

## DOCKETED

<b>Docket Number:</b>	07-AFC-02
<b>Project Title:</b>	San Gabriel Generating Station
<b>TN #:</b>	201052
<b>Document Title:</b>	Revised General Orders Regarding Electronic Filing, etc
<b>Description:</b>	Committee Orders re Use of Electronic Filing System (mandatory after 11-01-13), format of documents, exhibits, motions, and transcripts
<b>Filer:</b>	Darlene Burgess
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<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	10/25/2013 9:12:50 AM
<b>Docketed Date:</b>	10/25/2013



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE  
SAN GABRIEL GENERATING STATION

DOCKET No. 07-AFC-02

**REVISED**  
**GENERAL ORDERS REGARDING**  
**ELECTRONIC DOCUMENT FORMATS,**  
**ELECTRONIC FILING AND SERVICE OF DOCUMENTS**  
**and OTHER MATTERS**

Until further order of the Committee, the following standards and requirements shall apply to the parties and all other persons participating in this matter. These orders supersede any previous General Orders issued in this proceeding.

**Filing of Documents with the Energy Commission Docket Unit**

On November 30, 2011, the Executive Director of the Energy Commission issued a "Standing Order re: Proceedings and Confidentiality Applications - Procedural Requirements for Filing, Service and Docketing Documents with the Energy Commission," Docket No.: 11-GEN ADMIN-01 (Standing Order No. 1). Standing Order No. 1 eliminated the former requirement that hard copy original paper copies of documents or comments be filed in addition to electronically (e.g. e-mails or CDs) filed documents. Parties were no longer to submit paper copies for filing if they file an electronic version.

On August 29, 2013, the Executive Director issued a "Standing Order re: Procedural Requirements For Electronic Filing and Docketing of Public Comments and Documents with the Energy Commission in Power Plant Facility Proceedings," Docket No.: 11-GEN ADMIN-01 (Standing Order No. 2). Standing Order No. 2 supplemented the provisions of Standing Order No.1, to allow the electronic filing of comments and documents in this and other power plant proceedings via a new e-filing and e-commenting system on the internet. **Effective November 1, 2013, parties in power plant proceedings are required to use the e-filing system unless they obtain a waiver of the requirement from the Presiding Member;** use of the e-commenting system remains optional for non-parties, but is strongly encouraged.

The Standing Orders contain additional provisions defining and modifying the regulatory procedures for filing documents with and serving documents on the Energy

Commission. Copies of each are appended following this order for convenience. They may also be viewed on the Energy Commission's website:

*Standing Order No. 1:*

[www.energy.ca.gov/dockets/documents/2011\\_Standing\\_Order\\_for\\_Documents.pdf](http://www.energy.ca.gov/dockets/documents/2011_Standing_Order_for_Documents.pdf)

*Standing Order No. 2:*

[http://www.energy.ca.gov/dockets/documents/2013-08-29\\_eCRMS\\_Standing\\_Order.pdf](http://www.energy.ca.gov/dockets/documents/2013-08-29_eCRMS_Standing_Order.pdf)

Further information about electronic filing and commenting, including training materials, is also provided on the web site: <http://www.energy.ca.gov/e-filing/index.html>.

### **Docket Dates and Deadlines**

Unless a different time for performance is stated in a notice, order, or other document, a deadline established therein shall mean 5:00 p.m. local time in Sacramento, California on the specified date.

Documents will be filed and docketed on the date they are received in Dockets, whether by upload to the e-filing system, e-mail, on electronic media (CD) or on paper by mail or personal delivery. The Docket Office will not backdate any filings. All filings received by 5:00 p.m., will be docketed for that date. All filings received after 5:00 p.m., will be docketed as received the next business day. Note that the first page of the document will show both the time of uploading and the docket date assigned to it. If the Committee sets an earlier filing deadline for a specific filing, the document, though marked as docketed on the deadline date, must also be uploaded by the specified time in order to be timely filed.

