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APPENDIX - D

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R.24-10-005 Workshop Protocols for GO 95 Proposed Rule Changes

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1. PURPOSE

These workshop protocols address the means and methods for vetting Proposed Rule Changes (PRCs) approved by the Commission for inclusion in publicly noticed all-party workshops and identifying consensus and non-consensus PRCs, Recommendations, and Alternative Proposals to be submitted to the Commission in a Workshop Report.

2. PARTICIPANTS

“Participant” is defined as any representative of a party to this proceeding who participates in one or more scheduled workshop. A party may bring as many representatives to participate in a workshop as necessary. A primary contact or spokesperson for each party should be designated for purposes of notices and document distribution.

3. AGENDAS

An agenda for each workshop will be developed by the Chair or Co-Chairs (with assistance from Participants as needed) starting with the first meeting, and may be updated at the meeting as agreed upon by the Participants. The agenda will specify the date, time, location and host /contact person for the meeting and will list the matters to be addressed.

3.1 To the extent possible, work items requiring the presence of Participants with special qualifications or expertise will be scheduled on the same or consecutive days.

3.2 To the extent possible, PRCs requiring the presence of Participants with special qualifications or expertise will be scheduled for discussion on the same or consecutive days.

3.3 The Participants may agree to defer a work item or PRC if, during discussions it becomes apparent that participants with special qualifications or expertise, not then present, are needed.

3.3 A party represented by a single Participant may request that a work item or PRC of particular interest to them not be addressed on a specific date if they cannot

be present. Such a request should be made to the Chair or Co-Chairs as soon as the party's scheduling constraint becomes known to them, and reasonable efforts will be made to accommodate such requests.

4. DISCUSSION PRINCIPLES

4.1 The discussions will be governed by the following general principles:

4.1.1 Describe the specific proposal. (Specific circumstances at issue in another OII or OIR pending before the Commission will not be considered.)

4.1.2 Identify and understand the Participants' respective points of view, interests and desired outcomes relative to the subject matter.

4.1.3 Obtain (to the extent feasible) information that Participants believe necessary to understand the topic and make an informed decision.

4.1.4 Address all interests insofar as possible.

4.2 During workshops or meetings, opportunities will be allowed for a brief ongoing evaluation of progress and process ("process checks").

5. DECISION MAKING PROCESS

5.1 Consensus will be sought utilizing a "levels of agreement" process:

5.1.1 "Consensus" is defined as no "Level 2" votes.

5.1.2 Levels of agreement scale:

- Level 1 - I support/can live with this recommendation or PRC.
- Level 2 - I do not support/cannot live with this recommendation or PRC.
- Level 3 - I abstain/am neutral.

5.1.3 Each party will state a single Level of agreement, regardless of how many Participants it has brought to the workshop or meeting.

5.1.4 A "straw vote" to ascertain the level of support for, or opposition to a recommendation or PRC may be called for at any time and should be held prior to a final vote.

5.1.5 Tentative working agreements may be reached on parts of a recommendation or complex PRCs.

5.1.6 If no party gives a recommendation or PRC a “Level 2” vote, the item is agreed upon. Otherwise, the item may be:

5.1.6.1 Submitted to a smaller working group to refine outside of the workshop process and then brought back for later consideration; or

5.1.6.2 Assigned as an Alternative Recommendation (AR) or Alternative Proposal (AP) in which one or more parties, individually or in small working groups, return to a later workshop meeting with an alternative to an existing recommendation or PRC;

5.1.7 If an AR or AP does not lead to agreement, the proponent(s) may submit their AR or AP for a vote by Participants. Each AR or AP, together with the voting results and any statements of rationale Participants wish to provide, will be included in the Workshop Report.

5.1.7.1 An AR or AP not voted on by Participants or withdrawn by its proponent(s) will not be included in the Workshop Report.

5.2 Parties are responsible for having an informed Participant at each meeting who has authority to discuss the topics to be addressed, and who will seek management input prior to a final confirmation vote in order to expedite workshop efforts.

