities Commission shall be made available to all other commissioners contemporaneously with its being sent. This rule does not apply to routine business correspondence, routine legal filings and routine data and information requests. Correspondence reflecting the personal opinion of an individual commissioner shall~~

~~not be subject to this provision so long as it contains a disclaimer to that effect. (This paragraph was adopted as modified at the Commission Meeting of September 19, 2002.)~~

~~10.10. Any report submitted on behalf of the commission to the legislature, individual legislators, or the governor's office shall be made available to all other commissioner's two business days prior to release to the intended recipient. (This paragraph was adopted as modified at the Commission Meeting of September 19, 2002.)~~

~~These policies and guidelines shall be permanently posted on the commission's web site under the title "Policies and Guidelines." These policies and guidelines are effective upon adoption. Items 4 and 5 shall go into effect upon the report of the chief administrative law judge to the commission that his administrative resources permit such compliance or October 31, 2002, whichever is sooner. (This paragraph was adopted at the Commission Meeting of July 17, 2002.)~~

11. Proposed Decisions or Draft Resolutions addressing matters that are complex, controversial, or of significant public interest merit voluntary special procedures to enhance transparency and sound decision-making. Where the assigned commissioner is aware of such complexity, controversy, or significant public interest, the assigned commissioner shall work with the administrative law judge and strive to implement the following:

- a. State in the scoping memo that because of the nature of the case, the assigned commissioner, working with the administrative law judge, will likely implement special procedures regarding the timing and treatment of the Proposed Decision. In the case of Draft Resolutions for which these procedures will be implemented, the Commission President will coordinate such implementation with the assigned industry division director.
- b. Mail the Proposed Decision or Draft Resolution to the service list 45 days or more in advance of the scheduled Commission meeting at which the item is to appear on the agenda. The Commission's rules setting comment and reply deadlines shall apply. Revisions to these Proposed Decisions and Draft Resolutions to incorporate comments will be distributed no later than four business days before the Commission meeting. For a Commission meeting on a Thursday, this means the prior Friday is the distribution deadline.

~~11.12. In all other proceedings and matters, including uncontested matters and Proposed Decisions addressing intervenor compensation requests, the Proposed Decision or Draft Resolution shall be mailed consistent with current rules and practice.~~

12.—As soon as an agenda item is held, that information will be publicly available. The Commission will make the first draft hold list publicly available at 3 p.m. three business days before the next voting meeting. For meetings on a Thursday, this means the first draft hold list will be made publicly available the prior Monday at 3 p.m. The final hold list will be issued the day before a voting meeting. Holds by a Commissioner can only be lifted by a vote of the Commission at the voting meeting, followed by a vote on the

item under consideration.

The Commission will use its website to communicate the draft and final hold lists to the public, as well as the policy that lifting a hold is subject to a vote by the Commission.

Monitoring Method: Commission Report
Frequency: Annual

