

Memorandum



Date: October 8, 2014

To: ALL CPUC

From: Paul Clanon, Executive Director
Public Utilities Commission

A handwritten signature in blue ink, appearing to be "Paul Clanon", with a long, sweeping flourish extending to the right.

File No:

Subject: Directive Concerning Ex Parte Contact Log

In order to enhance the transparency of the CPUC's process and our accountability to the public, as Executive Director I am implementing new reporting procedures for communications between certain CPUC staff and CPUC-regulated entities.

Accordingly, starting today I am directing Division Directors and above,¹ and also asking Commissioners and their Advisors and the Chief Administrative Law Judge voluntarily, to provide a communications log summarizing all oral or written communications that otherwise meet the statutory definition of ex parte communications² and occur between themselves and CPUC regulated entities who are interested persons³ (including parties) to a ratesetting or adjudicatory proceeding. Each communications log must include the date of each communication, the persons involved, and (to the extent known) any proceedings that were the subject of each communication. The communications logs must be provided on a weekly basis beginning October 15, 2014, to contactlog@cpuc.ca.gov. The summaries will be available to the public on the CPUC's website, with the first publication occurring no later than two weeks from today (to cover the time period starting October 8, 2014). The Chief Administrative Law Judge will oversee this webpage.

1 My directive applies to myself, the Deputy Executive Directors, and Directors of the Energy, Communications, Water, Policy and Planning, Office of Governmental Affairs, and Safety and Enforcement Divisions (in SED's Advisory role).

2 "Ex parte communications" as defined by PUC Section 1701.1(c)(4) means "any oral or written communication ... concerning substantive, but not procedural issues, that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter."

3 "Interested person" is defined by Rule 8.1(d) to include: 1) any party to the proceeding or the agents or employees of any party, including persons receiving consideration to represent any of them; 2) any person with a financial interest, as described in Article I (commencing with Section 87100) of Chapter 7 of Title 9 of the Government Code, in a matter at issue before the Commission, or such person's agent or employees, including persons receiving consideration to represent such a person; or 3) a representative on behalf of any formally organized civic, environmental, neighborhood, business, labor, trade, or similar association who intends to influence the decision of a Commission member on a matter before the Commission, even if that association is not a party to the proceeding.

This procedure will remain in place unless modified by me, or the Commissioners at a Voting Meeting. In addition, the CPUC will employ an outside expert to review internal procedures and consider if further steps are needed to safeguard against future ex parte violations by parties, or if additional rules are necessary regarding communications by CPUC employees with parties.

Persons subject to this directive, or who voluntarily commit to abide by it, shall take a broad interpretation of the requirements herein. This directive is a separate reporting requirement for certain CPUC staff. Under current law and CPUC Rules, regulated entities are under no obligation to report contact with other than CPUC decision-makers⁴ and this directive is not intended to modify or substitute for the obligations of parties and interested persons to adhere to the CPUC's ex parte rules and reporting requirements in Article 8 of the CPUC's Rules of Practice and Procedure.

⁴ CPUC "decision-makers" are defined by Rule 8.1(b) to include "any Commissioner, the Chief Administrative Law Judge, any Assistant Chief Administrative Law Judge, the assigned Administrative Law Judge, or the Law and Motion Administrative Law Judge."