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2.3. (Rule 2.3) Service

(a) Except as otherwise provided in these rules or applicable statute, service of a document may be effected by delivering a copy of the document, ~~or~~ mailing a copy of the document by~~,~~ first-class mail, or making service by electronic mail as provided in Rule 2.3.1 to each person whose name is on the official service list or applicable special service list, to the assigned administrative law judge, and to any other person required to be served by statute, by Commission rule or order, or by the administrative law judge. Delivery may be made by handing a copy of the document to the person or leaving it in a place where the person may reasonably be expected to obtain actual and timely receipt. Service by mail is complete when the document is deposited in the mail. Service by electronic mail is complete when the electronic mail message is transmitted, subject to Rule 2.3.1(e). The administrative law judge may require more expeditious service or a particular form of service in appropriate circumstances.

(b) ~~With the prior consent of the party being served or at the direction of the administrative law judge, service may be made by facsimile transmission, by modem, or by other electronic means. Such service is complete upon successful transmission.~~

In the event that service cannot be completed by any of the methods described in Rule 2.3(a), the administrative law judge may direct or any party may consent to service by other means not listed in Rule 2.3(a) (e.g., facsimile transmission).

(c) ~~If a document, including attachments, exceeds 75 pages or with the permission of the administrative law judge, parties may serve a Notice of Availability in lieu of all or part of the document. (The original document and copies filed with the Commission, however, must be complete (see Rule 2.5).) A copy of the complete document must be served on any party who has previously informed the serving party of its desire to receive a complete copy. The Notice of Availability must comply with Rule 2.1(a) and must state the document's exact title and summarize its contents. The Notice must state that a copy of the document will be served at the request of the party receiving the notice and must state the name, telephone number, and facsimile transmission number, if any, of the person to whom such requests should be directed. The party sending the Notice must serve any party making such request within one business day after receipt of the request.~~

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A party may serve and file a Notice of Availability in lieu of all or part of the document to be served. A copy of the complete document must, however, be served on any party who has previously informed the serving party of its desire to receive a complete copy. The original document and copies filed with the Commission must be complete (see Rule 2.5). A separate Notice must be provided for each document to be served, unless the assigned commissioner or administrative law judge authorizes a Notice to include reference to more than one document. The Notice must comply with Rule 2.1(a) and, if relevant, 2.3.1 and must state the document's exact title and summarize its contents. The Notice must state that a copy of the document will be served at the request of the party receiving the notice, and must state the name, telephone number, e-mail address, if any, and facsimile transmission number, if any, of the person to whom such requests should be directed. The party sending the Notice must serve any party making such request within one business day after receipt of the request. If a Notice of Availability is served by electronic mail in accordance with Rule 2.3.1, it must contain in its subject line the docket number of the proceeding and the words "notice of availability," followed by a brief identification of the document to be served.

(d) A Notice of Availability may be served and filed in any of the following circumstances:

(1) if a document, including attachments, exceeds 50 pages;

(2) if a document served by sending an e-mail message with the document attached in accordance with Rule 2.3.1(b) has attachments that are not readily reproducible in electronic format, would be too voluminous to attach to the e-mail message, or would be likely to cause e-mail service to fail for any other reason;

(3) if the document is served by making it available at a particular Uniform Resource Locator site (URL) on the World Wide Web. In this case, in addition to the requirements of subd. (c) of this Rule, the Notice must contain a complete and accurate hyperlink to the site at which the document to be served has been made available in a readily readable and downloadable form, and must state the date on which the document was made available at that site. Such a Notice may contain information about how to access or download the document to be served, or any other information required or allowed by the assigned commissioner or administrative law judge; it may not contain any attachments.

(4) with the prior permission of the assigned commissioner or administrative law judge.

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(~~d~~e) A copy of the certificate of service must be attached to each copy of the document (or Notice of Availability) served and to each copy filed with the Commission. If a Notice of Availability is served, a copy of the Notice must also be attached to each copy of the document filed with the Commission. The certificate of service must state: (1) the exact title of the document served, (2) the place, date, and manner of service, and (3) the name of the person making the service. The certificate filed with the original of the document must be signed by the person making the service (see Rule 2.2(e)). The certificate filed with the original of the document must also include a list of the names, ~~and~~ addresses, and, where relevant, the e-mail addresses of the persons and entities served and must indicate whether they received the complete document or a Notice of Availability. (See Rule 88, Form No. 6.)

(~~e~~f) The Process Office shall maintain the official service list for each pending proceeding. It is the responsibility of each person or entity on the service list to provide a current mailing address and, if relevant, current e-mail address, to the Process Office for the official service list. A party may change its mailing address or e-mail address for service or its designation of a person for service by sending a ~~written~~ notice to the Process Office and serving a copy of the notice on each party on the official service list.

(~~f~~g) The administrative law judge may correct and make minor changes to the official service list and may revise the official service list to delete inactive parties. Before establishing a revised service list, the administrative law judge will give each person on the existing service list notice of the proposed revision and an opportunity to respond to the proposal.

(~~g~~h) The administrative law judge may establish a special service list for documents related to a portion of a proceeding. A special service list allows service to be made on only a portion of the official service list. A special service list may be established, for example, for one phase of a multi-phase proceeding or for documents related to issues that are of interest only to certain parties. Before any special service list is established, the administrative law judge will give each person on the official service list notice of the proposal to establish a special service list and an opportunity to show why that person should be included on the special service list or why a special service list should not be established.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. References: Sections 1704, 3732-3735, Public Utilities Code; Sections 1013, 1013a, Code of Civil Procedure.

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2.3.1. (Rule 2.3.1) Service by Electronic Mail (E-Mail Service)

(a) E-mail service may be used in any proceeding which has been assigned a docket number.

(b) E-mail service may be made by sending the document to be served as an attachment to an e-mail message to any person or entity who has provided an e-mail address for the official service list; or by sending an e-mail Notice of Availability in accordance with Rule 2.3(c) and (d) to any person or entity who has provided an e-mail address for the official service list; or by any other method of e-mail service directed by the assigned commissioner or administrative law judge.

