
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 10, 2026

Agenda ID #24141
Resolution ALJ-485

This is the revised draft resolution of the Administrative Law Judge (ALJ) Division addressing comments on the originally proposed amendments to the Rules of Practice and Procedure and making limited revisions to them. Until and unless the Commission hears the item and votes to approve it, the revised draft resolution has no legal effect. This item may be heard, at the earliest, at the Commission's May 14, 2026, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

This notice of revisions to the originally proposed rule amendments starts the 15-day notice and comment period pursuant to Government Code § 11346.8(c), which closes at 5:00 p.m. on April 27, 2026. Any person may submit written comments concerning the revisions to the originally proposed rule amendments to ALJ Zita Kline by email to Zita.Kline@cpuc.ca.gov or by post at California Public Utilities Commission, 505 Van Ness Ave., San Francisco, CA 94102.

/s/ MICHELLE COOKE

Michelle Cooke
Chief Administrative Law Judge
MLC: sgu

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-485
Administrative Law Judge Division
DATE

RESOLUTION

RESOLUTION ALJ-485 Approves modifications to the Rules of Practice and Procedure (Title 20, Division 1, of the California Code of Regulations)

SUMMARY

This resolution approves modifications to the Commission's Rules of Practice and Procedure (Title 20, Division 1, of the California Code of Regulations) as set forth in Appendix A. The modifications implement statutory amendments, conform to current Commission practice, streamline procedures, promote transparency and accessibility, and provide greater clarity as specifically discussed below.

Pursuant to Public Utilities Code Section 311(h),¹ these modifications shall be submitted to the Office of Administrative Law for review and publication in the California Code of Regulations, and for transmittal to the Secretary of State.

DISCUSSION

The modifications below are intended to update the Rules of Practice and Procedure to reflect statutory changes, conform to current Commission General Orders and practice, and to make various technical changes. The modifications are explained below in numerical order.

1. Scope of Filing (Rule 1.7(b))

¹ All subsequent section references are to the Public Utilities Code, unless otherwise specified.

Pursuant to Rule 1.7(b), prepared testimony shall not be filed or tendered to the Docket Office. Rather, prepared testimony is served on the service list and the Administrative Law Judge (ALJ), and the admission of the prepared testimony is addressed during evidentiary hearings or by written motion.

Prepared testimony may be offered in evidence as an exhibit. (Rule 13.8.) Prepared testimony may include additional exhibits and other exhibits may also be offered in evidence. (Rules 13.7 and 13.8.) There is no basis to treat other evidentiary exhibits differently than prepared testimony. The modification to Rule 1.7(b) clarifies that all evidentiary exhibits shall not be filed or tendered to the Docket Office.

2. Electronic Mail Service (Rule 1.10)

Current Rule 1.10(b) requires service of documents on persons who appear in the “State Service” category of the official service list who have not provided an e-mail address for the official service list. The modification to Rule 1.10(b) deletes the reference to the “State Service” category since this category is no longer used by the Commission.

Current Rule 1.10(d) requires service of a paper copy of all documents served by e-mail to the assigned ALJ, unless the ALJ orders otherwise. It is currently common practice for ALJs to waive this requirement. Therefore, the modification to Rule 1.10 would delete Rule 1.10(d) and renumber the subsequent subsections of the rule.

By providing an e-mail address for the official service list in a proceeding, a person consents to e-mail service of documents in the proceeding. (Rule 1.10(a).) The Commission may serve documents in a proceeding by e-mail service. (Rule 1.10(e).) The modification to current Rule 1.10(e) clarifies that it is the responsibility of each person on the service list to ensure his or her ability to receive e-mails from the Commission. This may require updating e-mail screening practices, settings, and filters.

Based on comments on the originally proposed modifications to the rule, the Commission also modifies subsection (c) of the rule to increase the size limit of a single e-mail message and attachments that may be served to 10 megabytes (MB).

3. Tendering of Document for Filing (Rule 1.13(b)(2))

Current Rule 1.13(b)(2) prohibits the electronic filing of documents a person seeks leave to file under seal. At the time Rule 1.13(b)(2) 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.