### **Service of Documents on Committee and Other Parties**

The Standing Orders apply only to the filing of documents and service of documents on the Energy Commission. They do, however, invite individual case committees to apply similar rules to the service of documents on other parties in each case. We accept that invitation and order as follows:

Pursuant to California Code of Regulations, Title 20, section 1210, subd. (a), service of documents filed by a party or other person in this proceeding will be made by the e-filing system after an uploaded document is approved for filing. Immediately after approval, the system automatically sends an e-mail to the parties on the Proof of Service list, to the Committee Members and Energy Commission Staff via an internal e-mail distribution list, and to other interested persons including the public via the project's electronic listserv<sup>1</sup>. The e-mail contains a link to the document on the Energy Commission's web site; the document is not attached to the e-mail because some documents are too large to be sent via e-mail. The document will also be immediately available via the "Documents for this Proceeding (Docket Log)" link on the project's web page.

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<sup>1</sup> To sign up for or remove yourself from a listserv, see <http://www.energy.ca.gov/listservers/index.html>

Parties who upload a document to the e-filing system or e-mail a document to Dockets, shall not, unless specifically directed to do so by the Committee, e-mail or otherwise send the document to the other parties. This will help assure that all parties and the public are working with the same version of the document—the version approved for filing and containing the docket stamp information on its first page. There is no need to attach a Declaration of Service to the uploaded or e-mailed document unless delivery of a hard copy of a document to a party is required as described below.

### **Hard Copy Recipients**

The e-filing system was designed and implemented to eliminate paper documents in this and other proceedings. It marks the completion of a transition begun several years ago by inviting parties to opt in to receiving only electronic copies. Following an acclimation period, we presumed parties accepted e-mail only service unless they opted out. We now take the final step and **Order that, effective November 1, 2013, all parties in this proceeding must submit their documents electronically using the e-filing system and receive documents from the Committee and other parties via e-mail and the internet as described above.** The Presiding Member may grant a waiver of those requirements in his or her discretion upon a showing of hardship. If a waiver of e-mail-only service is granted, that party will be shown on the Proof of Service list with a physical mailing address without an e-mail address. Parties uploading documents to the e-filing system shall, at the time of uploading, provide a paper copy of the documents to any such party by mail or personal delivery. If the document is larger than 50 pages, they may instead mail or deliver a compact disk or DVD containing an electronic copy of the document, provided that the recipient is offered the opportunity to request a paper copy.

Prior to uploading documents, parties shall review the proceeding's Proof of Service list (maintained in the e-filing system and accessible via a link on the project's web page) to determine if any parties require hard copies. If hard copies are required, a Declaration of Service, in or similar to the form also linked from the web page, shall be filed with or separately uploaded to confirm that the hard cop(ies) were provided. If no hard copies are required, no Declaration need be filed.

A party granted a waiver allowing it to file paper copies of documents with the Dockets Unit shall, in addition to mailing or delivering the copy to Dockets, mail or deliver a paper copy to each party on the Proof of Service list for whom a physical mailing address is shown.

## **Format of Electronic Documents**

Standing Order No. 1 provides:

“In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The better method is to create a .pdf (Portable Document Format) file by printing to a ‘virtual printer’ that creates a .pdf file from within the same program that is used to print a paper copy.”

“Signatures may be indicated on electronic copies by embedding a scanned signature graphic, ‘Original Signed By’ or similar words, or a second - scanned - copy of the signature page may be appended into the electronic file.”

Electronic documents prepared and submitted in this case shall, to the maximum feasible extent, be prepared by the “better” method, described above—electronically converting the contents to a .pdf file by use of a virtual printer or other software. Your operating system or word processor may already have this feature; if not, an internet search for “print to pdf” or “virtual pdf printer” will point you to suitable software. The original printed copy of a document containing an original signature shall be retained by the party filing that document and produced if requested by the Presiding Member or Energy Commission.

The purpose of these requirements is to obtain electronic documents that are word searchable, easily viewable on smaller screens, and of the minimum necessary size. While a word-searchable document can be created by optically scanning a printed copy and using optical character recognition (OCR) to recreate the electronic representation of the words in the .pdf file, the result is not as good. OCR is not 100 percent accurate and the resulting file is much larger than it needs to be because a photograph of the document remains in the file along with the much smaller electronic version of the text. Some scans are also of poor quality, making the text harder to read on a computer or smart phone screen or when printed to paper.

Cover or transmittal letters which do not add any substantive information to uploaded documents are not necessary.

## **Exhibits**

Standing Order No. 2 provides:

Documents that are intended to be presented as exhibits or otherwise during a hearing shall, unless an exception is granted by the Presiding Member or Hearing Officer, be filed in advance of the hearing and referred to by Transaction Number or Exhibit Number during the hearing. If an exception is approved, documents may be submitted to the Commission by providing them to the

Presiding Member. The Presiding Member shall cause them to be filed electronically and the electronic copies shall become the official copies of the documents.

Exhibits must be filed as separate documents in order to assign separate Exhibit Numbers to them. Do not combine two or more exhibits into a single document. The e-filing system allows the uploading of multiple documents in a single upload transaction.

When asked to identify exhibits in advance of a hearing, the parties shall provide a table identifying the document by Transaction Number (TN) and an Exhibit Number from the range assigned to each party by the Committee. If the document is already filed in the system, it should not be re-filed; documents not yet filed in the system must be filed sufficiently prior to identification so that a TN number can be provided to the Committee.

The Hearing Office will enter the exhibit numbers into the e-filing system. The exhibits will then be available to the parties and public via the Exhibit List link on the project's web page. An updated Exhibit List is generated each time the link is selected.

### **Proof of Service List**

The Hearing Office maintains the Proof of Service (POS) List for this proceeding by entry of the names and addresses into the e-filing system's database. To view the current Proof of Service list, navigate to the proceeding's web page and click on the "POS List" link. If you need a printed copy of the POS List for reference or to attach to a Declaration of Service, print the list from your browser.

### **Motions**

Motions made in a written document shall be clearly stated and include a statement of the relief or action requested, the grounds for the requested relief or action and citation to a rule, law or other authority authorizing the Committee or Energy Commission to grant the request. The caption or title of the document containing the motion shall clearly indicate that that document contains a motion. It is not sufficient to simply say "I move/request that \_\_\_\_" in the body of the document; such a statement may be ignored by the Committee or Energy Commission in its discretion.

### **Transcripts**

Parties are responsible for identifying errors in the transcripts of the proceedings. Proposed corrections to the transcripts must be submitted to the Committee within 30 days of the filing of a transcript.

## Questions

Parties and members of the public may contact the Public Adviser at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov), or telephone toll free at (800) 822-6228 or (916) 654-4489, for assistance in understanding and complying with these general orders.

If you have legal questions about the Executive Director's Standing Orders, please contact Jeffery Ogata, Assistant Chief Counsel, at [jeffery.ogata@energy.ca.gov](mailto:jeffery.ogata@energy.ca.gov), or at (916) 653-1151.

Dated: October 25, 2013, at Sacramento, California.

***Original Signed By:***

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ROBERT B. WEISENMILLER  
Chair  
California Energy Commission  
for the San Gabriel Generating Station  
AFC Committee

**DOCKET****11-GEN ADMIN-01**DATE NOV 30 2011RECD. DEC 02 2011

STATE OF CALIFORNIA  
 ENERGY RESOURCES  
 CONSERVATION AND DEVELOPMENT COMMISSION

Standing Order re: )  
 Proceedings and Confidentiality ) Docket No.: 11-GEN ADMIN-01  
 Applications - Procedural Requirements )  
 For Filing, Service and Docketing )  
 Documents with the Energy )  
 Commission )  
 \_\_\_\_\_ )

**I. PURPOSE OF ORDER**

This Standing Order is intended to clarify and, as appropriate, modify the regulatory procedures associated with submitting/filing documents to the California Energy Commission (Energy Commission), and serving documents on the Commission in administrative proceedings, in order to reduce or eliminate the administrative burden of parties and members of the public who participate in Commission proceedings.<sup>1</sup> The following rules are hereby adopted pursuant to that power.

**II. FILING OF ELECTRONIC DOCUMENTS UP TO 5 MB****A. Existing Requirements**

Existing Commission regulation<sup>2</sup> section 1209.5, subd. (a), allows for submission of electronic documents to the Commission on either electronic media, by internet e-mail, or “[a]ny other media and number of copies authorized by the Executive Director.” Section 1209 also describes the format and other procedural requirements for submission of electronic documents, including that a paper copy be submitted with any electronic copies submitted as specified in section 1209.5. Section 1209, subd. (d)(2), restricts the maximum file size of documents submitted by electronic transfer, or e-mail, to five megabytes (5 MB).

<sup>1</sup> This order does not affect the legal requirements set forth in the Code of Civil Procedure, the California Rules of Court, or other statutes or regulations, which specify the manner of service of administrative or judicial process upon the Commission when the Commission is a party to a judicial or other agency’s administrative proceedings.

<sup>2</sup> The Commission’s regulations are in Title 20, California Code of Regulations,



**B. Modifications to Existing Requirements**

1. **Effective immediately, non-confidential electronic documents of 5 MB (i.e., megabytes) or less may be submitted in electronic format only, i.e. paper copies are NO LONGER required. This includes:**
  - a. **Filing and service of documents on the Commission, Commissioners, and the Chief Counsel in administrative proceedings before the Commission.** (See, e.g., §§1231 [filing of administrative complaints]; 1237 [post-certification complaints alleging non-compliance with a power plant and site certification decision]; Chapter 3 of Division 2 of Title 20, 1301 et seq. [data collection]; Chapter 5 of Division 2 of Title 20, 1701 et seq. [power facility site certification].)
  - b. **Submitting public comment.** (§ 1202, subd. (b).)
  - c. **Service on Commission staff as a party (see below) in administrative proceedings before the Commission.** (§§ 1210, subd. (a); 1712.5.)
  - d. **This Order eliminates the requirement for submission of the paper copy** required by section 1209, subd. (c), for documents of 5 MB or less that are filed electronically.
  - e. Electing to submit to (file with), or serve documents upon, the Commission in an electronic version pursuant to this Order (i.e., file sizes of 5 MB or less) shall be **instead of** the requirement to submit paper copies. Therefore, if both a hard copy and an electronic copy of the same document is submitted, they will be docketed as distinct and separate records upon receipt. Deadlines will be applied to the records in the order they are received.
  - f. Parties or interested persons may continue to file paper documents if they choose to do so. Electronic filing is not required.
2. **Serving documents on the Chief Counsel of hard or electronic copies of administrative complaints and requests for investigation (title 20, California Code or Regulations section 1231), petitions for reconsideration of commission decisions or orders (section 1720), or requests to copy or inspect confidential documents (section 2506) shall be made by delivery to the Docket Unit, using the Document Service Form indicating that service on the Chief Counsel is requested. Such documents will be deemed filed or served on the Chief Counsel as of the time of receipt by the Docket Unit. Service on the Chief Counsel pursuant to sections 1231, 1720 or 2506 must be indicated by checking the appropriate box on the Document Service Form, which is available at the Dockets Unit.**

**C. This Order does not alter the following requirements:**

- a. **A party to a proceeding must properly serve a hard or electronic copy of its documents, as appropriate, on all other parties (except CEC staff) to a proceeding** pursuant to sections 1209, subdivision (f), and 1210. Electronic documents larger than 5 MB must continue to be accompanied with a hard copy, unless otherwise specifically requested by the receiving party.

Note that the above requirement may be modified by order of a specific Committee or Presiding Member to remove the requirement to provide a hard copy where an electronic copy is sent. As an example of such a modification see paragraph C.4, below, which applies only if adopted by a specific Committee.