(c) When serving a document as an attachment to an e-mail message, the serving party must include in the subject line of the message the docket number of the proceeding and a brief identification of the document to be served, including the name of the serving party, and must include in the text of the message the electronic format of the document (e.g., PDF, Excel), and the name, telephone number, e-mail address, and facsimile transmission number of the person to whom problems with receipt of the document to be served should be directed. A separate e-mail message must be sent for each document to be served, unless the assigned commissioner or administrative law judge authorizes the attachment of more than one document to an e-mail message.

(d) By providing an e-mail address for the official service list in a proceeding, a person or entity consents to e-mail service in any proceeding in which the person or entity is on an official service list.

(e) By utilizing e-mail service, the serving party agrees, in the event of failure of e-mail service, to promptly serve the document by any means authorized by these rules, provided that e-mail service may be used only if (1) the receiving party consents to the re-use of e-mail service, or (2) the serving party determines that the cause of the failure of e-mail service has been rectified. "Failure of e-mail service" occurs when the serving party receives notification, in any manner, of non-receipt of an e-mail message, the receiving party's inability to open or download an attached document, or any other inability of the receiving party to access the document to be served. The serving party and receiving party may agree to any form of substitute service allowed by these rules.

(f) In addition to any other requirements of this rule, the serving party must provide a paper copy of all documents served by e-mail service to the assigned administrative law judge, unless the administrative law judge orders otherwise.

(g) The Commission may serve any document in a proceeding by e-mail service, except those documents for which another form of service is required by applicable statutes or these rules. .

(h) Nothing in this rule alters any of the rules governing filing of documents with the Commission.

(i) The assigned commissioner or administrative law judge may issue an order consistent with these rules to govern e-mail service in a particular proceeding.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. References: Section 311.5, Public Utilities Code.

8.2 (Rule 8.2) Decisions, Appeals, and Requests for Review in Adjudicatory Proceedings

(a) An adjudicatory proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of briefs or the presentation of oral arguments as prescribed by the Commission or the presiding officer. The Commission's Daily Calendar shall include a table of submission dates listing all such dates (with the corresponding proceedings) that occurred during the two weeks preceding the date of the calendar.

(b) In an adjudicatory proceeding in which a hearing was held, the presiding officer shall prepare a decision setting forth the findings, conclusions, and order. The decision of the presiding officer shall be filed with the Commission and served on all parties without undue delay, not later than 60 days after submission. The decision of the presiding officer shall constitute the proposed decision where one is required by law, and shall become the decision of the Commission if no appeal or request for review is filed within 30 days after the date the decision is ~~mailed to~~ served on the parties in the proceeding. The comment procedure in Rules 77.1-77.6 does not apply to a presiding officer's decision. However, the presiding officer has discretion, at any time before the 30-day appeal period has begun to run, to authorize comments on a draft decision or a portion thereof. The Commission's Daily Calendar shall include a table that lists, for the two weeks preceding the date of the calendar, each decision of a presiding officer that has become the decision of the Commission. The table shall indicate the proceeding so decided and the date when the presiding officer's decision became the decision of the Commission.

(c) The complainant, defendant, respondent, or any intervenor in an adjudicatory proceeding may file and serve an appeal of the decision of the presiding officer within 30 days of the date the decision is mailed to the parties in the proceeding.

(d) Any Commissioner may request review of the decision of the presiding officer in an adjudicatory proceeding by filing and serving a request for review within 30 days of the date the decision is mailed to the parties in a proceeding.

(e) Appeals and requests for review shall set forth specifically the grounds on which the appellant or requestor believes the decision of the presiding officer to be unlawful or erroneous. The purpose of an appeal or request for review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight. Appeals and requests for review shall be served on all parties and accompanied by a certificate of service.

(f) Any party may file and serve its response no later than 15 days after the date the appeal or request for review was filed. In cases of multiple appeals or requests for review, the response may be to all such filings and may be filed 15 days after the last such appeal or request for review was filed. Replies to responses are not permitted. The Commission is not obligated to withhold a decision on an appeal or request for review to allow time for responses to be filed.

(g) In any adjudicatory proceeding in which a hearing is held, the Commission may meet in closed session to consider the decision of the presiding officer that is under appeal pursuant to subsection (c) of this rule. The vote on the appeal or a request for review shall be in a public meeting and shall be accompanied by an explanation of the Commission's decision, which shall be based on the record developed by the presiding officer. A decision different from that of the presiding officer shall include or be accompanied by a written explanation of each of the changes made to the presiding officer's decision.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701.2(a) and (c), Public Utilities Code.

14.5. (Rule 14.5) Form of Proposals, Comments, and Exceptions

All proposals, comments, and exceptions submitted by respondents and interested parties shall be tendered for filing to the Docket Office with a certificate of service indicating service ~~by mail~~ on all known interested parties. Rules 2, 2.1, 2.2, and 2.5 shall apply to all pleadings filed in rulemaking proceedings. All pleadings which contain factual assertions shall be verified. Unverified factual assertions will be given only the weight of argument.

Note: Authority and reference cited: Section 1701, Public Utilities Code; Statutes 1951, Ch. 764.

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15. (Rule 15) Contents

All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of applications (see Rules 18 through 41), shall state the following:

(a) The exact legal name of each applicant and the location of principal place of business, and if an applicant is a corporation, trust, association, or other organized group, the State under the laws of which such applicant was created or organized.

(b) The name, title, address, telephone number, facsimile transmission number, and, if the applicant consents to e-mail service, the e-mail address, ~~and telephone number~~ of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Such additional information as may be required by the Commission in a particular proceeding.

(d) Applications for ex parte action shall set forth the basis for such request, and those seeking the granting of relief pending full hearing shall set forth the necessity for such relief.

(e) In addition to otherwise complying with these rules, each application for authority to abandon passenger stage service, or reduce service to less than one trip per day (excluding Saturday and Sunday), shall include the following exhibits:

NOTE: If more than one point, route, or route segment is included in the application, the indicated data are to be separately stated for each point, route, or route segment.

Exhibit 1. Points and Routes Affected - a listing of points, routes, and route segments to be abandoned, including identification and a brief description of any other passenger transportation service available at the points or along the routes affected.

Exhibit 2. Maps - maps to scale showing each point, route, and route segment to be abandoned.

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Exhibit 3. Timetables - copies of current and proposed timetables covering the affected points and routes.

Exhibit 4. Authority - copies of current and proposed certificate authorities covering the affected points and routes.

Exhibit 5. Traffic - traffic data for a recent representative period, showing numbers of interstate and intrastate passengers (by classification if more than one type of ticket is sold) destined to and originating from each point to be abandoned; also package express shipments similarly stated.

Exhibit 6. Fares and Rates - description of the fares and rates applicable to the affected services.

Exhibit 7. Revenues - calculation of the annual interstate and intrastate passenger, express, and other revenues which accrue as a result of the service to be abandoned, along with an explanation of how the revenues were calculated and of any assumptions underlying the calculations.

Exhibit 8. Operating Statistics - calculations of route miles, annual bus miles, and schedule operating time to be eliminated for each point, route, or route segment to be abandoned.

Exhibit 9. Expenses - calculation in the Uniform System of Accounts for Common and Contract Motor Carriers of Passengers, of the variable costs of operating each affected service, with an explanation of how the costs were calculated, and of any assumptions underlying the calculations (assumptions should be consistent with those used to calculate revenues). Any labor costs included shall also be separately identified and described.

Exhibit 10. Financial Assistance - description of any present operating subsidies or financial assistance applicable to the affected service, including identification of source, amounts, duration, and any significant terms or conditions applicable; also description of any proposals or discussions with respect to operating subsidies or financial assistance which have occurred during the year preceding the filing of the application.

Exhibit 11. Additional Evidence - any additional evidence or legal argument applicant believes to be relevant to the application.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 454, 818, 851, 852, 1001-1011, 1031 and 1063, Public Utilities Code.

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17.1. (Rule 17.1) Preparation and Submission of Environmental Impact Reports

(a) General. This rule has been developed and adopted pursuant to the California Environmental Quality Act of 1970, Public Resources Code Sections 21000 et seq. (CEQA), and the guidelines for implementation of CEQA promulgated by the Office of the Secretary for Resources, California Administrative Code Sections 15000 et seq. (EIR Guidelines.) The Commission hereby adopts and shall adhere to the principles, objectives, definitions, criteria and procedures of CEQA, the EIR Guidelines, and the additional provisions of this rule.

(b) Objectives.

(1) To carry out the legislative intent expressed in CEQA, Public Resources Code Sections 21000 and 21001, and specifically:

(2) To ensure that environmental issues are thoroughly, expertly, and objectively considered within a reasonable period of time, so that environmental costs and benefits will assume their proper and co-equal place beside the economic, social, and technological issues before the Commission, and so that there will not be undue delays in the Commission's decision-making process.

(3) To assess in detail, as early as possible, the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced, to the fullest extent possible.

(4) To achieve an appropriate accommodation between these procedures and the Commission's existing planning, review, and decision-making process.

(c) Applicability. This rule shall apply to CEQA projects for which Commission approval is required by law, except projects for which an application must be filed with the California Energy Resources Conservation and Development Commission pursuant to Public Resources Code Section 25500.

(d) Proponent's Environmental Assessment. The proponent of any project subject to this rule shall include with the application for such project an environmental assessment which shall be referred to as the Proponent's Environmental Assessment (PEA). The PEA shall be employed by the Commission to quickly focus on any impacts of the project which may be of concern, and may be used as an aid in preparing the Commission's Initial Study to determine whether to prepare a Negative Declaration or an Environmental Impact Report. Where it is found that CEQA requires such analysis and documentation the PEA may be employed in the preparation thereof.

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(1) Form and Content. If it can be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, the project PEA should be limited to a statement of this conclusion and any additional explanation or information which may be necessary for an independent assessment of such issue by the Commission. If it cannot be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, then the PEA shall include all information and studies required by the Commission Information and Criteria List applicable to the project, and shall be submitted in the format specified in such list.

(2) Filing. The PEA shall be filed, consistent with Rule 2.5, as a separate exhibit accompanying the application or pleading. It need not be physically attached thereto.

(3) Commission Information and Criteria Lists. The Commission shall adopt and revise as necessary a list specifying in detail the information and studies which will be required from proponents of projects subject to this rule. These information lists shall also contain criteria which the Commission will apply in order to determine the completeness of PEAs. These lists shall be contained within the Commission's Information and Criteria List adopted pursuant to Chapter 1200 of the Statutes of 1977 (Government Code Sections 65940 through 65942), and shall be made available to the public upon request from Commission staff.

(e) Motions. Appropriate motions may be made in any proceeding subject to this rule.

(1) Such Motions include but are not limited to:

(A) Motion for determination of whether the Commission is the Lead Agency for purposes of CEQA and this rule;

(B) Motion for determination of who is the proponent of the project at issue;

(C) Motion for a public hearing under subsection (g);

(D) Motion for an expedited hearing under subsection (g) (2);

(E) Motion for the determination of the reasonableness of the deposit or fee required under subsection (j).

(2) A motion for determination of whether the proceeding involves a project subject to or exempt from CEQA and this rule may be made pursuant to Rule 17.2.

(3) A motion made under this subsection filed in a proceeding seeking ex parte action or prior to hearing in other proceedings shall be served upon all parties upon which service of the application, complaint, order instituting investigation, or other order was made or required to be made. If a motion is made during the course of a hearing, it shall be served on all parties of record.

