

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-431
Administrative Law Judge Division
March 16, 2023

RESOLUTION

RESOLUTION ALJ-431 Authorizes electronic filing of documents which a person seeks leave to file under seal.

SUMMARY

This resolution authorizes deviation from Rule 1.13(b)(2) of the Commission's Rules of Practice and Procedure to allow documents which a person seeks leave to file under seal to be tendered for filing electronically.

DISCUSSION

Rule 1.13¹ sets forth requirements for tendering documents for filing in formal proceedings at the Commission. Rule 1.13(b)(2) provides: "Electronically tendered documents will not be filed under seal. Documents which a person seeks leave to file under seal (Rule 11.4) must be tendered by hard copy."

Rule 1.13(b)(2) prohibits the electronic filing of documents a person seeks leave to file under seal because at the time the Rule was adopted the Commission did not have the capability to ensure the confidential receipt and storage of such documents through its electronic filing system. The Commission's electronic filing system now has the capability to ensure that documents for which confidential treatment is requested are confidentially received and stored.

Authorizing persons to electronically file documents for which confidential treatment is requested is likely to be more efficient, convenient, and inexpensive than hard copy filing for most filers. Electronic filing will also enable Commission staff to process the

¹ All references to a Rule or Rules are to the Commission's Rules of Practice and Procedure.

claimed confidential filings more efficiently and expeditiously. The Commission intends to modify Rule 1.13(b)(2) when it next undertakes revisions to its Rules. In the meantime, in accordance with Rule 1.2, the Commission authorizes deviation from Rule 1.13(b)(2) to allow documents which a person seeks leave to file under seal pursuant to Rule 11.4 to be electronically tendered for filing using the Electronic Filing System on the Commission's website at <http://www.cpuc.ca.gov/PUC/efiling>.

COMMENTS

The draft resolution was served on persons signed up for the mailing list to receive Notice of Amendments to the Commission's Rules of Practice and Procedure and made available for public review and comment in accordance with Pub. Util. Code § 311(g)(1) and Rule 14.5. No comments were received.

FINDINGS AND CONCLUSIONS

1. Rule 1.13(b)(2) prohibits the electronic filing of documents a person seeks leave to file under seal because at the time the Rule was adopted the Commission did not have the capability to confidentially receive and store such documents through its electronic filing system.
2. The Commission's electronic filing system now has the capability to ensure that documents for which confidential treatment is requested are confidentially received and stored.
3. Allowing the electronic filing of documents sought to be filed under seal is likely to be more efficient, convenient, and inexpensive than hard copy filing for most filers.
4. In accordance with Rule 1.2, the Commission should authorize deviation from Rule 1.13(b)(2) to allow documents which a person seeks leave to file under seal to be electronically tendered for filing.

THEREFORE, IT IS ORDERED that:

1. Deviation from Rule 1.13(b)(2) of the Commission's Rules of Practice and Procedure is authorized to allow documents which a person seeks leave to file under seal to be electronically tendered for filing using the Electronic Filing System on the Commission's website at <http://www.cpuc.ca.gov/PUC/efiling>.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on March 17, 2023, the following Commissioners voting favorably thereon:

/s/ RACHEL PETERSON

Rachel Peterson
Executive Director

ALICE REYNOLDS

President

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners