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**FILED**

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

In the Matter of the Application of  
PACIFICORP (U901E), for an Order  
Authorizing a General Rate Increase  
Effective January 1, 2023.

Application 22-05-006

**E-MAIL RULING ADJUSTING PROCEDURAL SCHEDULE  
AND PROVIDING GENERAL GUIDANCE AND INSTRUCTIONS  
IN ADVANCE OF REMOTE STATUS CONFERENCE  
AND EVIDENTIARY HEARING**

Dated January 23, 2023, at San Francisco, California.

/s/ SHANNON O'ROURKE

Shannon O'Rourke  
Administrative Law Judge

**From:** O'Rourke, Shannon <Shannon.O'Rourke@cpuc.ca.gov>

**Sent:** Monday, January 23, 2023 2:32 PM

**To:** Hook, Charlyn A. <[charlyn.hook@cpuc.ca.gov](mailto:charlyn.hook@cpuc.ca.gov)>; [MDay@DowneyBrand.com](mailto:MDay@DowneyBrand.com); [KJohnston@cfbf.com](mailto:KJohnston@cfbf.com); [Regulatory@cal-cca.org](mailto:Regulatory@cal-cca.org); [Lloyd.Reed@LloydReedConsulting.com](mailto:Lloyd.Reed@LloydReedConsulting.com); Ende, Julia <[Julia.Ende@cpuc.ca.gov](mailto:Julia.Ende@cpuc.ca.gov)>; Conklin, Michael <[Michael.Conklin@cpuc.ca.gov](mailto:Michael.Conklin@cpuc.ca.gov)>; Chitadje, Charlotte <[charlotte.chitadje@cpuc.ca.gov](mailto:charlotte.chitadje@cpuc.ca.gov)>; Fermino, David <[David.Fermino@cpuc.ca.gov](mailto:David.Fermino@cpuc.ca.gov)>; Hodel, Drew <[Drew.Hodel@cpuc.ca.gov](mailto:Drew.Hodel@cpuc.ca.gov)>; Dutta, Gautam <[Gautam.Dutta@cpuc.ca.gov](mailto:Gautam.Dutta@cpuc.ca.gov)>; O'Hara, Rosanne <[Rosanne.O'Hara@cpuc.ca.gov](mailto:Rosanne.O'Hara@cpuc.ca.gov)>; [MSomogyi@DowneyBrand.com](mailto:MSomogyi@DowneyBrand.com); [nsikand@downeybrand.com](mailto:nsikand@downeybrand.com); [jgibson@DowneyBrand.com](mailto:jgibson@DowneyBrand.com); O'Rourke, Shannon <Shannon.O'Rourke@cpuc.ca.gov>; [abb@eslawfirm.com](mailto:abb@eslawfirm.com); [KMills@CFBF.com](mailto:KMills@CFBF.com); [Carla.Scarsella@PacifiCorp.com](mailto:Carla.Scarsella@PacifiCorp.com); [CaliforniaDockets@PacifiCorp.com](mailto:CaliforniaDockets@PacifiCorp.com)

**Cc:** ALJ\_Support ID <[alj\\_supportid@cpuc.ca.gov](mailto:alj_supportid@cpuc.ca.gov)>; ALJ Docket Office <[ALJ\\_Docket\\_Office@cpuc.ca.gov](mailto:ALJ_Docket_Office@cpuc.ca.gov)>; ALJ Process <[alj\\_process@cpuc.ca.gov](mailto:alj_process@cpuc.ca.gov)>; ALJ\_Hearing Requests <[ALJ\\_HearingRequests@cpuc.ca.gov](mailto:ALJ_HearingRequests@cpuc.ca.gov)>; Gutierrez, Thomas <[Thomas.Gutierrez@cpuc.ca.gov](mailto:Thomas.Gutierrez@cpuc.ca.gov)>

**Subject:** A.22-05-006: Email Ruling Adjusting Procedural Schedule and Providing General Guidance and Instructions in Advance of Remote Status Conference and Evidentiary Hearing

To the service list of Application 22-05-006:

This ruling adjusts the schedule for the proceeding, including the joint status conference report date, evidentiary hearing dates, and reply briefs date. This ruling also provides instructions and guidelines for remotely participating in the status conference and evidentiary hearing.