(4) The Commission staff and all other parties upon whom the motion is required to be served shall have 10 calendar days in which to respond unless the presiding officer or Administrative Law Judge for good cause shown otherwise orders.

(f) Preparation of Environmental Documents. The procedures for preparation of environmental documents required under CEQA and the EIR Guidelines shall be as prescribed in CEQA, the EIR Guidelines, and the additional provisions of this rule.

(1) Negative Declarations.

(A) Notice of the preparation of a Negative Declaration shall be given by ~~direct~~ first class mail to all organizations and individuals having previously requested such notice, and to owners of land, under, or on which the project may be located, and owners of land adjacent thereto. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the project will be located.

(B) Negative Declarations shall be completed and adopted within 105 days of the date on which the project application is accepted as complete.

(C) Negative Declarations shall be available for public comment not less than 30 days prior to project approval should the project be approved.

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(2) Draft EIRs.

(A) The PEA reviewed, corrected, amended and independently evaluated and analyzed by the staff may become the Commission's Draft EIR.

(B) Notice of Completion of the Draft EIR shall be given by ~~direct~~ first class mail to the county and municipal planning commissions and the county and municipal legislative bodies for each county or city affected by the project, the state highway engineer, other organizations and individuals having previously requested notification, and to owners of land under, or on which the project may be located, and owners of land adjacent thereto. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the project will be located.

(3) Final EIRs.

(A) Final EIRs shall be completed and certified within one year of the date on which the project application is accepted as complete.

(B) Copies of the Final EIR shall be served upon all parties to the proceeding.

(4) Public Availability of Environmental Documents. Copies of PEAs, Initial Studies, Negative Declarations, Draft EIRs, Final EIRs, and any other public environmental documents shall be available to members of the public who may be charged their actual cost of reproduction and handling.

(5) Extensions of Time. Consistent with the intent and purposes of CEQA, and Chapter 1200 Statutes 1977 (Government Code Sections 65920 et seq.), and to the extent permitted by CEQA, Chapter 1200, and the EIR Guidelines, reasonable extensions of time periods specified in CEQA, Chapter 1200, the EIR Guidelines, and in this rule may be granted. Such extensions include extensions of time periods specified in subsections (f)(1)(B) and (f)(3) of this rule.

(g) Hearings. Unless the Commission, presiding officer or Administrative Law Judge by order otherwise provides, public hearings shall be held upon each Negative Declaration and each Draft EIR for which a protest or motion under subsection (e)(1)(C) or (e)(1)(D) of this rule is received.

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(1) Ex Parte Proceedings. If no protest or motion under subsection (e) is received within 30 days following the notice of completion of the Draft EIR or the notice of preparation of the Negative Declaration, the Final EIR or Negative Declaration may be completed and certified or completed and adopted without public hearing.

(2) Expedited Hearings on Environmental Issues. Any public hearing held concerning environmental issues may by order of the Commission, the presiding officer, or Administrative Law Judge be expedited for the purpose of facilitating agency compliance with the time constraints imposed upon Commission application processing by Chapter 1200 Statutes 1977 (Government Code Sections 65950, 65951, and 65952) and Rules 17.1(f)(1)(B) and (f)(3) through the implementation of such procedures as may in the discretion of the Commission, the presiding officer or Administrative Law Judge be found necessary and appropriate. Such procedures may include but need not be limited to any, or any combination of the following:

(A) Limitations on the time allotted to each party;

(B) Limitations upon the scope of the issues and testimony;

(C) Limitation or elimination of cross-examination.

(3) Notice. Any public hearing held shall be held not less than 45 calendar days after the Draft EIR has been made available for public inspection and comment, and no less than 21 calendar days after the Negative Declaration has been made available.

(4) Evidence. Evidence in support of the project based upon the PEA shall be presented by the proponent at any hearing ordered by the Commission. All other parties may offer evidence in support of their environmental positions. Comments received through the consultation process shall be made a part of the record in the proceeding and shall be utilized to the maximum extent permissible under the Commission rules.

(h) Categorical Exemptions.

(1) The following specific projects are within the classes of projects which the Secretary for Resources has exempted from the EIR requirements of CEQA:

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(A) Class 1 Exemptions.

1. Restoration and repair of existing structures when they have deteriorated or are damaged, in order to meet current standards of public health and safety under the rules of the Commission or other public authority, where the damage is not substantial and did not result from an environmental hazard.
2. The operation, repair, maintenance, or minor alteration of existing facilities used to convey or distribute electric power, natural gas, water, or other substance.

3. The maintenance of landscaping around utility facilities.

4. The maintenance of native growth around utility facilities.

5. Alteration in railroad crossing protection.

6. Minor railroad crossing alterations as described in Guidelines Section 15101 (c) and (f), including, but not limited to filings under General Order No. 88.

7. Installation of new railroad-highway signals or signs.

8. Abandonment, removal, or replacement of the following railroad facilities: (a) stock corrals, (b) tracks, or (c) platforms.

9. Deviation requests filed under General Orders Nos. 26-b and 118 as to clearances and walkways.

(B) Class 2 Exemptions.

1. The replacement or reconstruction, including reconductoring of existing utility structures and facilities where the new structure or facility will be located on the same site as the replaced structure or facility and will have substantially the same purpose and capacity as the structure replaced.

2. Minor reconstruction or repair of railroad crossings or separations.

(C) Class 3 Exemptions.

1. Stores and offices for utility purposes if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures.

2. Water main, sewage, electrical, gas, and other utility extensions of reasonable length to serve such construction.

3. Accessory (appurtenant) structures to utility structures including garages, carports, patios, and fences.

(D) Class 4 Exemptions. New gardening or landscaping in conjunction with utility facilities or structures not to include the removal of mature, scenic trees, the filling of earth into previously excavated land, with material compatible with the natural features of the site, and minor temporary uses of land having negligible or not permanent effect on the environment.

