

Appendix B



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Workshop Protocols

1. PURPOSE OF WORKSHOP

The purpose of the workshops in R.17-10-010 is to collaboratively explore the proposed regulations relating to GO 95, and other matters within the scope of this rulemaking, and to the extent possible to agree on specific proposed regulations (PRs) to be recommended for adoption by the Commission.

2. WORKSHOP REPORT

The final product of the workshop will be a written workshop report that documents the agreed-upon PRs and -- if necessary -- alternative PRs. The workshop report will be filed with the -Commission or otherwise made a part of the official record in this proceeding as directed by the assigned Administrative Law Judge (ALJ).

- 2.1 Each agreed-upon PR and alternative PR will include specific text proposed to be added, deleted, or modified, a detailed description and justification.

3. WORKSHOP PARTICIPANTS

Workshop “Participant” is defined as any representative of a party to this proceeding who participates in discussing one or more of the PRs during one or more scheduled workshop meetings. A party may bring as many representatives to participate in the workshop as it deems necessary to address the issues. A primary contact/spokesperson for each party shall be designated for purposes of notices and document distribution.

4. WORKSHOP AGENDA

An agenda for each workshop meeting will be developed and circulated by the chair or co-chairs before each meeting, and will be updated through the workshop meetings as agreed by the Participants. The agenda will specify the date, time, location and host /contact person for the meeting and will list the PRs to be addressed at the meeting.

- 4.1 To the extent possible, PRs requiring the presence of Participants with special qualifications or expertise are to be scheduled for discussion on the same or consecutive days.
- 4.2 The Participants may agree to defer a PR if, during discussion, it becomes apparent that participants with special qualifications or expertise, not then present, are needed to adequately address the PR.
- 4.3 A party represented by a single Participant may request that a PR of particular interest to them not be addressed on a specific date if they cannot be present on that date. Such request should be made as soon as the party’s scheduling constraint becomes known to them, and all reasonable efforts shall be made to accommodate such requests.

5. DISCUSSION PRINCIPLES

- 5.1 The discussion of PRs will be governed by the following general principles:
 - 5.1.1 Describe the reason for the PR. Specific circumstances at issue in the OIIs pending before the Commission will not be considered.
 - 5.1.2 Identify, discuss, and understand the Participants' respective points of view, interests, and desired outcomes relative to the PR.
 - 5.1.3 Obtain (to the extent feasible) data that Participants believe is necessary to understand the issues and make an informed decision on the PR.
 - 5.14 Address all interests insofar as possible.
- 5.2 During meetings, opportunities will be allowed for a brief ongoing evaluation of progress and process ("process checks").

6. DECISION MAKING PROCESS

- 6.1 Agreement should be sought utilizing the "levels of agreement" process:
 - 6.1.1 Agreement is defined as no Level 2 votes.
 - 6.1.2 Levels of agreement scale:
 - Level 1 - I support/can live with this PR.
 - Level 2 - I do not support/cannot live with this PR.
 - Level 3 - I abstain/am neutral.
 - 6.1.3 Each party shall state a single level of agreement, regardless of how many Participants it has brought to the workshop meeting.
 - 6.1.4 A "straw vote" to ascertain the level of support for, or opposition to, a PR may be called for at any time and shall be held prior to any final vote.
 - 6.1.5 Tentative working agreements may be reached on parts of complex PRs, subject to final agreement on the entire PR.
 - 6.1.6 If no party gives the PR a "2", the PR is agreed upon as submitted. Otherwise the PR is either:
 - 6.1.6.1 Submitted to a smaller working group to refine the material outside of the workshop process to be brought back later for consideration;

