



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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