(E) Class 5 Exemptions. Projects which require the issuance of street opening permits to permit minor alterations in land use limitations.

(F) Class 6 Exemptions. The preparation and filing of basic data, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This includes the filing of informational reports with the Commission.

(G) Class 7 Exemptions. Commission decision-making activities which are intended to assure the maintenance, restoration, or enhancement of a natural resource, where procedures for the protection of the environment have been included.

(H) Class 8 Exemptions. Commission decision-making activities if they consist of action taken to assure the maintenance, restoration, enhancement, or protection of the environment, such as, in connection with the issuance of instructions or orders having to do with existing utility facilities, where procedures for the protection of the environment have been included. Construction activities are not included in this exemption.

(I) Class 21 Exemptions. Commission activities which consist of enforcing or revoking a lease, permit, certificate or other entitlement which activities do not ordinarily involve significant effects on the environment.

(i) Lead Agency Determinations.

(1) The Commission is the lead agency for the following stationary utility projects:

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(A) Electric transmission lines and generation plants under General Order No. 131-B, over which the Energy Resources Conservation and Development Commission does not have primary jurisdiction.

(B) Gas storage facilities and major gas transmission lines.

(C) New and noncontiguous utility facility projects (independent of subdivisions).

(D) Radiotelephone utility facilities.

(E) Telephone service area expansions.

(F) Proceedings directly related to new construction of utility facilities.

(G) Applications for exemptions from under grounding requirements, except where the electric or telephone distribution lines are incidental to a development project over which a city, county, or other political subdivision has the primary decision-making responsibility.

(2) The Commission is the lead agency in certification proceedings involving passenger stage and railroad corporations, passenger air and highway common carriers, Class B charter-party carriers of passengers, and vessels.

(3) The Commission is the lead agency for railroad projects involving a grade separation, new street crossing, new railroad track crossing, or railroad crossing relocation or widening project, except that where the project is to be carried out by a state or local public agency.

(j) Fees for Recovery of Costs Incurred in Preparing EIRs.

(1) For any project where the Commission is the lead agency responsible for preparing the EIR to Negative Declaration the proponent shall be charged a fee to recover the actual cost of the Commission in preparing the EIR or Negative Declaration. A deposit shall be charged the proponent as set forth below:

A deposit of thirty dollars ($30) for each one thousand dollars ($1,000) of the estimated capital cost of the project up to one hundred thousand dollars ($100,000), ten dollars ($10) for each one thousand dollars ($1,000) over one hundred thousand dollars ($100,000) and up to one million dollars ($1,000,000), five dollars ($5) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to five million dollars ($5,000,000), two dollars ($2) for each

one thousand dollars ($1,000) over five million dollars ($5,000,000) and up to ten million dollars ($10,000,000), one dollar ($1) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000) and up to one hundred million dollars ($100,000,000), and fifty cents ($0.50) for each one thousand dollars ($1,000) over one hundred million dollars ($100,000,000). A minimum deposit of five hundred dollars ($500) shall be charged for projects with an estimated capital cost of sixteen thousand dollars ($16,000) or less.

If a project lacks a capital cost basis, the Commission, presiding officer, or Administrative Law Judge shall determine, as early as possible, the deposit to be charged.

(2) The deposit shall be collected whenever an EIR or Negative Declaration is requested or required. The costs of preparing the EIR or Negative Declaration shall be paid from such deposits.

(3) Proponent shall pay the applicable deposit in progressive payments due as follows: One-third of the deposit at the time the application or pleading is filed, an additional one-third no later than 120 days after the time the application or pleading is filed, and the remaining one-third no later than 180 days after the time the application or pleading is filed. Failure to remit full payment of the deposit no later than 180 days after the time the application or pleading is filed may subject the proponent to a fine not exceeding 10 percent of the outstanding amount due. If the costs exceed such deposit the proponent shall pay for such excess costs within 20 days of the date stated on the Commission's bill for any excess costs. If the costs are less than the deposit paid by the proponent, the excess shall be refunded to the proponent.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 21165, Public Resources Code.

30. (Rule 30) Protests

Anyone interested may file a protest which shall:

(a) State the protestant's full name, mailing address, telephone number, facsimile transmission number, and if the protestant consents to e-mail service, the protestant's e-mail address ~~and telephone number~~.

(b) State the facts constituting the grounds for protest and show how protestant is affected and why the proposed increase may not be justified.

(c) State the names of each applicant or its attorney or agent upon whom a copy of the protest is being served pursuant to Rule 31.

(d) Be verified under oath or certified under penalty of perjury and be signed by protestant or its attorney.

(e) Be addressed to the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102.

(f) Be forwarded so as to reach the Commission not later than the thirtieth day following the listing of the application in the Daily Calendar.

31. (Rule 31) Service

One copy of each protest shall simultaneously be served upon each applicant or its attorney or agent. Service shall be made ~~personally or by deposit in the United States mail of a sealed envelope with first class postage prepaid, containing a true copy of the documents to be served and addressed to the party to be served at the last known address of such party~~ in accordance with Rules 2.3 and 2.3.1.

45. (Rule 45) Motions

(a) This rule governs motion practice in Commission proceedings, except as otherwise provided in these rules or by statute, Commission order, decision or resolution.

(b) A motion is a request for the Commission or the administrative law judge to take a specific action related to a proceeding before the Commission.

(c) A motion may be made at any time during the pendency of a proceeding by any party to the proceeding. In appropriate circumstances, a motion may also be made by a person or entity who is not a party:

(1) if the person or entity states an intent to become a party to the proceeding at the next opportunity;

(2) if the motion relates to a special appearance or limited participation in the proceeding, e.g., a motion to quash; or

(3) with the permission of the administrative law judge.

(d) Written motions must be filed and served and must comply with Rules 2, 2.1, 2.2, 2.3, 2.3.1, and 2.5. The administrative law judge may permit an oral motion to be made during a hearing or conference.

(e) A motion must concisely state the facts and law supporting the motion and the specific relief or ruling requested.

