



ALJ/CF1/mef 3/23/2021

FILED
03/23/21
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Consider Regulating
Telecommunications Services Used by
Incarcerated People.

Rulemaking 20-10-002

**ADMINISTRATIVE LAW JUDGE'S RULING PROVIDING ADDITIONAL
PUBLIC PARTICIPATION HEARING GUIDANCE**

Summary

This ruling corrects an error in my February 26, 2021 ruling and provides the agenda for the April 28, 2021 (1:30 p.m.) and April 29, 2021 (6:30 p.m.) public participation hearings. This ruling also clarifies steps the Commission is taking to ensure the anonymity and prioritization of incarcerated persons providing verbal comment during the public hearings and/or providing written comment on the Commission's public comment web portal.

**1. Correction to Attachment A
of February 26, 2021 Ruling**

It has come to my attention that there was an error in Attachment A of my February 26, 2021 *Ruling Setting Public Participation Hearings and Requirements to Provide Advance Notification* (February Ruling). Attachment A to the February Ruling states, "You can also submit comments by mail or post them on the CPUC's public comment portal at any time before May 1, 2021."

This ruling corrects this error by striking the May 1, 2021 date. The public may submit comments on the public comment portal for this rulemaking at any time. The five Commissioners, industry staff, and I will receive and will consider

comments provided on the public comment portal throughout the entire period this proceeding is open.

This sentence in Attachment A of the February Ruling is therefore corrected as follows: “You can also submit comments by mail or post them on the CPUC’s public comment portal at any time the proceeding is open ~~before May 1, 2021.~~” The full corrected version of Attachment A of the February Ruling is appended to this ruling as Attachment 1.

2. Public Participation Hearing Agenda

This ruling sets the agenda for the April 28 (1:30 pm) and April 29 (6:30 p.m.) public participation hearings as follows:

Time	Event
1:30 p.m./ 6:30 p.m.	Introduction by Commissioner Martha Guzman Aceves and Commissioner Genevieve Shiroma
1:35 p.m./ 6:35 p.m.	Staff presentation: current calling rates and interim proposal
1:40 p.m./ 6:40 p.m.	Instructions for public comment
1:40 p.m./ 6:40 p.m.	Public comment

3. Steps the Commission is Taking to Ensure the Anonymity and Prioritization of Incarcerated Persons Providing Public Comment

This ruling also clarifies steps the Commission is taking to ensure the anonymity and prioritization of incarcerated persons providing verbal comment during the public hearings and/or providing written comment on the Commission’s public comment web portal.

3.1. Callers to Public Participation Hearings

Commission staff have instructed the Commission’s phone line operator, during the April 28 and April 29 public hearings to:

- Move to the front of the queue all callers stating they are an incarcerated person;

- Not require callers to provide or record names or locations at any point during their call; and,
- Assign each caller a “port number,” which will be read in lieu of the caller’s name to signal his or her turn to speak.

3.2. Public Comment Portal

As of March 26, 2021, the public comment portal for Rulemaking (R.) 20-10-002 will be modified to make following fields optional for individuals wishing to leave a comment on the portal:

- Last name
- First name
- Email
- City
- Zip Code

In addition, Commission staff will update the disclaimer language on the public comment portal for R.20-10-002 as follows:

- Please be aware that you are not required to provide your name, email, telephone number, location, or zip code to comment. If you do not want this information to be made public with your comment, or to be publicly accessible through a California Public Record Act Request, do not include it when you submit your comment. However, if you do choose to provide this information, your name, location, and zip code will appear with your comment and all the information would be provided in response to a Public Records Act request pursuant to Government Code Section 6250 et seq.

Individuals wishing to provide a written comment may use the portal to provide comments that are available publicly or to provide private comments that are made available only to Commission staff. Please visit cpuc.ca.gov/R2010002Comments to submit a comment about this rulemaking.

Commission staff will flag and remove any comment deemed offensive or inappropriate.

3.3. Protecting Privacy

I have directed Commission staff to make the changes summarized above to support the privacy of incarcerated persons and others wishing to provide public comment in this proceeding. Pursuant to California Government Code Section 6254 (c), records may be withheld if disclosure would constitute an invasion of personal privacy. Additionally, the Commission may prevent disclosure of records when the public interest in withholding those records clearly outweighs the public interest in disclosure. Moreover, the Bagley-Keene Open Meeting Act, Gov. Code Section 11124, states that “[n]o person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.”

Disclosing the phone numbers of participants in the April 28, 2021 and April 29, 2021 public participation hearings would constitute an invasion of privacy. The public interest in withholding the phone numbers of hearing participants outweighs the public interest in disclosure of these phone numbers.

Therefore, in addition to the above procedures for the April public hearing and the R.20-10-002 public comment portal, the Commission will treat the phone numbers of callers to the April 28, 2021 and April 29, 2021 public participation hearings as confidential due to privacy concerns if this information is later sought in a Public Records Act request.

Attachment A to the February Ruling is modified to reflect the Commission's modifications summarized herein along with several other minor corrections.

IT IS SO RULED.

Dated March 23, 2021, at San Francisco, California.

/s/ CATHLEEN A. FOGEL

Cathleen A. Fogel
Administrative Law Judge

ATTACHMENT 1

Updated Attachment A to February 26, 2021 Ruling

Notification requirements for websites, web portals, emails, and online bills

Notice of public participation hearings in Rulemaking 20-10-002 regarding the costs of calling from prisons and jails in California.

Dates:

Public participation hearing #1, April 28, 2021, at 1:30 p.m.

www.adminmonitor.com/ca/cpuc/hearing/20210428/

Toll-free phone number: 1-800-857-1917; code: 7218384#

Spanish language toll-free phone number: 1-800-857-1917; code: 8147204#

Public participation hearing #2, April 29, 2021, at 6:30 p.m.

www.adminmonitor.com/ca/cpuc/hearing/20210429/

Toll-free phone number: 1-800-857-1917; code: 7218384#

Spanish language toll-free phone number: 1-800-857-1917; code: 8147204#

Why am I receiving this notice?

The California Public Utilities Commission (CPUC) wants to hear from you. Virtual public hearings have been scheduled to hear your comments, concerns, and opinions regarding the costs of calling from prisons and jails in California. Your participation by providing comments can help to inform the CPUC on these issues.

You can watch a livestream of the hearings or participate via telephone. Incarcerated persons wishing to participate in the public hearing must typically obtain advance approval to do so by providing the hearing call-in number to the facility where they reside. You can also submit comments by mail or post them on the CPUC's public comment portal at any time the proceeding is open. ~~before~~
~~May 1, 2021.~~

The CPUC has taken concrete steps to protect the anonymity of persons participating in the public hearings or posting comments on the CPUC's public comment portal and will work to prioritize calls from incarcerated persons during the hearings.

How does this process work?

This rulemaking is considering regulating ~~rates and fees~~ prices for calling from prisons or jails. The rulemaking is assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during formal processes. The Administrative Law Judge will issue a proposed decision. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties involved in the rulemaking include the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to help them obtain the lowest possible rates consistent with reliable and safe service levels. Find out more here: **1-415-703-1584**, email PublicAdvocatesOffice@cpuc.ca.gov or visit PublicAdvocates.cpuc.ca.gov.

Contact the CPUC:

Please visit cpuc.ca.gov/R2010002Comments to submit a public comment about this rulemaking to the CPUC. You may also mail written comments to the CPUC's Public Advisor's address below. For more information on participating in the public hearing, submitting comments, to request special assistance, or to request a non-English or Spanish language interpreter, please contact the CPUC's Public Advisor's Office at least five days prior to the hearings.

CPUC Public Advisor's Office

505 Van Ness Avenue

San Francisco, CA 94102

Phone: **1-866-849-8390** (toll-free) or **1-415-703-2074**

Email: Public.Advisor@cpuc.ca.gov

Please reference **Rulemaking R.20-10-002** in any communications you have with the CPUC regarding this matter.

(END OF ATTACHMENT 1)