



Treatment of Public Participation in CPUC Proceedings



**Policy & Governance Committee
California Public Utilities Commission**

July 31, 2019



Outline

1. Purpose of this discussion
2. General findings on treatment of public comment and public participation hearings by other agencies
3. Questions for discussion



Purpose of Today's Discussion

The Policy and Governance Committee is examining ways to make CPUC proceedings more accessible to the public.

The CPUC takes public comment into the record in all proceedings, and regularly holds public participation hearings, particularly in general rate cases. The purpose of today is to discuss whether to articulate more specific guidance about public comment and public participation hearings.

Clarifying how the CPUC takes in public comment and considers it during decision-making can 1) help improve public participation, and 2) ensure that public comment is meaningfully considered.

Standardizing public participation hearings can help set expectations for utilities, communicate clearly with the public, and use CPUC staff resources efficiently.



Agency Rules on Public Comment: General Findings

Agency websites reviewed: CEC, CARB, CA Coastal Commission, FERC, FCC

1. Typically found informal articulations of the weight given to public comment in decision-making. Examples:

- "You are discouraged from submitting written materials to the Commission on the day of the hearing...It is difficult for Commissioners to carefully consider late submittals." (www.coastal.gov)



Examples:

- "Gathering and analyzing comments from the public is an important part of the FCC's rulemaking process, and it allows the public to participate in developing rules and policies that affect telecommunications and broadcast issues." (www.fcc.gov)
- [In its report to the Office of Administrative Law],..."the Commission will list summaries of all relevant comments received and an explanation either to how the proposed action has been changed to accommodate the comment or the reason why the proposed action has been left unchanged." (www.energy.ca.gov, articulating Administrative Procedure Act standard for rulemakings)



Examples:

- "Informal Comments are submitted to the FCC online and may be in diverse forms. This includes social media engagement such as @replies, wall posts, and direct messages. Commenting on these platforms is not a substitute for commenting formally in a proceeding, and are not relied upon by the FCC for the purposes of formal proceedings."
(www.fcc.gov)



Public Comment Findings, cont.

2. Most agency websites note that written comments from the public become part of the record, although agencies define and use the "record" differently.
3. Agencies have landing pages for the public that can serve as a model: layperson language, answers to most questions about logistics



Public Comment Findings, cont.

4. Typically no definition of a public hearing; instead numerous references to how the public can participate in an agency's variety of public participation opportunities

5. No definitions found of standard elements of a public hearing, such as agency staff presentation, applicant presentation, etc.



Public Comment Findings, cont.

6. CPUC is not alone in considering these questions

- Proposed S.1477: Public Engagement at FERC Act
- Introduced by Senator Shaheen to address concerns that "FERC has not adequately taken [community] viewpoints into consideration when planning or developing energy projects."
- Would create an Office of Public Participation within FERC to support public participation in siting, permitting natural gas storage and distribution infrastructure.



Discussion

1. Should the CPUC consider articulating a standard about the treatment of public comment in the decision-making process?
2. Should the CPUC consider setting out standard elements of public participation hearings and when PPHs are typically organized in order to obtain public input?



Thank you