- b. **Documents are not submitted to or served upon the Commission until received by the Docket Unit.** (§ 1209, subd. (e).)
- c. During a hearing, documents may be submitted to the Commission by providing them to the Presiding Member. (§ 1202, subd. (b).)
- d. **The electronic version of any electronically filed document must be complete, including any attachments.** Documents may not be divided into several parts to create multiple electronic files each of 5 MB or less in order to file electronically only. Documents less than 5 MB should not be divided when submitted to Dockets but should be provided as one complete document.
- e. **Except as provided below in paragraph f, electronic copies will be deemed filed upon receipt so long as they are within the size limitation and can be safely accessed.** Files of sizes larger than 5 MB on electronic media (i.e., on compact disks) must continue to be accompanied by the requisite number of hard copies. (See §§ 1209, subd. (c), 1209.5, subd. (a), 1706, 2322.)
- f. **All documents, whether electronic or otherwise, received after 5 p.m. on a business day will be deemed received on the next business day.** The office hours of the Energy Commission are from 8 a.m. until 5 p.m. of each day from Monday to Friday, inclusive, other than legal holidays. (Gov. Code, § 11020; Code Civ. Proc., § 10; § 1003.)
- g. **Any portions of the submittal which cannot be filed in electronic format due to size or other technical restrictions must be physically received by the Commission by any applicable due date.**
- h. **To be filed, all electronically submitted documents must be accessible to the Dockets staff.** Electronic files that are password protected, contain viruses, or for other reasons cannot be safely accessed will be rejected. Submittals of MP3 files or videos via email will be rejected--these types of submittals shall be on compact disks.

**D. This action is taken pursuant to section 1209.5, subdivisions (a)(4) and (d)(4), and section 1209, subdivision (c).**

**E. Additional Guidance to Improve Submission of Records.**

1. In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The better method is to create a .pdf (Portable Document Format) file by printing to a “virtual printer” that creates a .pdf file from within the same program that is used to print a paper copy.
2. Signatures may be indicated on electronic copies by embedding a scanned signature graphic, "Original Signed By" or similar words, or a second - scanned -copy of the signature page may be appended into the electronic file.

**F. The Executive Director recommends that Presiding Members of proceedings exercise their discretion granted in section 1210, subdivision (a), to adopt an order establishing the following provisions to direct that all parties to a proceeding may be served with electronic copies of written materials filed in the proceeding:**

*“Pursuant to Cal. Code Regs., title 20, section 1210, subd. (a), until a party indicates to the Presiding Member or Hearing Officer that it requires a hard copy, an e-mailed copy of all electronic documents of 5 megabytes maximum file size pursuant to section 1209.5 is sufficient for service in this proceeding. No hard copy of an e-mailed document need be provided. Where a party is marked on the Proof of Service List for this proceeding as “hard copy required” or similar words, a paper copy of all written material filed by any party in this proceeding shall be served in person or by first class mail, or other equivalent delivery service, with postage prepaid. Regardless whether a party has indicated a preference for hard copies, documents larger than 50 pages may alternatively be sent in the form of an electronic file recorded on a compact disk rather than as a paper copy, provided that the party is offered the opportunity to request a paper copy.”*

### **III. APPLICATIONS FOR CONFIDENTIALITY**

An application to keep a record confidential shall be submitted directly to the Docket Unit on electronic media, but not by email. Five electronic (5) copies of the record for which confidentiality is sought must be submitted, on separate media, each marked on the media with the title of the record and “confidential.” (§ 1209.5, subd. (a)(4).) The application may be on a sheet separate from, but attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a).)

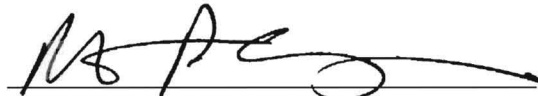
#### IV. CONCLUSION

This Order applies to the following kinds of Commission proceedings, unless and until it is subsequently revised, or expressly modified in a particular proceeding by a specific order:

- service of process on the Commission staff in the Commission's administrative proceedings;
- administrative complaint proceedings;
- energy data collection, and;
- power facility site certification proceedings.

The Executive Director expects to revise this Standing Order on a periodic basis, as further opportunities for improvement are identified. **Questions about how to send comments or documents to the Commission should be directed to the Public Adviser, Jennifer Jennings, at (916) 654-4489, 800-822-6228 (toll free) or [publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us).** Comments on the effectiveness of these changes are requested and may be directed to the attention of Jeffery Ogata, Assistant Chief Counsel, at (916) 653-1151, or [jogata@energy.state.ca.us](mailto:jogata@energy.state.ca.us).

