

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION FOR THE
ALAMITOS ENERGY CENTER
AES SOUTHLAND DEVELOPMENT, LLC

DOCKET No. 13-AFC-01

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

Standing Order No. 2:

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 the Docket Office, 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 listserv¹. 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

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

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.

Parties, who upload a document to the e-filing system or e-mail a document to the Docket Office, 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 Docket Office shall, in addition to mailing or delivering the copy to the Docket Office, 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 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 shall be produced if requested by the Presiding Member or the 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, 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, or at (916) 653-1151.

Dated: May 6, 2014, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Alamitos Energy Center AFC Committee