DOCKETED	
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Project Title:	Senate Bill 350 Disadvantaged Community Advisory Group
TN #:	260603
Document Title:	Item 5 - CPUC Decision Making
Description:	N/A
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Objectives

- Describe the context of decision-making within the Commission
- Explain the use of Formal and Informal Decisions
- Describe the steps and how a proceeding works and unfolds
- Have a better understanding of how the CPUC makes decisions









Commission



commission



COMMISSIONERS President Reynolds Public **Advocates** Commissioners Houck, Office Reynolds, Douglas, Baker Chief **Executive General** Office of the Office of Internal **Administrative Audit Services** Commission Counsel Division Law Judge Office of **Administrative** Government Law Judge **Legal Division Affairs** Division **News** and Outreach Equal Employment Opportunity Office **Internal Operations** (Admin, HR, IT) Utility Audits, Risk Safety and Communications **Water Division** and Compliance **Energy Division Enforcement** Division Division Division Consumer **Rail Safety Safety Policy Protection and** Division Division **Safety Division**

CPUC Organizational Chart

Decision-Making Processes

Formal

Quasi-judicial

In front of a judge

Informal

- Advice Letter
- Implementation of Commission decision by utilities and/or staff

Formal Decision-Making

Formal Proceeding Types

Utility asks for authority

A.13-11-003





Anyone charges utility with violation

C.13-11-013

CPUC charges utilities with violation

CPUC looks into practices I.13-10-003



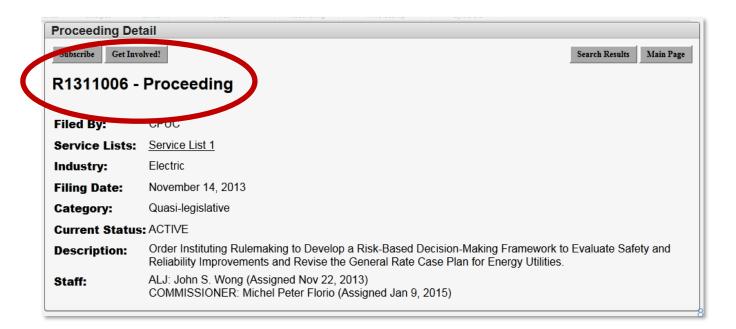


CPUC develops policy or program

R.13-11-006

What the numbers indicate

- **R.**13-11-006
 - Rulemaking
 - 2013
 - 11th month (November)
 - 6th item

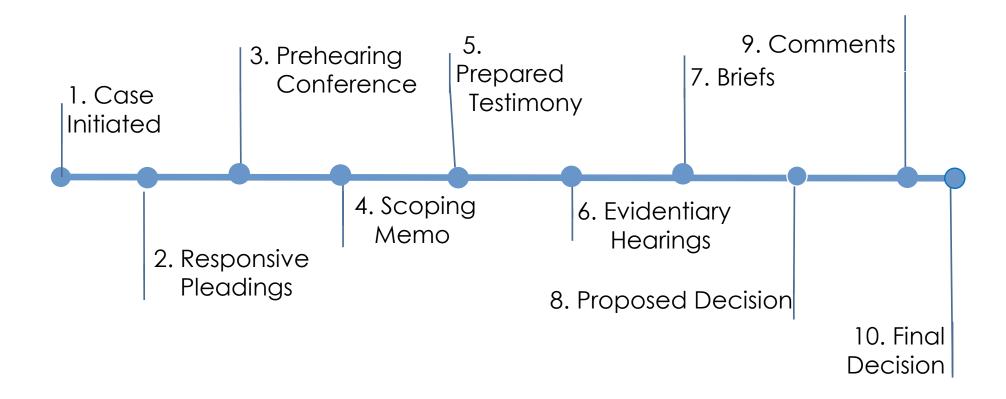


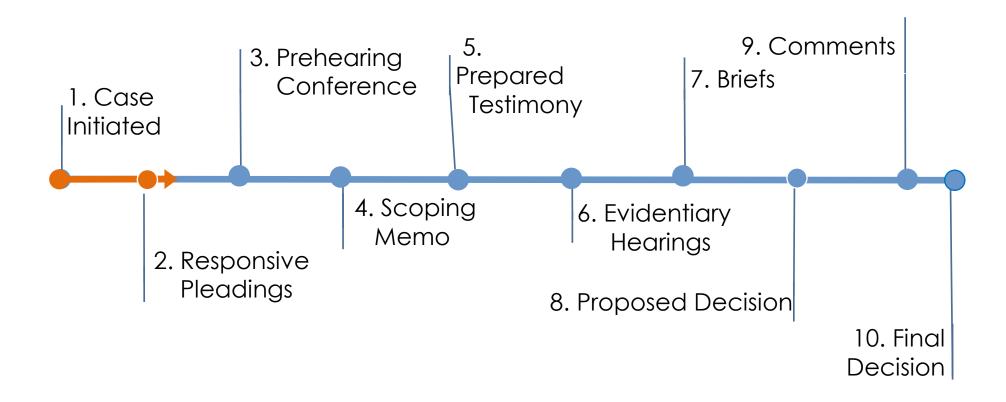
Steps to Making a Formal Decision

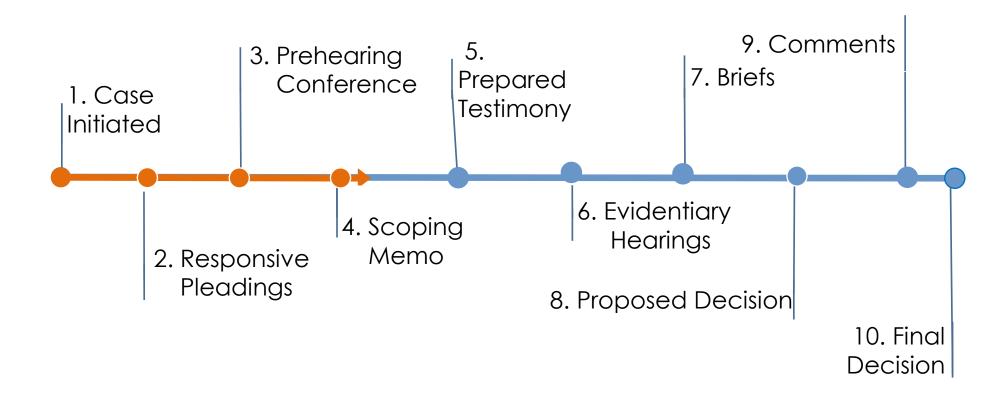






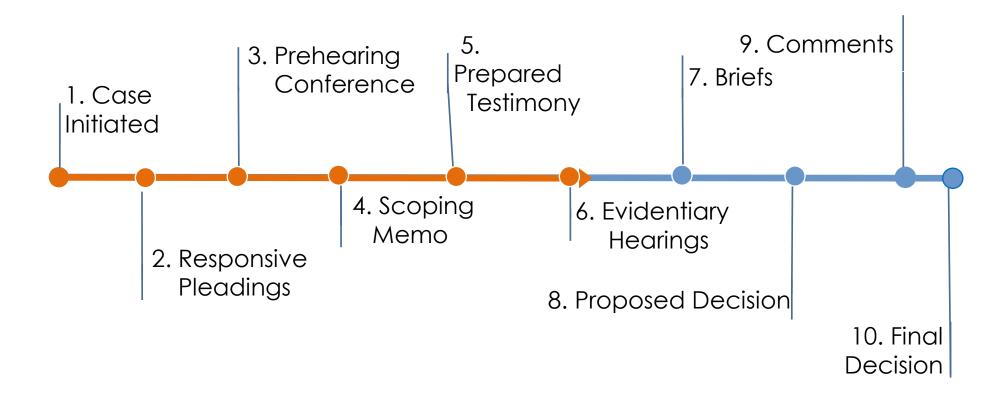


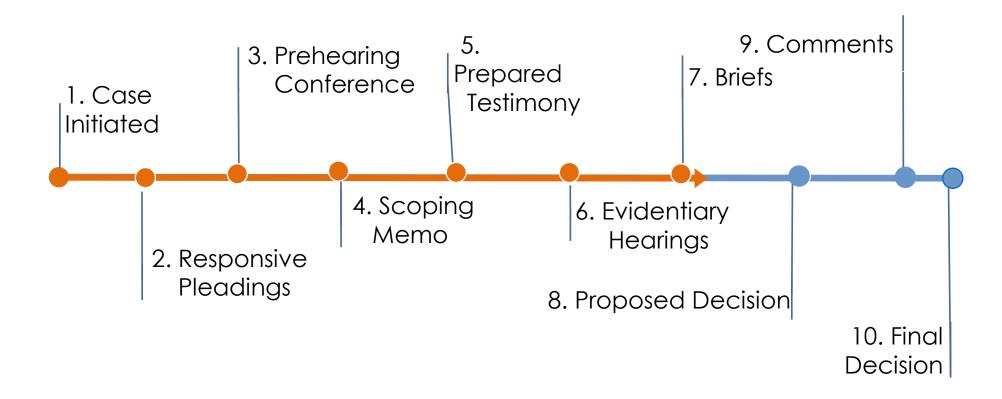


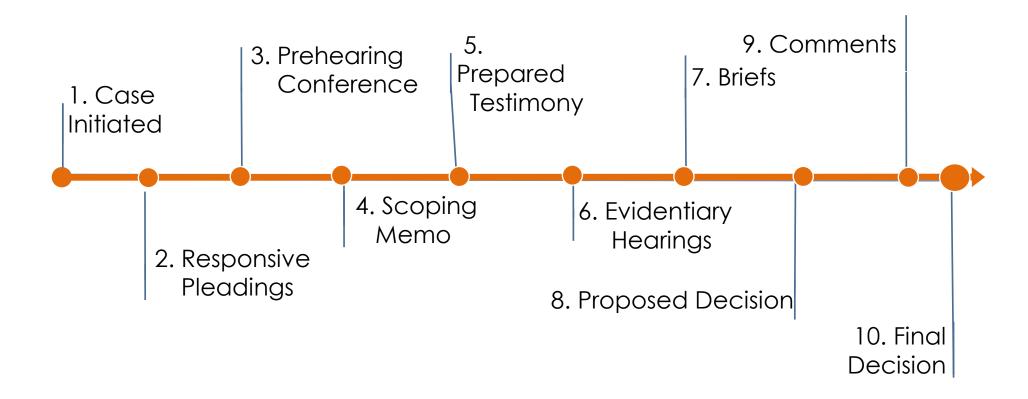


Scoping Memo

- Issued by the Assigned Commissioner's Office (ACO).
 - The ACO determines the scope/list of issues that will be considered in the proceeding, as well as the schedule via Ruling with support from the assigned ALJ.
