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ATTACHMENT A

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HEARING PROCEDURES AND PROTOCOLS

Certain Commission rules are highlighted in this attachment, and limited procedures and protocols are adopted, for the purpose of assisting parties and the Commission conduct efficient evidentiary hearing.

PREPARED TESTIMONY, EXHIBITS AND EXHIBIT FORMAT

Parties must follow Commission rules regarding prepared testimony, exhibits and exhibit format. See, for example, Rules 1.7, 13.7 and 13.8 of the Commission's Rules of Practice and Procedure (Rules).

Among other things, parties should note that proposed testimony is served, not filed. (Rule 1.7(b).) Proposed exhibits must have a blank space two inches high by four inches wide on the top sheet, preferably in the upper right corner. (Rule 13.7(a).) If necessary to accommodate the Commission's exhibit stamp, a cover page or cover sheet should be added to the front of the exhibit. Prepared testimony of more than 20 pages must contain a subject index. (Rule 13.8(c).)

Applicant has the burden of proof. All exhibits must be clear and concise. Exhibits must contain footnotes to explain sources, as necessary. (See, for example, D.92-12-019, 46 CPUC 2d 538 at 555, 764 (footnote 17); D.93-04-056, 49 CPUC2d 72 at 85-88 on the adequacy and clarify of showings.)

CORRECTIONS TO EXHIBITS

Errata shall be in writing and served before the hearing, to the fullest extent feasible. If necessary, written errata may be brought to the hearing. Only

as a last resort will oral errata be taken from a witness on the stand. Corrections need not be made to typographical, wording or other minor errors which do not alter the substance of the proposed testimony.

CROSS-EXAMINATION

Absent good cause, cross-examination shall not be used for discovery or clarification of prepared testimony. Rather, discovery and clarification should be undertaken before hearings begin.

CROSS-EXAMINATION DOCUMENTS

A copy of a document to be used during cross-examination must be provided to the witness's attorney or representative, and the witness, no later than before the witness takes the stand on the day the document is to be used, with sufficient time for reasonable review. Documents in excess of two pages should generally be provided the day before. This procedure helps use limited hearing time efficiently, by avoiding delays while counsel and witness read new material. For good cause, an advance copy need not be provided to opposing counsel and witness (e.g., if the document is for the purpose of impeachment or to obtain a spontaneous reaction).

CROSS-EXAMINATION TIME

It may be necessary to limit the number of witnesses, or the times for cross-examination, redirect examination or recross-examination. (Rules 9.1, 13.5.) No later than two business days before the hearing, each party shall serve on the Administrative Law Judge and active parties an estimate of its requested time for cross-examination of opposing witnesses.

REBUTTAL TESTIMONY

Proposed rebuttal testimony must include references to the testimony being rebutted.

EXHIBIT NUMBERS AND LISTS

Exhibits will be numbered consecutively, and each party shall propose the sequence and numbering for its exhibits. Applicant shall use numbers 1-99. The Division of Ratepayer Advocates (DRA) shall use numbers 101-199. Other parties, if any, shall use numbers 201-299. No later than two business days before the first day of hearing, applicant and DRA shall each serve its proposed exhibit list in the attached Exhibit Index format on the Administrative Law Judge and active parties. Each party may propose an exhibit description that best describes the item. Dates may be left blank. For example:

EXH. NO.	SPONSOR/WITNESS	DESCRIPTION	DATE	
			ID	Rec'd
1	Applicant/ Barcus	Direct Testimony (Overview)		
2	Applicant/ Clark	Direct Testimony (Results of Operation, Revenue Requirement, CHCF-A request)		
3	Applicant/ Lofy	Direct Testimony (Depreciation)		

HEARING HOURS

Hearings will generally run from 9:00 a.m. to 12:00 noon, with two morning breaks, and from 1:30 p.m. to 3:30 pm., with one afternoon break.

COURT REPORTERS AND CLEAR RECORD

It is vital that the record be clear. Common courtesy should always be extended to hearing room reporters and other participants. Counsel should wait

for witnesses to finish their answers, and witnesses should similarly wait for the whole question to be asked before answering. Counsel shall refrain from simultaneous arguments on motions and objections. Conversations at the counsel table or in the audience are often distracting to the reporter and other participants. Such conversations should be avoided.

NOTICES AND PROOFS OF PUBLICATION

Various notices and proofs of publications are required. (See Rules 3.2(c), 3.2(d), 13.1(b).) On January 6, 2011, applicant filed a verification of publication in a newspaper of its application to review rates and increase its rate of return. (Rule 3.2(c).) On February 11, 2001, applicant filed a verification of notification to customers by mail of its application to review rates and increase its rate of return. (Rule 3.2(d).)

Applicant must also give notice of hearing, not less than five days nor more than 30 days before the date of hearing, to entities or persons who may be affected by posting notice in public places and by publishing notice in a newspaper or newspapers of general circulation in the area or areas concerned, of the time, date and place of hearing, and must file proof of publication and sample copies of the notice(s) within 10 days after publication. (Rule 13.1(b).) Applicant should bring a copy on the first day of hearing for the Administrative Law Judge and parties of this proof of publication, or be prepared to explain when it will be filed.

MODIFICATIONS TO PROCEDURES AND PROTOCOLS

For good cause any party may move for modification of any of these procedures and protocols.

