

DOCKETED

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Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
TN #:	212921
Document Title:	Committee Replies to LADWP and Staff Questions
Description:	Full title: Committee Replies to LADWP's Questions Regarding Filing Redacted Documents and Moving the October 12, 2016, Committee Event and to Staff's Question Regarding Citing to Documents by URL
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Memorandum

To: All Parties and Persons Interested in the
LADWP RPS Appeal Proceeding
(16-RPS-02)

Date : August 23, 2016

From: Paul Kramer, Hearing Officer
LADWP RPS Appeal Committee
(916) 654-5103

Subject: Committee Replies to LADWP's Questions Regarding Filing Redacted Documents and Moving the October 12, 2016, Committee Event and to Staff's Question Regarding Citing to Documents by URL

In a filing yesterday,¹ LADWP asked the Committee to confirm that LADWP's proposed plan for filing redacted documents is acceptable and to move the previously "held" October 12 date for a Committee event to another day due to the Yom Kippur holiday.

Commission staff, in another filing yesterday,² asks whether it is sufficient to refer to documents publicly available on the Energy Commission's web site by their Uniform Resource Locator (URL).

Redacted documents. LADWP's proposed plan for filing redacted documents, as we understand it, is acceptable. LADWP will file redacted copies of all documents where it believes that the redacted information is not relevant to the determination of disputed issues of fact. Should the Committee, on its own initiative or at the behest of another party, decide that the redacted information is relevant, LADWP will file unredacted copies of such documents under the process for confidential documents provided in Title 20, California Code of Regulations, Section 2505.

However, we note the following modifications and clarifications to LADWP's proposed plan for filing documents that have previously received confidential status in other Energy Commission proceedings. First, we prefer to work with redacted versions of the documents when the confidential information is not relevant in this proceeding. Second, if LADWP finds that some of the confidential information is relevant, it must upload those documents using the confidential filing process and include a new application for confidential status. That application should refer to the previous filing and determination and explain why the factors previously justifying confidential status or other new factors continue to justify it today.

¹ TN 212813

² TN 212823

As the Committee stated previously, it is our preference to avoid handling confidential documents and testimony wherever possible. We therefore prefer and find acceptable the above approach, which will minimize the number of confidential documents that we must review.

October 12. We will remove October 12 from our list of possible dates for a subsequent Committee event. The schedule following our next scheduled Committee Status Conference on September 6, 2016, is in “to be determined” status. The schedule will likely be a topic of discussion on September 6.

URLs. It is not sufficient to refer to documents publicly available on the Energy Commission’s web site by their URL. We require that evidence be reduced to an electronic copy that can be stored in our e-filing system. A URL is a convenient shortcut but it is ephemeral; links can break, documents or web pages can be altered at any time. We need a snapshot of the document or web page that is fixed in time. The only way to assure that is to reduce it to a file that we can store and protect from obliteration or alteration. We are trying to build a record that can be consulted years or decades from now.