5.3 Any party that, without prior notice to the other parties, is absent from a meeting, is deemed to have abstained from the determination of Levels of agreement, and waived the opportunity to challenge or propose an alternative.

5.3.1 This protocol may be waived by agreement of the parties at a subsequent meeting in the event a party’s absence was due to circumstances beyond its control.

5.4 Agreed-upon items will be placed on a confirmation agenda, to be addressed at a subsequent meeting, in order to allow parties time to seek final approval by their respective management, if/when such approval has been stated by parties to be necessary.

5.4.1 Except for the final scheduled workshop(s), any party may remove an item from the confirmation agenda for further consideration, based on their management’s direction.

5.5 Each Participant is responsible keeping their own organization or constituency group(s) informed of the progress of the workshops and to timely seek advice, comments and authorization as required.

5.6 Participation by Proxy

Parties represented by a single Participant may designate another Participant to serve as their proxy for purposes of expressing Levels of agreement, if they are unable to attend a workshop.

To utilize a proxy, the party must satisfy the following:

5.6.1 The party shall notify the Chair or Co-Chairs and other parties by email at least one (1) business day prior to the meeting at which they expect to be absent; and

5.6.2 The party shall provide clear directions to the proxy holder regarding any limitations on the proxy's authority, in the event a work item is modified in the course of discussion; and

5.6.3 The proxy holder must inform the Facilitator (if different from the Chair or Co-Chairs) and Participants of their role at the beginning of the meeting.

6. COMMUNICATIONS

6.1 Participants are allowed to meet or conference among themselves between noticed/scheduled workshops.

6.2 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 official agreements are those explicitly reached via the voting process.

6.3 A Chair or Co-Chair shall be designated to keep the assigned ALJ informed of the dates, times, location and host contacts for upcoming workshops, 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.

7. INFORMATION MANAGEMENT

7.1 A summary will be prepared following each workshop, noting:

7.1.1 Participants;

7.1.2 Key points of discussion;

7.1.3 Consensus, if reached, with supporting rationale and vote tallies (if taken);
and

7.1.4 ARs or APs (if any).

7.2 The meeting summary will be prepared by the Chair, Co-Chair, or designated Participant(s). Meeting summaries will be available as soon as practicable and will be emailed to all Participants. The meeting summary will be reviewed by the Participants. Necessary corrections will be addressed at the next workshop.

7.3 Information will be posted to the SPD website, if necessary.

7.3.1 Participants, and the parties they represent, reserve all rights to preserve the confidentiality of information in their possession, and participation in the workshop shall not be implied or understood to constitute a waiver of such rights.

8. ROLES

8.1 Chairs and/or Co-Chairs are expected to:

8.1.1 Work on behalf of the Participants.

8.1.2 Encourage and facilitate participation.

8.1.3 Remind Participants of the protocols, as necessary.

8.1.4 Suggest strategies to move discussions along, as appropriate.

8.1.5 Perform other supportive activities as agreed upon by the Participants or as directed by the ALJ.

8.2 Participants are to:

8.2.1 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.

8.2.2 Fully and thoughtfully explore the issues before forming conclusions.

8.2.3 Search for creative solutions that best serve the issues and interests that must be addressed.

9. REPORTING

The final product will be a written Workshop Report that documents consensus recommendations and ARs; or consensus PRCs and APs. The Workshop Report will be filed with the Commission or otherwise made a part of the official record as directed by the assigned ALJ.

9.1 If specific instructions regarding the outline and content of the Workshop Report are not included in a Scoping Memo or Decision, previously submitted workshop reports may be used as guides.

9.2 It is recommended that the Participants select a Chair, Co-Chair(s), and a small number of Participants to serve as the Workshop Report committee.

10. ACCESS AND ACCOMMODATIONS

Workshops shall be noticed on the Commission's Daily Calendar and scheduled in locations that comply with the Americans with Disabilities Act.

Reviewed/Approved:

END APPENDIX D