- 6.1.6.2 Designated as an Alternative Proposal (AP) in which one or more parties, individually or in small working groups, return to a later workshop meeting; or
 - 6.1.7 If a PR is designated as an AP but does not lead to agreement, the proponent(s) of each AP may submit it for a vote by the workshop Participants. Each such AP, together with the voting results and any statements of rationale Participants wish to provide regarding the AP, will be included in the Workshop Report.
 - 6.1.8 If a PR or AP is not voted on by Participants or is withdrawn by its proponent(s) it will not be included in the Workshop Report.
 - 6.2 Parties are responsible to have an informed Participant at each meeting who has authority to discuss the topics to be addressed in that meeting, and who will seek management input prior to each confirmation agenda in order to expedite the work of the workshop.
 - 6.3 Any party that, without prior notice to the other parties, is absent from a meeting at which a PR is agreed upon, is deemed to have abstained from the determination of levels of agreement, and has waived the opportunity to challenge the PR or propose an AP. This protocol may be waived by agreement of the parties at a subsequent meeting in the event the party's absence was due to circumstances beyond its control.
 - 6.4 Agreed-upon PRs will be placed on a confirmation agenda, to be addressed at the start of the subsequent group of meetings, in order to allow parties time to seek final approval of the PRs by their respective managements, when such approval has been stated by parties to be necessary. Any party may request a PR be removed from the confirmation agenda for further workshop consideration, based on their management's direction. Decisions on such requests will be determined on a case-by-case basis.
 - 6.5 Each Participant is responsible to keep his or her organization/constituency group(s) informed of the progress of the workshops and to timely seek advice, comments, and authorization as required.
 - 6.6 Participation by Proxy
 - Parties represented by a single Participant and unable to attend a workshop meeting may designate another Participant to serve as their proxy for purposes of expressing levels of agreement. In order to utilize a proxy, the party must satisfy the following requirements:
 - 6.6.1 The party shall notify the chair(s) by email at least one (1) business day prior to the meeting at which they expect to be absent;

- 6.6.2 The party shall provide clear directions to the proxy regarding any limitations on the proxy's authority, in the event the PR is modified in the course of discussion; and
- 6.6.3 The proxy must inform the chair (or facilitator) and Participants of their role at the beginning of the meeting.

7. COMMUNICATIONS AND PUBLIC NOTICE

- 7.1 Any or all Participants may meet or conference call among themselves between workshop meetings as desired or necessary to negotiate an advancement of their work.
- 7.2 Audio and video recording devices are not to be used in meetings for any purpose. Participants are encouraged to explore ideas freely and the only agreements are those explicitly reached.
- 7.3 The chair(s) (or facilitators) shall be designated to keep the assigned ALJ informed of the dates, times, location, and host contacts for upcoming workshop meetings, in time for that information to be posted on the Commission's website and to be periodically issued in rulings as the ALJ deems appropriate.

8. INFORMATION MANAGEMENT

- 8.1 A meeting summary will be prepared following each working group meeting stating:
 - 8.1.1 All Participants at the meeting, including their e-mail addresses;
 - 8.1.2 Key points of discussion, including PRs discussed;
 - 8.1.3 Agreements, if any, with supporting rationale and vote tallies; and
 - 8.1.4 APs, if any.
- 8.2 The meeting summary will be prepared by the chair(s), facilitator, or a designated Participant. Meeting summaries will be available as soon as practicable and will be emailed to all Participants. The meeting summary will be reviewed for corrections by the Participants, preferably by email or teleconference between workshop meetings.

9. PARTICIPANT ROLES

- 9.1 The chair(s) or facilitator(s)
 - 9.1.1 Consistent with the scoping memo and any amendments to it, work on behalf of the Participants;

- 9.1.2 Make participation easier and encourage participation by all who wish to participate;
- 9.1.3 Remind Participants of the protocols as necessary;
- 9.1.4 Suggest strategies to move the discussion along, as appropriate;
- 9.1.5 Carry out such other supportive activities as agreed upon by the Participants or as directed by the ALJ.

9.2 The Participants:

- 9.2.1 Listen carefully, ask pertinent questions, and educate themselves and others regarding the issues and interests that must be addressed, in a collaborative rather than confrontational manner.
- 9.2.2 Fully and thoughtfully explore the issues before forming conclusions.
- 9.2.3 Search for creative solutions that best serve the issues and interests that must be addressed.

10. WORKSHOP ACCESS AND ACCOMMODATIONS

Workshops shall be scheduled in locations that comply with the Americans with Disabilities Act.