#### **Evidentiary Hearing Dates**

Evidentiary hearing in this proceeding was set in the August 9, 2022 Assigned Commissioner's Scoping Memo and Ruling for February 20, 2023 through February 23, 2023. February 20, 2023 is a state holiday. Therefore, this ruling adjusts the hearing dates to February 21, 2023 through February 24, 2023 to ensure adequate time is available for hearing.

#### **Reply Briefs Date**

Reply briefs in this proceeding were set in the August 9, 2022 Assigned Commissioner's Scoping Memo and Ruling for April 23, 2023. April 23, 2023 is a Sunday. Therefore, this ruling adjusts the reply briefs date to the next business day, April 24, 2023.

#### **Status Conference**

At 1:00 pm on February 16, 2023, all parties, counsel, and witnesses shall participate in a status conference via WebEx using the same equipment at the same location intended to be used for evidentiary hearings. Participants shall treat the status conference as a dress rehearsal. This status conference will be the final opportunity for all parties, counsel, and witnesses to:

- Test WebEx capabilities, including equipment, sound, connectivity and other technical issues;
- Finalize exhibits, witness list, witness order and cross-examination schedule;
- Address any pending motions;
- Establish a plan for handling confidential materials in the evidentiary hearing; and

- Address any other housekeeping matters relevant to facilitate an effective evidentiary hearing.

To ensure full participation, each party must RSVP for the status conference by providing the following information via email to Thomas Gutierrez at [Thomas.Gutierrez@cpuc.ca.gov](mailto:Thomas.Gutierrez@cpuc.ca.gov) no later than 3:00 pm on Monday February 13, 2023.

- A. Name of party;
- B. Lead representative/primary speaker for the party: name, position (attorney/witness title), email address and telephone number;
- C. Additional people expected to speak during the status conference: name, position (attorney/witness title), email address and telephone number; and
- D. Mutually agreed upon sequence of witnesses to be offered for examination.

Watch and Listen Only Mode: Non-speaking attendees and member of the public may attend but will not appear on the screen and will not be audible.

For technical issues with the WebEx, parties may email Thomas Gutierrez at [Thomas.Gutierrez@cpuca.ca.gov](mailto:Thomas.Gutierrez@cpuca.ca.gov).

#### **Instructions to Prepare for Remote Status Conference and Evidentiary Hearing**

The remote status conference and evidentiary hearing will require WebEx. Any person who intends to speak must log in to the WebEx for audio and video.

1. Audio and video components of the hearing will be via the internet utilizing WebEx: Parties, counsel, witnesses and court reporters must:
  - a. Be prepared prior to the hearing so that you have all necessary audio/visual equipment, sufficient power/battery, sufficient connectivity and onsite support, as needed;
  - b. Log in to WebEx as an attendee at least 30 minutes prior to the hearing time each day; and
  - c. Have your video on during the hearing, remaining visible on the screen during the hearing.
2. Watch and Listen-Only mode: Other non-speaking attendees and member of the public will not appear on the video screen and will be in a watch and listen only mode.

#### **General Instructions for Order During Remote Hearings**

1. Speaking: Generally, parties should speak only when addressed and called on by the judge. The court reporters will rely on the audio from WebEx to transcribe the hearings. To ensure a complete and accurate record, participants should adhere to the following instructions:
  - a. Speakers must identify themselves before speaking each time;
  - b. Speakers must speak slowly, clearly and one at a time; and
  - c. All attendees should mute themselves when not speaking.
2. Permission to speak: To maintain order, if someone else is speaking, you must not interrupt. Instead, you must first secure permission of the judge if you wish to speak. You may do so by physically raising your hand and speaking when called upon by the judge. An exception to this is an objection to a question during the examination of a witness. In this instance, after completion of the objectionable question, an attorney may orally interject. The attorney should first state their name and then briefly state the legal grounds for the objection. If such an

objection is made, the witness must pause before responding to that question to provide time for the judge to address the pending objection.

3. Private communications: During the evidentiary hearing, the Commission prohibits private communications (via telephone, text, email or any other medium) relevant to the subject matter of the proceeding with a witness while being examined. Both the witness and the attorney must affirm, while on the record, that they will not engage in any private communications relevant to the subject matter of the proceeding during the witness' examination.

**Joint Status Conference Statement**

Parties are directed to meet and confer, and by 3:00 pm on Monday February 13, 2023, Applicant shall prepare, serve, and file a joint status conference statement that includes the following information:

1. Joint stipulation of any material disputed facts;
2. Joint stipulation of admission of any exhibits without objections;
3. Identification of any factual issues that parties believe could potentially be addressed through stipulations or additional written testimony instead of a hearing;
4. Outstanding list of factual issues in dispute, if any;
5. Outstanding list of legal issues in dispute, if any;
6. Joint stipulation, if any, to the qualifications of one or more witnesses;
7. Waiver of cross-examination of any witnesses offering written testimony;
8. Identification of any written testimony that parties believe should be subjected to cross-examination in the formal hearing prior to being moved into the evidentiary record;
9. Joint stipulation to the hearings being conducted remotely; and
10. Joint stipulation to witnesses being sworn in remotely.

**Instructions for Exhibit Format**

1. The upper right-hand corner of the first page of each exhibit (or cover sheet) shall be left blank for the judge's exhibit stamp (approximately 2 inches high x 3.5 inches wide).
2. All hard copy exhibits shall be bound on the upper left corner or left side and shall comply with the requirements of Rule 13.7 of the Commission's Rules of Practice and Procedure.
3. All corrected exhibits shall include redlines. Corrections to an exhibit shall be made prior to the hearing and not while the witness is under oath and testifying.
4. Parties shall pre-mark exhibits to include the exhibit number, proceeding number, name of sponsor/witness, date(s) served, and any revision date(s).
5. Exhibits shall be marked with a short acronym for the sponsoring party followed by sequential numbering (e.g., A&B-1, A&B-2).
6. Confidential exhibits shall be labeled with the same number as the public version of the exhibit followed by a dash and the letter "C." For example, the confidential version of A&B-1 would be labeled A&B-1-C.
7. Corrected exhibits shall be labeled with the same number as the exhibit, with a dash and the letter "E" following the exhibit number. For example, the corrected version of A&B-1 would be labeled A&B-1-E.

8. Partial documents or excerpts from documents must include a title page or the first page from the source document. Excerpts from lengthy documents should include a table of contents covering the excerpted material.

**Distribution of Exhibits, Exhibit Lists and Witness Lists**

1. No later than February 10, 2023, parties shall serve all exhibits by email to the service list of the proceeding and upload them to Supporting Documents using the Electronic Filing System at the Commission's website pursuant to Rule 13.7(f) of the Commission's Rules of Practice and Procedure.
2. All parties sponsoring any exhibit or proffering any witness shall regularly meet and confer with Applicant to help compile and update exhibit and witness lists, as necessary.
3. No later than two business days in advance of the evidentiary hearing, Applicant shall prepare and serve exhibit and witness lists by email to the service list of the proceeding, and upload them to Supporting Documents using the Electronic Filing System at the Commission's website pursuant to Rule 13.7(f) of the Commission's Rules of Practice and Procedure. The Applicant shall also lodge a PDF and writable Word version of the final Exhibit List with the Commission by email to Thomas Gutierrez at [Thomas.Gutierrez@cpuc.ca.gov](mailto:Thomas.Gutierrez@cpuc.ca.gov).
  - a. The combined exhibit list shall include: (1) the name and description of each exhibit, (2) sponsoring witness, and (3) proposed exhibit number.
  - b. The combined witness list shall include, for each witness being offered: (1) the name of the witness, (2) short description of testimony being offered, (3) identification of materially disputed factual issue(s) in the proceeding to which the testimony is being offered, (4) the proposed order and date of testimony, and (5) estimated cross examination time.
  - c. The combined exhibit list shall include links to the exhibits in the Commission's Supporting Documents database.
  - d. Applicant shall ensure that all public exhibits, with their correct exhibit numbers, are uploaded to Supporting Documents for this purpose and remain accessible to all parties.
4. Parties shall serve and upload to Supporting Documents any new or corrected exhibits with redlines by no later than 12pm two business days prior to the hearing day in which the new or corrected exhibit would be introduced.
  - a. All parties sponsoring any exhibit or proffering any witness shall meet and confer with Applicant, as needed, to review, coordinate and help maintain up-to-date exhibit and witness lists.
  - b. As needed, Applicant shall update the exhibit and witness lists and serve them on the service list and the court reporters no later than 12pm the date prior to the hearing day in which the new or corrected exhibit would be introduced.
5. By March 1, 2023, Applicant shall serve by mail hard copies of all exhibits and the final exhibit and witness lists to the assigned Administrative Law Judge at the address below:

Shannon O'Rourke  
California Public Utilities Commission  
Administrative Law Judge Division  
300 Capital Mall  
Sacramento, CA 95814

**Motions**

All parties shall serve and file any motions to strike by 5pm on February 14, 2023.