- Parties may weigh-in to inform the scope of the proceeding prior to issuance of the Scoping Memo and Ruling at the pre-hearing conference or via comments.
 - Letters from DACAG can aid the ACO in determining what issues the parties and the Commission should consider in the proceeding.
- During the scoping phase the ACO determines whether the proceeding implicates any of the nine goals of the Commission's ESJ Action Plan.
- If issues are not in scope, they <u>cannot</u> later be resolved in the proceeding.
- Scoping Memo is generally issued 20-45 days after the pre-hearing conference.







Other Info-Gathering

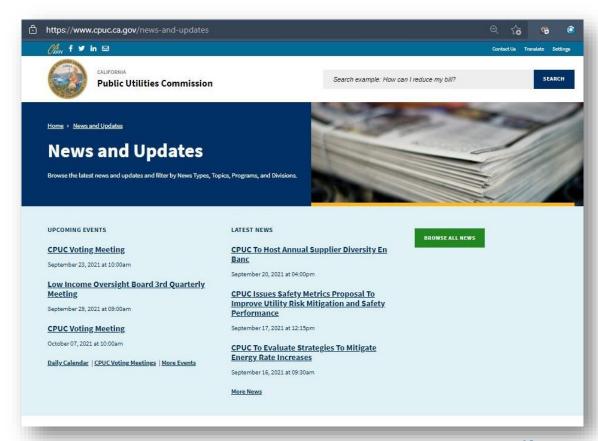
- Public Participation Hearings "open mic" opportunity to hear from the public
- Online Public Comment Portal
- Oral Argument opportunities for parties to present oral summation of its case to the Commission
- **Workshops** informal; no "record," but discussions or results may be summarized in report that is submitted on the record.
- Ex Parte Communications oral or written communications between interested parties and decision-makers.

