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**FILED**  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Improve Public Access to Public Records Pursuant to the California Public Records Act.

Rulemaking 14-11-001

**ASSIGNED COMMISSIONER'S AMENDED  
SCOPING MEMORANDUM AND RULING**

**Summary**

This ruling amends the Assigned Commissioner's Scoping Memo and Ruling (Scoping Memo) issued on December 30, 2016<sup>1</sup> in Rulemaking 14-11-001, by amending the issues to be considered and revising the procedural schedule for Phase 2B of this proceeding.

**1. Background**

The Commission adopted General Order (GO) 66 D in Decision 17-09-023. The application of GO 66 D has revealed a concern amongst Commission staff conducting investigations. Consistent with the law, when Commission staff is conducting an on-site investigation of a public utility and requests documents, it shall be provided requested documents from the public utility. The requirement of Section 3 of GO 66 D for an information submitter, including a public utility, to provide a declaration with the legal basis for assertions of confidentiality

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<sup>1</sup> The Scoping Memo issued on December 30, 2016 amended initial Scoping Memo for the proceeding issued on August 11, 2015.

when a public utility seeks confidential treatment of documents may be a cause of delay production of documents at onsite investigations. The delay of production of documents to Commission staff conducting an investigation is unacceptable.

## **2. Phase 2B Scope**

The December 30, 2016 Scoping Memorandum identified the scope of issues for Phase 2B of this proceeding is as follows:

1. What are the characteristics of documents that should preemptively be designated as confidential?
2. What are the characteristics of documents that should preemptively be designated public?
3. How often should preemptive designations be updated or revisited? Should the designation have a set term?
4. What process should be used to challenge a designation of a specific document? and
5. Other related matters.

The scope of Phase 2B is enlarged to address revisions to GO 66 D to ensure Commission staff receives documents from a public utility when conducting an investigation without delay. The scope is enlarged to also include audits, because a similar concern could logically arise in that context as well.

Lastly, the scope is also enlarged to correct any errors in GO 66 D. Specifically:

6. What revision of GO 66 D is necessary to ensure that Commission staff receives information without unnecessary delay when conducting an investigation or audit?
7. Does GO 66 D contain any errors, which need to be corrected? Does the process established in GO 66 D contain any ambiguity, which needs clarity?

**3. Schedule**

The remainder of the schedule for Phase 2B is revised as follows but may be subject to further revisions by the assigned Commissioner or Administrative Law Judge as required to promote the efficient and fair resolution of Phase 2B this rulemaking:

<b>Phase 2B</b>	
<b>Event</b>	<b>Date</b>
Staff Proposal regarding revisions to General Order 66 D addressing information production in the context of investigations and audits	Summer 2018
Comments on Staff Proposal regarding revisions to General Order 66 D addressing information production in the context of investigations and audits	Summer 2018
Proposed Decision on revisions to General Order 66 D	3 <sup>rd</sup> Quarter 2018
Review of industry-specific matrix proposals	3 <sup>rd</sup> to 4 <sup>th</sup> Quarter 2018
Proposed Decision on industry-specific matrix proposals	1 <sup>st</sup> to 2 <sup>nd</sup> Quarter 2019

In any event, we intend that this proceeding will be resolved no later than 18 months from the date of this Amended Scoping Memo and Ruling.

**4. Addition to Official Service List and Party Status**

The official service list for this proceeding is available on the Commission’s web page. Prior to serving any document, each party must ensure that it is using the most up-to-date service list. The list on the Commission’s website meets that

definition. Addition to the official service list is governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure (Rules).

Persons who file responsive comments thereby become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the "Parties" category of the official service list upon such filing. In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the "Information Only" category as described above; they will be removed from that category upon obtaining party status. S

### **5.Subscription of Service**

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission's website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at <http://subscribecpuc.cpuc.ca.gov/>.

### **5. Filing and Serving of Comments and Other Documents**

Filing and service of comments and other documents in the proceeding are governed by the rules contained in Article 1 of the Commission's Rules (*See* particularly Rules 1.5 through 1.10 and 1.13). If you have questions about the Commission's filing and service procedures, you may contact the Docket Office.

### **6. Intervenor Compensation**

Intervenors seeking compensation for Phase 2B must have filed notice during the first phase of the proceeding and for newer intervenors, within

30 days of the filing of reply comments to the draft proposal during Phase 2A of the proceeding.<sup>2</sup>

**IT IS RULED** that:

1. The scope and schedule, and certain procedural matters, are amended as set forth in the body of this Amended Scoping Memorandum and Ruling. All other aspects of the Scoping Memorandum and Ruling issued on December 30, 2016, remain unchanged.
2. Intervenors seeking compensation for Phase 2B must have already filed notice during the first phase or during Phase 2A of the proceeding.
3. The assigned Commissioner or assigned Administrative Law Judge may revise the schedule, as required to promote the efficient and fair resolution of the rulemaking.

Dated June 12, 2018, at San Francisco, California.

/s/ MICHAEL PICKER

Michael Picker  
Assigned Commissioner

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<sup>2</sup> The exact date of 30 days from the filing of reply comments to the draft proposal during Phase 2A of the proceeding is April 24, 2017.