

Administrative Law Judge Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102



CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) INSTRUCTIONS FOR FILING A NOTICE OF APPEAL AND CERTIFICATE OF SERVICE FOR A CITATION APPEAL

Note: When filing a citation appeal, it is important to review both the specific Citation Program under which your citation has been issued and Resolution ALJ-299. Resolution ALJ-299 requires citation appeals after January 1, 2015 to be filed with the CPUC's Docket Office.¹ Appendix A of the resolution lists the Pilot Program Citation Appeal and General Order Appellate Rules ("Citation Appellate Rules"). Appendix B of the resolution describes the interaction between Resolution ALJ-299 and the individual Citation Programs in existence as of the adoption of Resolution ALJ-299. The cited entity initiating the appeal is referred to as an "appellant" under Resolution ALJ-299, Citation Appellate Rule 2.

Resolution ALJ-299 can be found at the following link and has also been provided in the citation:

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=97624430>.

A link to Resolution T-17601 addressing the citation program was also issued in the citation.

It is useful to also refer to the CPUC's Rules of Practice and Procedure (P&P Rules), as they are referred to in Resolution ALJ-299. The P&P Rules can be found on the CPUC's website <http://www.cpuc.ca.gov/codelawsrules/>.

The requirements for formatting your documents and how and where to file are generally set forth in P&P Rules 1.5, 1.6 and 1.13. There is no filing fee for filing the Notice of Appeal. If you are filing your Notice of Appeal in hard copy, then submit an original and six exact copies of the document (including any attachments but not including the

¹ Rule 2 of the Citation Appellate Rules refers to a "Citation Program" as the "individual applicable statute, General Order or Resolution authorizing the issuance of a citation or authorizing the revocation of a license."

transmittal letter, if any.) (See P&P Rule 1.13(a)(2).) If you are filing electronically, please refer to the requirements in P&P Rule 1.13(b).

If you have questions about your citation, please contact the CPUC representative who issued the citation.

If you have questions about the Notice of Appeal, please contact the CPUC's Public Advisor's Office:

The Public Advisor – CPUC
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102
(866) 849-8390 (toll free); (415) 703-2074
public.advisor@cpuc.ca.gov

Specific Instructions for Using the Citation Appeal Forms:

Insert the following information into the blanks with the corresponding letters.

NOTICE OF APPEAL FORM

- A. Insert the name of the person or entity filing the notice of appeal and include the carrier's name and four-digit Utility Identification Number in the caption (e.g. "X Company (U-XXXX-C)"). (Citation Appellate Rule 3 and P&P Rule 1.6(b).)
- B. Insert the number of the citation being appealed (e.g., Citation Number 12345 issued on January 1, 2015). (Citation Appellate Rule 3.)
- C. Insert the name of the Commission Division which issued the citation (e.g., the Commission's Communications Division). (Citation Appellate Rule 3.)
- D. Insert the name of the person or entity filing the notice of appeal. See item A above regarding the Utility Identification Number requirement.
- E. Insert the date of the citation that is appealed. (Citation Appellate Rule 5.)

- F. Insert the rationale for the appeal as specifically instructed in the Citation Program. If a Citation Program is silent on instructions for setting forth the rationale for the appeal, the Notice of Appeal must state the grounds for the appeal. The Notice of Appeal must also set forth additional items, if any, as required by the Citation Program. (Citation Appellate Rule 5.) If the Citation Program authorizes appellant to request an extension of time from a Division Director to file a Notice of Appeal, any extension received must be in writing and attached to the Notice of Appeal. (Citation Appellate Rule 4 and 5.)
- G. Insert the date that the Notice of Appeal is signed.
- H. Insert the name of the city and state in which the Notice of Appeal is signed.
- I. Insert the signature, name, mailing address, telephone number and, if available, electronic mail address of the person authorized to receive service and other communications on behalf of the person tendering the document. (P&P Rules 1.6 and 1.8.) This information is very important because it will be used by the CPUC to develop the official service list to give you notice of further required actions, hearing dates, etc. in the citation appeal. **Note:** *P&P Rule 1.8 requires this document to be signed. Please read that rule carefully as to who may sign the document, how to handle a document tendered on behalf of more than one person, and what representations are made by the signature.*
- J. List here all attachments to the Notice of Appeal and make sure the documents are attached in the format and manner required by P&P Rules 1.5 and 1.13. **Note:** *Citation Appellate Rule 4 requires any authorization of an extension of time to file a Notice of Appeal to be in writing and attached to the Notice of Appeal. Rule 4 states: "Unless authorized by a Citation Program, there shall be no extension of time to file a Notice of Appeal from a citation issued pursuant to a Citation Program Any authorization of an extension of time to file a Notice of Appeal must be made by the Director (or designee) of the Commission Division which issued the citation, in writing, subject to the provisions of the Citation Program, and must be attached to the Notice of Appeal."*

CERTIFICATE OF SERVICE FORM

Note 1: *If you are filing the Notice of Appeal in hard copy, the Certificate of Service MUST be attached to the Notice of Appeal. If you are filing the Notice of Appeal electronically, according to P&P Rule 1.13(b), the certificate of service must be transmitted with the document as a separate document when filing electronically, and this separate document must have its own caption. (See generally Citation Appellate Rule 6 and P&P Rule 1.9 (e).)*

Note 2: *A Citation Appeal must be served at a minimum on the Chief Administrative Law Judge (with a copy to: [ALJ Div Appeals Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov)); on the Director of the Communications Division (via cdcompliance@cpuc.ca.gov); and on the Director of the Safety and Enforcement Division; on the same day that the Notice of Appeal is filed. The Notice of Appeal must also be served on other entities if required by the Citation Program. (See Citation Appellate Rule 6.)*

- K. Insert the date that the Notice of Appeal is served.