(f) Responses to written motions must be filed and served within 15 days of the date that the motion was served, unless the administrative law judge sets a different date. Written responses must comply with Rules 2, 2.1, 2.2, 2.3, 2.3.1, and 2.5. Responses to oral motions may be made as permitted by the administrative law judge.

(g) With the permission of the administrative law judge, the moving party may reply to responses to the motion. Written replies must be filed and served within 10 days of the last day for filing responses under Rule 45(f), unless the administrative law judge sets a different date. Written replies must comply with Rules 2, 2.1, 2.2, 2.3, 2.3.1, and 2.5. A written reply must state in the opening paragraph that the administrative law judge has authorized its filing and must state the date and the manner in which the authorization was given (i.e., in writing, by telephone conversation, etc.).

(h) Nothing in this rule prevents the Commission or the administrative law judge from ruling on a motion before responses or replies are filed.

(i) In the interests of justice and efficiency, the Commission, the assigned Commissioner, or the administrative law judge may authorize or direct deviations from the requirements of this rule.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

47. (Rule 47) Petitions for Modification

(a) A petition for modification asks the Commission to make changes to the text of an issued decision. Filing a petition for modification does not stay the effectiveness of the decision or preserve the party's appellate rights; an application for rehearing (see Article 21) is the vehicle to request rehearing and preserve a party's appellate rights.

(b) A petition for modification must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed (Rule 73). Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.

(c) A petition for modification must be filed and served on all parties to the proceeding or proceedings in which the decision proposed to be modified was made. The petition must comply with Rules 2, 2.1, 2.2, 2.3, 2.3.1, and 2.5. If more than one year has elapsed since the effective date of the decision (see subsection (d)), the administrative law judge may direct the petitioner to serve the petition on other or additional persons or entities.

(d) Except as provided in this subsection, a petition for modification must be filed and served within one year of the effective date of the decision proposed to be modified. If more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision. If the Commission determines that the late submission has not been justified, it may on that ground issue a summary denial of the petition.

(e) If the petitioner is not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier. A separate petition to intervene (see Article 14) is not required. The petitioner will become a party to the proceeding for the purpose of resolving the petition.

(f) Responses to petitions for modification must be filed and served within 30 days of the date that the petition was served, unless the administrative law judge sets a different date. Responses must be served on the petitioner and on all parties who were served with the petition and must comply with the requirements of Rules 2, 2.1, 2.2, 2.3, 2.3.1, and 2.5.

(g) With the permission of the administrative law judge, the petitioner may reply to responses to the petition. Replies must be filed and served within 10 days of the last day for filing responses under subsection (f), unless the administrative law judge sets a different date. Replies must comply with Rules 2, 2.1, 2.2, 2.3, 2.3.1 and 2.5. A reply must state in the opening paragraph that the administrative law judge has authorized its filing and must state the date and the manner in which the authorization was given (i.e., in writing, by telephone conversation, etc.).

(h) In response to a petition for modification, the Commission may modify the decision as requested, modify the affected portion of the decision in some other way consistent with the requested modification, set the matter for further hearings or briefing, summarily deny the petition on the ground that the Commission is not persuaded to modify the decision, or take other appropriate action.

(i) Unless otherwise ordered by the Commission, the filing of a petition for modification does not stay or excuse compliance with the order of the decision proposed to be modified. The decision remains in effect until the effective date of any decision modifying the decision.

(j) Correction of obvious typographical errors or omissions in Commission decisions may be requested by letter to the Executive Director, with a copy sent at the same time to all parties to the proceeding.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

48. (Rule 48) Extension of Time Limits

(a) Requests for extension of time limits established in these rules or in a ruling of an administrative law judge or commissioner may be made orally or by letter to the administrative law judge. If other parties to the proceeding are affected by the extension, the party requesting the extension must first make a good-faith effort to ask such parties to agree to the extension. The party requesting the extension must report the results of this effort when it makes its request. If the extension is granted, the administrative law judge will require the party requesting the extension to notify all other parties to the proceeding of the extension, and the party must state in the opening paragraph of the document that the administrative law judge has authorized the extension. In the alternative, the administrative law judge may confirm the extension in a written

ruling served on all parties or an oral ruling delivered on the record of the proceeding. No extensions will be granted of time requirements established by statute, unless the statute permits extension or waiver of the requirement.

(b) Requests for extension of time to comply with a Commission decision or order may be made by letter to the Executive Director, with a copy ~~sent~~ served at the same time to all parties to the proceeding. The letter, or a facsimile of the letter, must be received by the Executive Director at least three business days before the existing date for compliance. If the extension is granted, the party requesting the extension must promptly inform all parties to the proceeding of the Executive Director's decision and must state in the opening paragraph of the document that the Executive Director has authorized the extension.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

51.1. (Rule 51.1) Proposal of Settlements or Stipulations

(a) Parties to a Commission proceeding may stipulate to the resolution of any issue of law or fact material to the proceeding, or may settle on a mutually acceptable outcome to the proceeding, with or without resolving material issues. Resolution shall be limited to the issues in that proceeding and shall not extend to substantive issues which may come before the Commission in other or future proceedings.

(b) Prior to signing any stipulation or settlement, the settling parties shall convene at least one conference with notice and opportunity to participate provided to all parties for the purpose of discussing stipulations and settlements in a given proceeding. ~~Written notice~~ Notice served in accordance with Rule 2.3 and 2.3.1 of the date, time, and place shall be furnished at least seven (7) days in advance to all parties to the proceeding. Notice of any subsequent meetings may be oral, may occur less than seven days in advance, and may be limited to prior conference attendees and those parties specifically requesting notice.

(c) Attendance at any stipulation or settlement conference or discussion conducted outside the public hearing room shall be limited to the parties to a proceeding and their representatives.

