
From: Ogata, Jeffery@Energy
Sent: Tuesday, February 19, 2013 1:37 PM
To: 'sacredintent@centurylink.net'
Cc: Roberts, Blake@Energy
Subject: Your questions re: Hidden Hills

Hi Ms. MacDonald, I have been asked to respond to your questions to Blake Roberts. As you know, we do not currently have an attorney Public Advisor so I am helping Blake. Your questions are copied below with my responses in bold. Because other parties may have similar questions, I am docketing and posting the questions and replies to the web.

Will the Applicant and/or their representatives be allowed to attend the closed session?
The closed session would include Commissioner Douglas and probably, our newly appointed Commissioner Hochschild, their advisors and Ken Celli, the hearing adviser. No parties will be in the closed session.

Also, does the new Informal Hearing Order result in:

1. Invalidating my requirements to provide specifics regarding cross examination in my Prehearing Statement? **I am not exactly sure what your question is but I do not think the Informal Hearing Order invalidates any requirements on you to provide specifics. If the informal hearing process is used for some subjects, everyone's statements may become irrelevant or have to be adjusted as to those topics. You should file a complete Prehearing Conference Statement.**
2. Will it allow subject areas that I have an/or may dispute to be removed from consideration due to the Committee's intent to prioritize topics at their discretion? **The Committee may limit or remove from the hearing any topics that appear to be limited to non-factual legal issues.**
3. Will it mandate my witnesses must be present and available during the entire day for every day of the Hearing? **All witnesses must be available to the Committee when the Committee calls for them. The Committee tries to provide a good faith estimate of times when topics will be heard but the failure to have a witness available when called is a risk that the parties bear.**
4. Will it invalidate my Prehearing Conference Statements altogether as the Committee may reorder its requirements less than 24 hours before the attendance of the Prehearing is required? **I'm not sure I understand this question. The Prehearing Conference Statements are to help the Committee determine what the parties believe the issues are and how much time will be needed for evidentiary hearings. Depending upon whether an informal or formal process is used for different topics, your estimates of time needed may be adjusted.**
5. Will the Committee's determinations of "allocations of time" granted per subject area at the closed session result in testimony or cross-examinations being prematurely terminated to maintain the Committee's schedule of time allocations at the Hearing? **The Committee has the right to set parameters and conduct the hearing in the most efficient manner possible. If parties cannot complete their cross examinations within the allotted time, then they should prioritize their questions to get the most out of the time they do have. The Committee may strictly enforce time limitations.**

6. Will the use of a "panel" of multiple witnesses (such as Applicant or CEC Staff) placed in a limited time slot result in Intervenors such as myself getting pushed out of the discussions and/or cut off from participation due to time limits used primarily by "the panels"? **The use of panels would be implemented, if the Committee so chooses, to use time more efficiently. Parties would be given equal amounts of time for cross examination. Parties could cede their time to other parties, especially if other parties have expertise that would be more helpful in bringing forward issues.**

7. Will the Hearing Officer provide any new orders or explanations for participation at the Hearings at least 10 days prior to the Hearings (or at any time)? **The Hearing Officer will provide explanations for participating in the Evidentiary Hearings at the Prehearing Conference. The Committee may issue Orders at any time, including during and after the Evidentiary Hearing.**

Please contact Blake if you have additional questions. Thank you for your participation in our process.

Sincerely,

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