- L. Insert the names and addresses (and email addresses if served electronically) of the persons served with the Notice of Appeal. The generic position names and addresses for the Chief Administrative Law Judge, Director of the Communications Division and the Director of the Safety and Enforcement Division are listed on the template. Because the persons in these positions may change, you will have to look up the individual names and email addresses to insert in the Certificate of Service template. These names and email addresses can be found on the Commission website at (<http://www.cpuc.ca.gov/General.aspx?id=8155>). This link also includes the email naming convention for sending emails, located at the bottom of that page.

- M. Insert the date the Certificate of Service is signed.

- N. Insert the name of the city in which the Certificate of Service is signed.

- O. The person who serves the Notice of Appeal must sign the certificate of service and their name must be printed under the signature line.

PRIVACY NOTICE FORM

Note: *The citation appeal is filed with the CPUC, becomes a public record, and will be posted on the Commission's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address, the facts of your rationale for the citation appeal and any other facts stated therein, will be available on-line for later public viewing. The privacy statement attached to the notice of appeal must be filled out.*

In limited circumstances, the CPUC may file a document under seal. If you wish to seek to file the Notice of Appeal with some or all of the information under seal, you cannot file electronically and must file in hard copy. Furthermore, that document must be tendered with a motion setting forth the rationale and legal citations as to why portions of the document should be filed under seal and tendered as follows. The Notice of Appeal itself and requisite exact copies should be tendered in both a redacted form (e.g., the document with the alleged confidential information excised) and unredacted form (e.g., a complete copy of the document, with both the public and allegedly confidential information included, in a sealed envelope). It is anticipated that Notices of Appeal for citation appeals will be filed as public documents. In the unlikely event you believe that there are legal grounds for filing a portion of the Notice of Appeal under seal, it may be helpful to consult a private attorney or representative to assist in your representation. However, please note that the timeframes for filing a Notice of Appeal in many citation appeals are short, so you should commence this process as soon as possible.

P. Sign and date the privacy notice and print your name under the signature.

**See Next Page for
Notice of Appeal Form**

*** (Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of

(A)* _____
_____ from (B) _____
_____ issued by (C) _____

(Leave Blank For PUC use)

NOTICE OF APPEAL

(D) _____ files this Notice of Appeal from the citation issued on (E) _____.

The rationale for the appeal is as follows:

(F) _____

_____.

Dated (G) _____, at (H) _____, _____
(City((State)

(I)

Attachments

(J) _____

Privacy Notice

This message is to inform you that the Docket Office of the California Public Utilities Commission (CPUC) intends to file the above-referenced Notice of Appeal electronically instead of in paper form as it was submitted.

Please note: Whether or not your Notice of Appeal is filed in paper form or electronically, Notices of Appeal filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the rationale of your Notice of Appeal may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced Notice of Appeal.

(P)

Signature (same as person authorized to sign the Notice of Appeal)

Date

Print name

**See Next Page for
Certificate of Service Form
for Electronic Filings**

*** (Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of

(A)* _____
_____ from (B) _____
_____ issued by (C) _____

_____ ^

(Leave Blank For PUC use)

CERTIFICATE OF SERVICE

I certify that on (K) _____, I have by mail this day served a true copy of the original attached Notice of Appeal on (L) (Insert Name of Chief Administrative Law Judge _____), Chief Administrative Law Judge, California Public Utilities Commission, 505 Van Ness Avenue, 5th Floor, San Francisco, CA 94012, (Insert e-mail of Chief Judge _____);

ALJ_Div_Appeals_Coordinator@cpuc.ca.gov (electronically);

(Insert Name of Director of Communications Division) _____, Director, Communications Division, 505 Van Ness Avenue, San Francisco, CA 94012, (CDCompliance@cpuc.ca.gov); (Insert Name of Director of Safety and

Enforcement Division) _____, Director, Safety and Enforcement
Division, 505 Van Ness Avenue, San Francisco, CA 94012 (Insert e-mail of
Director of SED) _____); and

(Insert the names, addresses and e-mails of anyone else required to be served by
the Citation Program you are cited under):

Dated (M) _____, at (N) _____,
(City) (State)

(O)

(Note: This Certificate of Service as a separate document is to be used if you are filing the Notice of Appeal electronically. If you are filing the Notice of Appeal by hard copy, you must attach the certificate of service to the Notice of Appeal.)