Process - DACAG Comments in Commission Proceedings

- DACAG vote to approve a letter
 - Identify the proceeding(s) impacted.
- DACAG sends the letter to the Assigned Commissioner and assigned Administrative Law Judge, copying the service list(s), for consideration in the proceeding's record.
- Consideration of the DACAG's comments are at the discretion of the Assigned Commissioner and/or Assigned Administrative Law Judge
 - Issue a Ruling attaching the DACAG letter for party comment
 - Issue a Ruling including the DACAG letter in the proceeding's record.
- If no Ruling is issued, DACAG members may consider submitting the letter in the proceeding's public comment card and/or making comment during a public hearing such as a PPH or Voting Meeting (if not already a party).

Voting Meetings

- Proposed decision is placed on the agenda
- Public comment (not by parties)
- Discussion amongst Commissioners
- Meetings occur Monthly or bi-monthly



Questions?



Informal Decision-Making

Informal Decision-Making

- Informal process is appropriate for matters that do not require a formal hearing such as modification of a utility's tariffs or service maps.
- Allows for smaller utilities that are not able to afford the costs of going through the formal process to seek approval on matters such as rate increases.
- Informal filings through Advice Letters generally take less time, approximately 1 to 6 months, depending on the complexity of the matter.

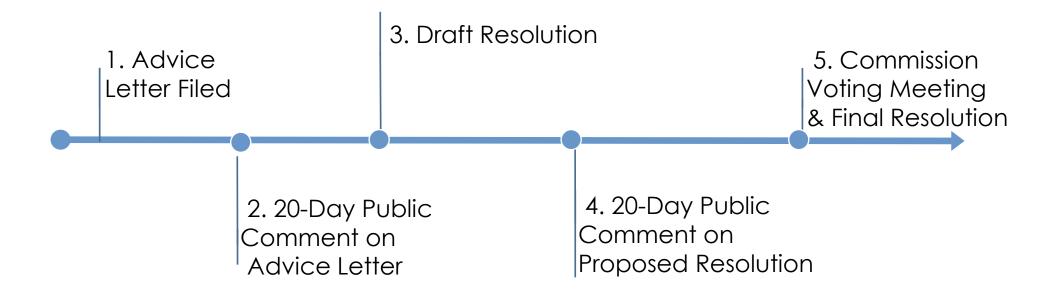
Informal Decision-Making: Advice Letters (AL)

- Required to be submitted by utilities and other entities for informal matters.
- Use is typically authorized by Commission decision.
- Categorized as Tier 1, 2, or 3 depending on the complexity of the matter:
 - Tier 1 generally approved when filed. Staff will review filing, but approval will generally be ministerial.
 - Tier 2 requires staff review and recommendation to management for disposition, also ministerial unless protest filed that raises the issue to a level that requires Commission consideration.
 - Tier 3 requires drafting of proposed Resolution to be voted on by Commissioners.
 - Subscribe to service list for notice.

3 specifies the rules for Advice Letter filings and Tier designations.

Informal Decision-Making: Resolutions

- Required for Tier 3 ALs.
- Staff will review AL workpapers, issue data requests, and conduct analysis leading to recommendation for outcome of AL.
 - Will include Ordering Paragraphs for compliance.
 - Staff-drafted Resolution will be reviewed by management, Legal, and the President's office before being placed on a Commission voting agenda as a proposed Resolution.
- Commissioners will vote to approve or reject the proposed Resolution at the Commission voting meeting.



Questions?

