

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-188
Administrative Law Judge Division
February 16, 2006

R E S O L U T I O N

RESOLUTION ALJ-188. Adopts Interim Rules Governing Electronic Filing of Documents During the Electronic Filing Pilot Period.

Over the past year, the Commission has been developing an electronic filing system, specifically infrastructure and procedures to allow parties to file documents electronically in lieu of hard copy originals. Commencing in first quarter 2006, the Commission will begin a "pilot period" to test its electronic filing systems and will gradually expand the ability of parties to file documents electronically to all proceedings. This resolution adopts interim rules to govern electronic filing of documents during this pilot period. We will issue a rulemaking prior to development of final rules governing electronic filing.

During the pilot period, parties that file documents electronically will not be required to file hard copies with the Commission's Docket Office but will still serve parties to the proceeding, either by hard copy or electronic service, consistent with existing Rules of Practice and Procedure. During the pilot period, parties may voluntarily perform electronic filing, consistent with the adopted interim rules. We will prepare a practitioner's guide for electronic filing, upon opening of the pilot which will explain in more detail the practical issues surrounding electronic filing.

A draft of this resolution was issued on December 13, 2005, for public review and comment. Comments were served by Goodin, MacBride, Squeri, Ritchie and Day LLP (GMSRD), Southern California Gas Company and San Diego Gas & Electric Company, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Generation Coalition.

Modifications to the Interim Rules were made in response to comments and further refinements based on the internal testing underway. Comments in one area is important to highlight. Several Commenters questioned why we are requiring use of PDF Archive format (PDF/A) for electronic filing when we do not require it for electronic service. Under these Interim Rules, the electronically filed version is the official file version of the document and no paper copy exists. The filed version must be in a file format that allows for long-term preservation of the document in a format that provides a consistent and predictable visual appearance, independent of the program

used for creating the file. This is precisely the purpose of PDF/A and thus drove our selection of this format requirement. Parties may continue to serve documents in formats other than PDF/A, consistent with Rule 2.3.1 of the Rules of Practice and Procedure. If cost of obtaining PDF/A is an obstacle for any party, they retain the option of filing in hard copy but PDF/A is currently publicly available from more than one vendor.

IT IS RESOLVED that the Interim Rules set forth in Appendix A shall govern electronic filing of documents during the electronic filing pilot period.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on February 16, 2006, the following Commissioners approving it:

/s/ STEVE LARSON

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MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
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Commissioners

APPENDIX A

Interim Rules for Electronic Filing of Documents

Rule 1 Electronic Filing Pilot Period / Program Scope

The Commission adopts the following interim rules for its Electronic Filing Pilot Period. These rules shall apply to all proceedings, including documents initiating a proceeding, unless otherwise required or permitted. These rules shall not apply to the filing of confidential documents, but redacted versions of confidential documents may be electronically filed. Documents that contain confidential or proprietary information shall not be electronically transmitted to the Docket Office unless specifically authorized by these Rules or by the assigned Commissioner and/ or Administrative Law Judge. Complete instructions for using the Commission's electronic filing process can be found at www.cpuc.ca.gov.

Rule 2 Format of Documents to be Filed Electronically

(a) A document that is filed electronically with the Docket Office must be transmitted in PDF Archive format (PDF/A) unless it cannot be created in that format or conversion to PDF/A format is unduly burdensome.

(b) In the event that the party submitting the document cannot submit the document in PDF/A, that party shall submit a brief explanation of why PDF/A format is infeasible.

(c) Transmissions may include multiple documents but only a single lead document will be filed, e.g., Application with Corporate Financial Statement Attached. A single transmission may not exceed 20.0 megabytes in size. Documents or transmissions that exceed this limit shall not be filed electronically.

(d) In all other respects, the format of documents filed electronically must conform to the filing requirements for hard copy filings. The Commission and its Docket Office retain the same discretion with respect to acceptance and rejection of filings as embodied in the Rules of Practice and Procedure.

Rule 3 Electronic Filing Process

Electronically transmitted documents must be both received by the Docket Office and accepted for filing by the Docket Office to be considered duly filed with the Commission in accordance with these rules.

APPENDIX A

Interim Rules for Electronic Filing of Documents (cont.)

(a) Date and Time of Filing

A document may be electronically transmitted to the Docket Office at any time. Acceptance of the document for filing with the Docket Office shall be deemed to occur (1) on the date the document was received by the Docket Office if the submission occurred during normal business hours, and (2) on the next business day the Docket Office is open for business if receipt occurred after normal business hours. For purposes of this section, normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. Nothing in this section shall limit the Docket Office's ability to reject filings.

(b) Acknowledgement of Receipt of Document

Upon receiving a document transmitted electronically for filing, a Notice of Acknowledgment of Receipt shall immediately be electronically transmitted to the filing party. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the Docket Office for review. The Docket Office shall thereafter determine if the document is acceptable for filing with the Commission. In the absence of a Notice of Acknowledgement of Receipt, there is no presumption that the Docket Office received the document. The filing party shall be solely responsible for obtaining confirmation of the filing of the document by the Docket Office in the absence of a Notice of Acknowledgement of Receipt.

(c) Acceptance of Filing

Documents electronically received by the Docket Office shall be reviewed by the Docket Office for required elements once the document has been received. Upon the Docket Office's acceptance of the document for filing, the Docket Office shall place an electronic filing stamp on the document or, in the case of an initiating document, both a docket number and a filing stamp, and shall electronically transmit to the filing party Confirmation of Acceptance and a link to a filed stamped copy of the document on the Commission's website. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp.

APPENDIX A

Interim Rules for Electronic Filing of Documents (Cont.)

(d) Rejected Filings

If an electronically transmitted document is received by the Docket Office but subsequently determined to be unacceptable for filing, the Docket Office shall electronically transmit to the filing party a Notice of Rejection of the document for filing. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filing party to resubmit rejected documents, with appropriate corrections and any required filing fee to the Docket Office for filing.

(e) Payment of Fees

All applicable filing fees for the following types of applications shall be paid by credit card as a condition for filing electronically:

APPLICATION	TYPE	AMOUNT
Application for Certificate of Public Convenience and Necessity (CPCN)	<u>Passenger Stage Corporation</u>	\$500.00
	Passenger Stage Corporation already operating in the immediate vicinity under the <u>Commission's jurisdiction.</u>	\$75.00
	Passenger Air Carrier	\$150.00
Application to sell, mortgage, lease, assign, transfer, or encumber a Certification of Public Convenience and Necessity (CPCN)	All other, including street railroads, gas corporations, electric corporations, telegraph corporations, telephone corporations, water corporations, <u>and common carrier vessels</u>	\$150.00
	<u>Passenger Stage Corporation</u>	\$300.00
	Passenger Air Carrier	\$150.00

Other applications for which a filing fee is due, pursuant to Rule 3.3 of the Rules of Practice and Procedure, may be filed electronically but payment shall be made by check consistent with current practice.

(f) Signatures

By electronically filing a document, the filing party certifies that the document complies with Rule 1 and Rule 2.2 and that the original, signed document is available for review and copying at the request of the Commission or any party until such time as all opportunities for appeal have been exhausted.

(g) Technical Failures

The Docket Office shall deem the electronic filing system to be subject to a technical failure on a given day if it is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall be deemed filed that day if actually filed the next business day the system is able to accept filings. Such delayed filings shall be accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour or one time after 4:00 p.m. on each day of delay due to such technical failure.

(END OF APPENDIX A)

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