Parties may by written motion propose stipulations or settlements for adoption by the Commission in accordance with this article. The motion shall contain a statement of the factual and legal considerations adequate to advise the

Commission and parties not expressly joining the agreement of its scope and of the grounds on which adoption is urged.

When a settlement pertains to a proceeding under the Rate Case Plan or other proceeding in which a comparison exhibit would ordinarily be filed, the settlement must be supported by a comparison exhibit indicating the impact of the settlement in relation to the utility's application. If the participating staff supports the settlement, it must prepare a similar exhibit indicating the impact of the proposal in relation to the issues it contested, or would have contested, in a hearing.

(d) Stipulations and settlements should ordinarily not include deadlines for Commission approval; however, in the rare case where delay beyond a certain date would invalidate the basis for the proposal, the timing urgency must be clearly stated and fully justified in the motion.

(e) The Commission will not approve stipulations or settlements, whether contested or uncontested, unless the stipulation or settlement is reasonable in light of the whole record, consistent with law, and in the public interest.

Note: Authority and reference cited: Section 1701, Public Utilities Code.

75. (Rule 75) Briefs

The presiding officer may fix the time for the filing of briefs. Concurrent briefs are preferable. Exhibits may be reproduced in an appendix to a brief. Citations to the transcript in a proceeding must indicate the transcript page number(s) and identify the party and witness sponsoring the cited testimony. A brief of more than twenty pages shall contain a subject index, a table of authorities, and a summary of the briefing party's recommendations following the table of authorities. Requests for extension of time to file briefs must be made to the Commission in writing, and a copy served upon or mailed to the other parties to the proceeding. Ordinarily, when a matter has been submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the Commission. The original of each brief shall contain a ~~certification~~ certificate that copies have been served upon ~~or mailed to~~ each party or the party's attorney.

Note: Authority and reference cited: Section 1701, Public Utilities Code.

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

77.2. (Rule 77.2) Time for Filing Comments on Proposed Decision

Parties may file comments on the proposed decision within 20 days of ~~its~~ the date of its ~~mailing~~ service on the parties. Comments with a certificate of service shall be filed, consistent with Rule 2.5, with the Docket Office and copies shall be served on all parties. The assigned Commissioner and Administrative Law Judge shall be served separately.

An applicant may file a motion for an extension of the comment period if it accepts the burden of any resulting delay. Any other party requesting an extension of time to comment must show that the benefits of the extension outweigh the burdens of the delay.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference cited: Section 311(d), Public Utilities Code.

82. (Rule 82) Service of Orders

Decisions and orders shall be served by the Executive Director's office by mailing copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a copy thereof in accordance with Rules 2.3 and 2.31, unless applicable statutes or these rules require a particular method of service. When a party ~~to an application proceeding~~ has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 1701, Public Utilities Code.

86.2. (Rule 86.2) Response

A response to an application for rehearing is not necessary. Any response may be filed and served no later than fifteen days after the day the application for rehearing was filed. In instances of multiple applications for rehearing the response may be to all such applications, and may be filed fifteen days after the last application for rehearing was filed. The Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed.

Note: Authority cited: Section 1701, Public Utilities Code.

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

Article 23. Forms

88. (Rule 88) Forms

The following skeleton forms of applications, complaint, answer, protest, and certificate of service are merely illustrative. The content of a particular document will vary, depending on the subject matter and applicable rules.

1. Application
2. Complaint
3. Answer
4. Application—Shortened Procedure Tariff Docket
5. Protest—Shortened Procedure Tariff Docket
6. Certificate of Service

Appendix A
Draft Amendments to CPUC Rules of Practice and Procedure

No. 1—Application

(See Rules 2-2.6, 4-6 and 15-43.8)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

›plication of JOHN JONES (Jones Rapid Transit) to operate bus service between San Francisco and South San Francisco; to establish fares; and to issue a $10,000 note.	Application No. _____ (Commission will insert number)

APPLICATION

The application of (exact legal name, mailing address and telephone number of each applicant) respectfully shows:

1. That communications in regard to this application are to be addressed to (name, title, and address).
2. (Here, and in succeeding numbered paragraphs, set forth the specific facts required by the applicable rules, together with additional facts deemed material.)

WHEREFORE, applicant requests an order (here state clearly and concisely the specific authorization sought by applicant).

Dated at _____, California, this _____ day of _____, 20____.

_____
(Signature of applicant)

_____

_____
(Signature, address, and telephone number, facsimile number, and e-mail address (if consenting to e-mail service) of attorney, if any)

VERIFICATION*
(See Rule 2.4)
(Where applicant is an individual)

I am the applicant in the above-entitled matter; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

_____
(Applicant)

* Where execution occurs outside California, verification must be made in accordance with the law of the state where execution occurs.

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 1—Application—Continued

VERIFICATION
(See Rule 2.4)
(Where Applicant is a Corporation)

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

_____
(Signature and Title of Corporate Officer)

(Where applicant is absent from
County of Attorney's Office)

I am the attorney for the applicant herein; said applicant is absent from the County of _____, California, where I have my office, and I make this verification for said applicant for that reason; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

_____
(Attorney for Applicant)

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 2 – Complaint
(See Rules 2-2.6, 4-6 and 9-11)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(B) _____)
_____)
_____)
_____)
_____)

(Fill in Complainant (s) name)
vs.

(C)_____)
_____)
_____)
_____)
_____)

(Fill in Defendant (s) name)

CASE _____
(for Commission use only)

(A) Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?
_____/_____
YES NO

Has staff responded to your complaint?
_____/_____
YES NO

Did you appeal to the Consumer Affairs Manager?
_____/_____
YES NO

Do you have money on deposit with the Commission?
_____/_____/$_____
YES NO AMOUNT

Is your service now disconnected?
_____/_____
YES NO

COMPLAINT

(D) The complaint of _____
(Insert exact legal name, mailing address and telephone number of each complainant)
_____
_____

respectfully shows that:

(E) 1. Defendant(s)_____
(Insert full name and address of each defendant)

_____

_____

(F) 2. Explain fully and clearly the details of your complaint. (Attach additional pages if necessary.)