November 30, 2011



ROBERT P. OGLESBY  
Executive Director  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

**STATE OF CALIFORNIA**  
**ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

<p><b>Standing Order re:</b></p> <p><b>Procedural Requirements</b></p> <p><b>For Electronic Filing and</b></p> <p><b>Docketing of Public Comments and</b></p> <p><b>Documents with the Energy</b></p> <p><b>Commission in Power Plant Facility</b></p> <p><b>Proceedings</b></p> <hr/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Docket No.: 11-GEN ADMIN-01</b></p> <p><b>Order No.:</b></p>
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**I. PURPOSE OF ORDER**

This Standing Order implements the Energy Commission’s electronic filing and commenting systems (e-filing and e-commenting). Those systems allow members of the public and recognized parties to electronically submit public comments and file documents **in power plant licensing-related proceedings** via the Energy Commission’s website. The systems allow persons to avoid filing and serving many documents in paper format or by electronic mail. They reduce the administrative burden on parties and members of the public who participate in Commission power plant licensing-related proceedings. They also allow the Commission to serve the documents on parties as a courtesy to the users of the systems.<sup>1</sup>

**II. ELECTRONIC SUBMITTING AND FILING DOCUMENTS**

**A. Existing Requirements**

Existing Energy Commission regulation section 1209.5 (a), allows for submission of electronic documents to the Commission on electronic media, by internet e-mail, or “[a]ny other media and number of copies authorized by the Executive Director.”<sup>2</sup>

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<sup>1</sup> This order does not affect the legal requirements set forth in the Code of Civil Procedure, the California Rules of Court, or other statutes or regulations, which specify the manner of service of administrative or judicial process upon the Commission when the Commission is a party to a judicial or other agency’s administrative proceedings.

<sup>2</sup> The Commission’s regulations are in Title 20, California Code of Regulations. Unless otherwise specified, all regulatory references are to Title 20.

On November 30, 2011, the Executive Director issued a Standing Order re: Proceedings and Confidentiality Applications - Procedural Requirements for Filing, Service and Docketing Documents with the Energy Commission, Docket No.: 11-GEN ADMIN-01 ("Standing Order on Filing, Service and Docketing").<sup>3</sup> That Standing Order streamlined general requirements for electronically submitting and filing documents with the Energy Commission by, among other things, waiving requirements for duplicate paper copies.

The Standing Order For Filing, Service and Docketing Documents contemplated additional orders related to filing of electronic documents. This Order furthers the Commission's efforts to streamline procedural requirements, maximize efficiency, and reduce administrative burdens in power plant licensing, compliance, complaint and other related proceedings. This Order supplements but does not replace the Standing Order on Filing, Service and Docketing. Most importantly, it provides a means other than e-mail to file electronic documents that are larger than 5 MB with the Energy Commission.

## **B. Modifications to Existing Requirements**

- 1. Effective immediately, public comments in all power plant facility proceedings may be submitted electronically through the Energy Commission's e-commenting system, up to the size limits allowed by the system. Please see the e-commenting site at: <https://efiling.energy.ca.gov/EComment/ECommentSelectProceeding.aspx>.**

Public comments may be submitted electronically to the Energy Commission in the following proceedings:

- a) power facility site certification and compliance (post-certification, including amendments) (Chapter 5 of Division 2 of Title 20, § 1701 et seq.);
- b) power facility licensing complaint proceedings (§ 1231); and
- c) power facility post-certification complaints alleging non-compliance with a power plant and site certification decision (§ 1237).

Comments may be submitted directly through the e-commenting system's interface, or as attachments through the interface in the formats specified on the system.

This order continues the provisions of the Standing Order on Filing, Service and Docketing, referenced above, that eliminated the requirement to submit a paper copy under section 1209, (c), for documents that are filed electronically.

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<sup>3</sup> Available at: [http://www.energy.ca.gov/dockets/documents/2011\\_Standing\\_Order\\_for\\_Documents.pdf](http://www.energy.ca.gov/dockets/documents/2011_Standing_Order_for_Documents.pdf).

