

Draft Reform Proposals – Discussion Document
CPUC Policy and Governance Committee
August 24, 2015

In light of recommendations from the reports by Michael Strumwasser and Edward O’Neill, the Policy and Governance Committee is interested in discussing actions to enhance transparency, accessibility, and effectiveness of CPUC decision-making. The Committee is aware that extensive consideration of these issues is currently taking place in the Legislature, and that these issues are a critical part of the Commission’s multi-year strategic planning process that is just beginning. However, in the near term the Committee has identified the proposals below to evaluate for possible consideration by the full Commission. Thus, these proposals are not meant to supplant any broader conversations or proposals but rather to begin review of discrete proposals that are within the Commission’s authority to enact.

1. Ex parte rules
 - Consider reviewing and clarifying the definition of procedural communications for purposes of PUC section 1701.1(b)(4), which excludes procedural communication from the definition of an “ex parte” communication, and developing publicly available guidance for decision-makers and practitioners about procedural communications. (Strumwasser recommendation #17.)
 - Consider and develop publicly available best practices for managing and reporting “one-sided” communications that involve a decision-maker and an interested party. (Strumwasser recommendation #6.)
2. Disclosure Requirements
 - Discuss disclosure requirements and practices, including the ex parte notice obligation, the content, timing, and the right of reply. Develop publicly available guidance for decision-makers and practitioners about disclosure best practices. Consider formalizing and standardizing the current informal reporting system used by Commissioners to report ex parte contacts to ensure consistency and transparency. (Strumwasser recommendation #6.)
3. “Quiet Time” Period Practice
 - Examine the possibility of instituting more frequent use of quiet time periods, such as a period of time after a proposed decision is issued and the comment cycle is complete, and before the item is taken up by the Commission at a business meeting. (See Strumwasser report at pp. 71, 103.)
 - The discussion would include evaluating the types of proceedings in which quiet time periods would benefit both decision-makers and practitioners.
4. Guidance and Training

- Consider and discuss implementation of new training programs on ex parte communications and practices, such as standard training as part of onboarding new Commissioners, advisors, and industry division staff, and standardized training materials for practitioners before the Commission about ex parte rules and practice. A focus should be on creating training that will help clarify nuances in the existing rules and provide hypotheticals to educate practitioners. This program could be offered by a third party such as the CCPUC. (Strumwasser recommendation #15.)
5. Categorization of Proceedings
- Review the Commission's practice of categorizing proceedings as ratesetting and quasi-legislative, and consider the criteria to be used in categorizing proceedings. (Strumwasser recommendation #2, O'Neill report at p. 19.)