_____

_____

_____

_____

_____

(G) 3. Scoping Memo Information

(a) The proposed category for the Complaint is (check one):

❒ adjudicatory
❒ ratesetting (if the complaint challenges the reasonableness of a rate)

(b) Are hearings needed? YES NO

(c) The issues to be considered are:

_____

_____

_____

_____

_____

(d) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: 30 to 40 days from the date of filing of the Complaint.
Hearing: 50 to 70 days from the date of filing of the Complaint.

Explain here if you propose a schedule different from the above guidelines.

_____

_____

_____

_____

(H) Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

_____

_____

_____

_____

_____

_____

_____

(I) ~~(I)~~ **OPTIONAL:** I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail. My/our e-mail address(es) is/are:

_____.

(J) Dated _____, California, this _____ day of _____, 20 _____
(city) (date) (month) (year)

_____
(Signature of each complainant)

_____

_____

_____
(Signature, address, telephone number, facsimile transmission number, and, if the representative consents to e-mail service, the e-mail address ~~and telephone number~~ of representative, if any)

_____

_____

_____

_____

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(~~J~~K) Executed on _____, at _____, California.
(date) (city)

(If more than one complainant, only one need sign) _____
(Complainant)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(K) Executed on _____, at _____, California.
(date) (city)

(Signature and Title of Corporate Officer) _____

_____

_____

(~~L~~L) FILE the original complaint plus 7 copies, plus 1 copy for each named defendant, with the Commission.

(~~M~~N) MAIL TO: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 3—Answer
(See Rules 2-2.6 and 13)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

hn A. Jones, Complainant, vs. ıith Public Utility System, a corporation, Defendant.	Case No. _____ (Insert number of complaint)

ANSWER

Defendant (exact legal name, mailing address and telephone number of each defendant joining in answer), for answer to the above complaint, respectfully shows:

1. (Here, and in succeeding numbered paragraphs, admit or deny material allegations of the complaint, and set forth any matters constituting a defense.)

WHEREFORE, defendant requests that the complaint be dismissed (or other appropriate request).

Dated at _____, California, this _____ day of _____, 20____.

_____
(Signature of each defendant joining in answer)

_____

_____
(Signature, address, and telephone number, facsimile number, and e-mail address (if consenting to e-mail service) of attorney, if any)

VERIFICATION

Use appropriate form of verification as set forth following Form 1, substituting "defendant" for "applicant."

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 4—Application—Shortened Procedure Tariff Docket
(See Rules 2, 2.1, 2.5, 4-6 and 25-28)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

›plication of John Jones under the Shortened Procedure Tariff Docket to make increases in (here state specifically or by reference the increase in rates sought to be made, and specify short notice and long- and short-haul authority, if any, sought).	Application No. _____ (Commission will insert number)

APPLICATION—SHORTENED PROCEDURE TARIFF DOCKET

The application of (exact legal name, mailing address and telephone number of each applicant) respectfully shows:

1. Authorization is requested to (here state clearly and concisely the specific authority or authorities sought, together with the current rates, fares, charges or rules being increased).
2. This application is based upon the following facts and circumstances:
   (Here, and in succeeding numbered paragraphs or attached exhibits, set forth the specific facts required by the applicable rules, a statement of or reference to exhibits showing present and proposed rates, fares, charges, or rules, and the additional facts and circumstances deemed to be material).
3. The position of interested parties in this matter is as follows:
   (Here list the position of each interested party insofar as known.)
4. Applicant will furnish a copy of this application to any interested party upon written request.

Dated at _____, California, this _____ day of _____, 20____.

Signature: _____
Title: _____
Address: _____
Telephone Number: _____
Facsimile Number: _____
E-mail Address (if consenting to e-mail service): _____

VERIFICATION

Use appropriate form of verification set forth following Form 1.

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 5—Protest—Shortened Procedure Tariff Docket
(See Rules 2, 2.1, 2.5, 4-6 and 30-31)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

›plication of John Jones under the Shortened Procedure Tariff Docket to make increases in (here state specifically or by reference the increase in rates sought to be made, and specify short notice and long- and short-haul authority, if any, sought).	Application No. _____ (Commission will insert number)

PROTEST—SHORTENED PROCEDURE TARIFF DOCKET

The protest of (exact legal name, mailing address and telephone number of each protestant) respectfully shows:

(Here, and in succeeding numbered paragraphs or attached exhibits, state the facts constituting the grounds for the protest and show how protestant is affected by the proposed increase and indicate in what respects the proposed increase is considered not justified.)

Applicants, as shown on the following list (or on an attached list), have been served with a copy of this protest by (here state the manner of service). (Here list the names and addresses of parties served.)

Protestant will furnish a copy of this protest to any other interested party upon written request.

Dated at _____, California, this _____ day of _____, 20____.

Signature: _____
Title: _____
Address: _____
Telephone Number: _____
Facsimile Number: _____
E-mail Address: (if consenting to e-mail service): _____

VERIFICATION

Use appropriate form of verification set forth following Form 1, substituting "protestant" for "applicant."

Appendix A

Draft Amendments to CPUC Rules of Practice and Procedure

No. 6—Certificate of Service
(See Rule 2.3)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of [title of document, *e.g.*, "Applicant UtilCorp's Motion to Strike" *or* "Notice of Availability of Application"] on all known parties to [proceeding number, *e.g.*, A.93-01-010] by [here describe manner of service, *e.g.*, mailing a properly addressed copy by first-class mail with postage prepaid ~~*or* transmitting a facsimile copy~~, or transmitting an e-mail message with the document attached, etc.] to each party named in the official service list [*or* appropriate special service list *or* specific parties required to be served by ruling or order, etc.]. (If more than one means of service is used, identify which parties were served by which means.)

Executed on [date] at [location], California.

[signature]
John Jones