Public comments may continue to be submitted as paper documents if the commentor chooses to do so. Electronic filing is not required but is strongly recommended.

- 2. Effective November 1, 2013, unless a waiver is obtained from the Presiding Member, if any, or the Chair of the Energy Commission, documents in all power plant facility proceedings filed by parties must be submitted electronically through the Energy Commission's e-filing system, up to the size limits allowed by the system. Please see the e-filing system information page at: <http://www.energy.ca.gov/e-filing/index.html>. Before that date, documents may but are not required to be submitted electronically using the e-filing system.**

In August 2013, the Energy Commission activated an e-filing system for parties to power plant facility proceedings to use to electronically submit documents to the Energy Commission.

Beginning November 1, 2013, unless a waiver is granted by the Presiding Member, if any, or the Chairman of the Energy Commission, all documents filed by parties (i.e., applicants, Energy Commission staff, and intervenors) must be submitted electronically with the Energy Commission in the following proceedings:

- a. power facility site certification and compliance (post-certification, including amendments) (Chapter 5 of Division 2 of Title 20, § 1701 et seq.);
- b. power facility licensing complaint proceedings (§ 1231);
- c. power facility post-certification complaints alleging non-compliance with a power plant and site certification decision (§ 1237).

This order continues the provisions of the Standing Order on Filing, Service and Docketing, referenced above, that eliminated the requirement to submit a paper copy under section 1209 (c), for documents that are submitted electronically. It builds upon the advances made by the prior Standing Order in three critical ways:

- The e-filing system enables filing with the Energy Commission electronic files larger than 5 MB and up to 50 MB.
- The system allows simultaneous filing of multiple files that collectively would be larger than 50 MB.
- The system provides all parties with a web-link to a filed document; upon order of the presiding member in a proceeding, filers will not be required to separately serve other parties to the proceeding, unless a party has obtained a waiver entitling it to service of a paper copy, as described below.

Documents should be **created** in electronic format, rather than by scanning printed original copies. See paragraphs 7.f. and 8, below. Documents must be readable, printable, and not protected by any password.

E-filed documents are the official version of records that have been filed with the Energy Commission. Word documents and text files will be converted to PDF (portable document format) files for storage and retrieval. Those converted files, as well as files filed as PDF files, will have a Docket Stamp added as a cover page at the front of the file. That cover page is part of the official document and should be included whenever printed copies of a filed document are used for convenient reference.

When introducing or marking printed versions of documents and other records during Commission proceedings that have been previously e-filed, the cover page that has been generated by the e-filing system showing that the record has been filed should be included to verify that the version being introduced or marked is a true and correct copy of a filed document. The transaction number associated with the submitted document should be referenced. Doubt as to the authenticity of a filed document shall be resolved by referring to the electronic copy.

### **3. File Format and Title Requirements**

Acceptable file formats are specified in the E-filing and E-commenting User Training Guide Appendices B and C, available at: <http://www.energy.ca.gov/e-filing/index.html>. File titles provided by the submitter when uploading a document to the e-filing and e-commenting system should accurately and succinctly reflect the contents of the document.

### **4. Hardship Waivers**

If a party would suffer a hardship if required to file or be served with documents electronically, a waiver may be granted by the Presiding Member of the Committee overseeing the proceeding, or the Chairman of the Energy Commission if no Committee has been appointed. (§ 1203 (c).) If a waiver is obtained, the Docket Unit will accept hard copy documents for filing. To ensure the timely receipt of the documents, the filing party shall also mail hard copies to the other parties. Parties to the proceeding will be obligated to serve hard copies on the party granted the waiver.

### **5. Registration Requirements**

In order to file documents, e-filing submitters must first register with the system to ensure the integrity of the documents being filed. Registration requires a declaration that registrants are who they purport to be and are authorized to file documents with the Energy Commission.

### **6. Authority**

This action is taken under the authority of section 1209 (c), section 1209.5, (a)(4) and (d)(4), 1210, and section 1706.



