

**Draft Discussion Document**  
**CPUC Modernization Committee**  
**September 16, 2015**

This memo identifies four proposals, stemming from recent external reports, that may be considered by the Modernization Committee with the intent of strengthening the transparency, accessibility, and efficiency of CPUC decision-making. This is a draft staff submission to the Modernization Committee.

1. Public and staff accessibility of the record

Except for confidential materials submitted under seal, the complete administrative record of proceedings is available to CPUC staff, parties, and the general public. However, it may be that the practical accessibility of the record could be improved. The majority of filings are available through the electronic docket, but this does not represent the entire record. In some cases, logistical or contractual issues may constrain the accessibility of some documents. Moreover, it may be that there is an opportunity for greater education and guidance in how to access materials. The Committee may wish to consider analyzing the current accessibility of different materials within the record and discussing opportunities for enhancement.

2. Inclusion of ex parte communications in the administrative record

Strumwasser recommendation #8 proposes that all ex parte communication disclosures, including any written submissions, should be included as part of the administrative record. It is unclear to what extent this is or is not part of the current practice, nor whether and how this recommendation would accord with statute and current Rules of Practice and Procedure. The Committee may wish to analyze current practice and opportunity further.

3. Status of public comments at Public Participation Hearings and Commission business meetings

Both the Strumwasser report and Commissioner comments suggest that expanding the use of public comment, and its consideration in the administrative record of a proceeding, is an avenue for the Commission to increase the communication and prioritization of information relevant to decision-making, and to increase the accessibility and transparency of Commission decision-making to the general public. The Committee may want to consider whether the current rules and practice regulating public comment before the Commission provide adequate opportunity for comment and for Commissioner consideration of those comments in decision-making.

4. Status of interagency and stakeholder reports, academic research and studies, etc

The method for admission into the administrative or evidentiary record, and the evidentiary status, of interagency, stakeholder, academic, and other reports has been a subject of some uncertainty in the past and no standard practice approved by the Commission currently exists, as detailed in a 2015 report by the Stanford Law Policy Lab. The Committee could consider examining this issue further (including its several permutations such as sister-agency-board-approved reports vs. staff reports, and their use in proceedings with evidentiary hearings vs. those without) and memorializing best practice or written guidance regarding the introduction and use of such reports.