**Pre-and Post-Evidentiary Hearing Activities and Schedule**

<b>Activities</b>	<b>Date/Time/Location</b>
Rebuttal Testimony served	February 8, 2023
Exhibits served and uploaded to Supporting Documents	February 10, 2023
Joint status conference statement served and filed	February 13, 2023 at 3:00 pm
Status Conference	February 16, 2023 at 1:00 pm: <b>WebEx Link:</b> <a href="https://cpuc.webex.com/cpuc/j.php?MTID=mc39c709912b33be40d91c6cc3ce0c91f">https://cpuc.webex.com/cpuc/j.php?MTID=mc39c709912b33be40d91c6cc3ce0c91f</a> <b>Event Number:</b> 2485 614 4767 <b>Password:</b> 2023  RSVP to Thomas Gutierrez at <a href="mailto:Thomas.Gutierrez@cpuc.ca.gov">Thomas.Gutierrez@cpuc.ca.gov</a> no later than 3:00 pm on February 13, 2023
Motions to strike served and filed	February 14, 2023 at 5:00 pm
Exhibit and witness lists served by Applicant to the service list and the court reports and uploaded to Supporting Documents	No later than two business days prior to the first day of evidentiary hearing.

<p>New or corrected exhibits served and uploaded to Supporting Documents</p>	<p>No later than 12pm two business days prior to the hearing day in which the new or corrected exhibit would be introduced</p>
<p>Update to exhibit and witness lists served by Applicant to the service list and the court reporters and uploaded to Supporting Documents</p>	<p>No later than 12pm the day prior to the hearing day in which the new or corrected exhibit would be introduced</p>
<p>Evidentiary hearing</p>	<p>February 21, 2023 through February 24, 2023, 10:00 am – 3:00 pm Parties and witnesses shall log in 30 minutes before the start of each hearing day.</p> <p><u>February 21, 2023</u> <b>WebEx Link:</b> <a href="https://cpuc.webex.com/cpuc/j.php?MTID=m9889fcb56e7269d022676576ee3b3dee">https://cpuc.webex.com/cpuc/j.php?MTID=m9889fcb56e7269d022676576ee3b3dee</a> <b>Event Number:</b> 2495 708 4053 <b>Password:</b> 2023</p> <p><u>February 22, 2023</u> <b>WebEx</b> <b>Link:</b> <a href="https://cpuc.webex.com/cpuc/j.php?MTID=m96e38ea8dbbef7950ae71a943abd875f">https://cpuc.webex.com/cpuc/j.php?MTID=m96e38ea8dbbef7950ae71a943abd875f</a> <b>Event Number:</b> 2484 583 9266 <b>Password:</b> 2023</p> <p><u>February 23, 2023</u> <b>WebEx Link:</b> <a href="https://cpuc.webex.com/cpuc/j.php?MTID=m3c8ba39073547182312ee603a7f71c96">https://cpuc.webex.com/cpuc/j.php?MTID=m3c8ba39073547182312ee603a7f71c96</a> <b>Event Number:</b> 2483 607 0777 <b>Password:</b> 2023</p> <p><u>February 24, 2023</u> <b>WebEx Link:</b> <a href="https://cpuc.webex.com/cpuc/j.php?MTID=m8d3ee51a68e8bc78bb136ee8d101c129">https://cpuc.webex.com/cpuc/j.php?MTID=m8d3ee51a68e8bc78bb136ee8d101c129</a> <b>Event Number:</b> 2480 442 0592 <b>Password:</b> 2023</p>

Hard copies of all exhibits and final exhibit and witness lists mailed by Applicant to the assigned Administrative Law Judge	March 1, 2023
Opening Briefs served and filed	March 23, 2023
Reply Briefs served and filed	April 24, 2023

**IT IS SO RULED.**

**THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.**

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**Shannon O'Rourke** (she/her)  
Administrative Law Judge  
California Public Utilities Commission  
shannon.o'rourke@cpuc.ca.gov  
415-703-5574

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