**7. This Order does not alter the following requirements:**

- a. If a party to a proceeding has been granted an exception requiring the party to be served with hard copies of documents, then all other parties in that proceeding must properly serve their documents on such other party. (§§ 1209 (f), 1210.)

Energy Commission staff, Energy Commissioners, Commissioners' advisers, and Hearing Officers will automatically be served a copy of all filings directly through the e-filing system. Upon an order of the presiding member in a proceeding, parties external to the Energy Commission will be automatically served by the e-filing system through a web-link to the filed documents. The Dockets Unit will convert allowed hard copy filings to electronic documents and provide copies to those persons. The electronic copy of the hard copy filing becomes the official copy of the document.

- b. Documents are not submitted to or served upon the Commission until uploading is confirmed by the e-filing system. (§ 1209 (e).)
- c. Documents that are intended to be presented as exhibits or otherwise during a hearing shall, unless an exception is granted by the Presiding Member or Hearing Officer, be filed in advance of the hearing and referred to by Transaction Number or Exhibit Number during the hearing. If an exception is approved, documents may be submitted to the Commission by providing them to the Presiding Member. The Presiding Member shall cause them to be filed electronically and the electronic copies shall become the official copies of the documents (§ 1202 (b).)
- d. Except as provided below in paragraphs e and f, electronic copies will be deemed filed upon receipt so long as they are within the size and format limitations of the e-filing system and can be safely accessed. (§§ 1209 (c), 1209.5 (a), 1706, 2322.)
- e. All documents submitted after 5 p.m. on a business day will be deemed received on the next business day. The office hours of the Energy Commission are from 8:00 a.m. until 5:00 p.m. of each day from Monday to Friday, inclusive, other than legal holidays. (Gov. Code, § 11020.)
- f. To be filed, all electronically submitted documents must be accessible to the Dockets staff. Electronic files that are password protected, contain viruses, or for other reasons cannot be safely accessed will be rejected.

## **8. Additional Guidance to Improve Submission of Records.**

- a. In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The better method is to create a PDF file by printing to a “virtual printer” that creates a PDF file from within the same program that is used to print a paper copy.
- b. Signatures may be indicated on electronic copies by embedding a scanned signature graphic, "Original Signed By" or similar words, or a second - scanned -copy of the signature page may be appended into the electronic file.

## **9. Processing Applications for Confidentiality**

In order for documents filed with the Energy Commission to be held confidential, a separate application must be submitted along with the confidential files. (§ 2505 et seq.) If a separate application is denied, the submitter will be notified. The application will be maintained, but the document for which confidentiality is sought will be deleted from the e-filing system within 90 days, unless the grounds for denial of the application are timely remedied. (§ 2506 (a)(2), (3)(C); 2508. (d).)

### **III. ADDITIONAL INFORMATION**

Additional guidance, including an e-filing and e-commenting user manual, is available on the Energy Commission’s website at: <http://www.energy.ca.gov/e-filing/index.html>.

Additional information regarding e-filing is available by contacting the Docket Unit at: (916) 654-5076 and [e-filinghelp@energy.ca.gov](mailto:e-filinghelp@energy.ca.gov).

Members of the public may obtain assistance on e-commenting from the Public Adviser to the Energy Commission, at: (916) 654-4489, (800) 822-6228 and [e-commentinghelp@energy.ca.gov](mailto:e-commentinghelp@energy.ca.gov).

### **IV. CONCLUSION**

The Executive Director anticipates that the e-filing and e-commenting systems will greatly enhance and expedite the Energy Commission’s power plant licensing proceedings and public involvement in those proceedings.

The Executive Director expects to revise this Standing Order on a periodic basis, as further opportunities for improvement are identified.

**Questions about how to send comments or documents to the Commission should be directed to the Public Adviser, at (916) 654-4489, (800) 822-6228 (toll free) or [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).**

Comments on the effectiveness of these changes are requested and may be directed to the attention of Jeffery Ogata, Assistant Chief Counsel, at (916) 653-1151, or [jeffery.ogata@energy.ca.gov](mailto:jeffery.ogata@energy.ca.gov).

August 29, 2013

/s – signature on file

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ROBERT P. OGLESBY  
Executive Director  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION