

ALJ/SRM/hma 05/25/2023



FILED

05/25/23

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K2304007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of Lkhagvasuren Dulmaa
from Citation Number T.23-02-002
Issued on February 16, 2023 by the
Consumer Protection and
Enforcement Division.

K.23-04-007

**ADMINISTRATIVE LAW JUDGE RULING SETTING
EXPEDITED CITATION APPEAL HEARING**

This ruling sets an evidentiary hearing in the above-captioned matter to address the appeal of Lkhagvasuren Dulmaa from Citation Number T.23-02-002 issued on February 16, 2023. The hearing will be conducted remotely on Thursday, June 22, 2023 at 11:00 a.m.

This hearing is the only hearing that will take place in this proceeding. At the hearing, the Assigned Administrative Law Judge (ALJ) will receive evidence and hear arguments from the Consumer Protection and Enforcement Division (CPED) and appellant Lkhgvasuren Dulmaa.

This ruling provides information regarding the Expedited Citation Appeal process (Resolution ALJ-377, Rule 6.1). For additional reference, a link to Resolution ALJ-377, Appendix A is provided below.¹ See Rule 6.1 for the rules which apply to this proceeding.

¹ As of this writing, ALJ-377 can be found at [Microsoft Word - ALJ-377 Appendix A Citation Appeal Rules \(ca.gov\)](#).

Parties shall participate virtually through the Commission's WebEx platform. In addition to providing WebEx information, this ruling outlines requirements for exhibits.

Instructions for WebEx Hearing on June 22, 2023 at 11:00 a.m.

All participants including parties and witnesses are asked to log in at least 20 minutes before the start of the hearing. In case of technical difficulties, all participants are requested to send an e-mail to the Administrative Law Judge to advise her of the problem.

Parties and witnesses shall appear virtually on June 22, 2023 at 11:00 a.m. via WebEx by using the following log-in information:

- **Join from the meeting link:**

<https://cpuc.webex.com/cpuc/j.php?MTID=m54838d4011e563f42d878e2e073ef651>

- **Join by meeting number:**

Meeting number (access code): 2492 370 6569

Meeting password: tBmaNQ2SD37

- **Join by phone:**

1-855-282-6330 United States Toll Free

+1-415-655-0002 United States Toll

Access code: 2492 370 6569

Exhibits and Exchange of Documents

Parties must exchange all information they intend to introduce into the record at the hearing, which is not included in the citation and Compliance Filing² as required by Resolution ALJ-377, Rule 9. Because this will be a remote

² The Compliance filing includes a complete copy of the citation and all attachments.

hearing, parties will not be physically present to exchange additional information. Therefore, if either party wishes to present any additional information, that information must be exchanged by e-mail prior to the hearing. This additional information must be e-mailed to the other party and the ALJ no later than 24 hours prior to the hearing. The additional information is not to be filed or served upon the Commission or served to the other party or the assigned Administrative Law Judge.

In an Expedited Citation Appeal hearing, parties represent themselves without lawyers; CPED has the burden of proof by a preponderance of evidence and, because of this will open and close the hearing. Appellant has the burden of proof to show error in the citation or any affirmative defenses he may wish to raise.

At the hearing, parties must be fully prepared to present their case, including documentary evidence and witness testimony if necessary. If a party desires a transcript of the hearing, the party must make a request at the hearing.

By the close of business on June 19, 2023, each party providing exhibits shall:

- Gather documents that support each side's position and provide necessary background information;
- Prepare exhibits by marking them with a short acronym for the sponsoring party, followed by sequential numbering (for example, Dulmaa-1, Dulmaa-2 or CPED-1, CPED-2); and
- Email exhibits to the service list, along with a completed Exhibit List that follows the following format:

Proceeding No. K-23-04-001

Exhibit List

ALJ: Mathews

Exh. No.	Sponsoring Party	Description
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While this appeal is pending, neither party shall engage in an ex parte communication³ with a Commissioner, a Commissioner’s advisor, or the Administrative Law Judge, except for procedural or scheduling purposes.

IT IS SO RULED.

Dated May 25, 2023, at San Francisco, California.

/s/ SUMAN MATHEWS

Suman Mathews

Administrative Law Judge

³ Rule 8.1 of the Commission’s Rules of Practice and Procedure states “Ex parte communication” means a written communication (including a communication by letter or electronic medium) or oral communication (including a communication by telephone or in person) that: 1) concerns any substantive issue in a formal proceeding, 2) takes place between an interested person and a decision-maker, and 3) does not occur in a public hearing, workshop, or other public forum noticed by ruling or order in the proceeding, or on the record of the proceedings.