In Resolution ALJ-431 issued on March 17, 2023, recognizing that electronic filing of documents is likely to be more efficient, convenient, and inexpensive for most filers, the Commission authorized a deviation from Rule 1.13(b)(2) to allow documents which a person seeks leave to file under seal to be tendered for filing electronically. The modifications to Rule 1.13(b)(2) reflect this change.

4. Computation of Time (Rule 1.15)

The modification to Rule 1.15 conforms the title to the text of the rule and clarifies that the rule applies to the computation of the time limit for performance of an act.

5. Filing Fees (Rule 1.16) and Table of Filing Fees

Rule 1.16 provides that a table of filings fees required by the Public Utilities Code are set forth in the Table of Filing Fees at the end of the Rules and describes how those fees shall be tendered. The requirements for tendering payment are modified to reflect current practice. The Table of Filing Fees also includes filing fees required by Commission decisions. Rule 1.16 is modified to make this clarification. Rule 1.16 is also modified to delete references to statutes that are now repealed.

The Table of Filing Fees is modified to:

- (a) reflect current statutory and Commission-imposed fees for filing an application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, as set forth in Section 1904(a) and Resolution ALJ-464;²

² Section 1904(a) establishes a fee of \$500 effective as of January 1, 2016 and authorizes the Commission to adjust this fee based on the Consumer Price Index. In Resolution ALJ-464, the Commission determined that this fee should be adjusted annually based on the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) with the new fee to be posted on the Commission's website by July 15 of each year and effective on August 1 of each year. Filing fees are posted on the Commission's "Practitioner's Page" website at <https://www.cpuc.ca.gov/about-cpuc/divisions/administrative-law-judge/practitioners-page>.

- (b) reflect current statutory fees in Section 5373.1 relating to applications by charter-party carriers of passengers;
- (c) delete the fees for applications by private carriers of passengers pursuant to Section 4006 and household goods carriers pursuant to Section 5136 as these statutes were repealed by Senate Bill 19 (Stats. 2017, ch. 421);
- (d) reflect current statutory fees and Commission-imposed fees for filing telephone corporation registration applications;³ and
- (e) spell out acronyms and improve clarity.

6. Organization and Qualification to Transact Business (Rule 2.2)

Rule 2.2 requires all applicants other than natural persons to submit with their applications a copy of the entity's organizing documents and evidence of the applicant's qualification to transact business in California. Corporations Code Section 171 defines a "foreign corporation." Pursuant to Corporations Code Section 2105, a foreign corporation must obtain from the California Secretary of State a certificate of qualification in order to transact intrastate business. Pursuant to Corporations Code Section 191(b), a foreign corporation shall not be considered to be transacting intrastate business merely because its subsidiary transacts intrastate business, and therefore, a foreign corporation meeting this criterion need not obtain a certificate of qualification.

Consistent with Section 191(b), the Commission has on many occasions exempted applicants, who control or seek to control entities that transact business in California but do not themselves transact any business in California, from the requirement in Rule 2.2 to provide evidence of the applicant's qualification to transact business in California.⁴ The modifications to Rule 2.2 include this exemption in the rule itself and add Corporation Code Sections 171, 191, and 2105 as references. In addition, the reference to Corporations Code Section 15010.5 is deleted since the statute has been repealed.

7. California Environmental Quality Act Compliance (Rule 2.4)

⁴ See, e.g., Decision (D.) 08-05-008 at 5; D.06-10-037 at 4-5; D.01-12-029 at 5.

Rule 2.4 sets forth requirements for applications seeking authority to undertake any projects that are subject to the California Environmental Quality Act of 1970, Public Resources Code Sections 21000 et seq. (CEQA). If the proposed project is an energy infrastructure project, Rule 2.4(b) requires the applicant to prepare a Proponent's Environmental Assessment (PEA) in accordance with the Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-Filing and Proponent's Environmental Assessments (Version 1.0, November 2019) (2019 Guidelines).

Assembly Bill 551 (Stats. 2024) adopted Section 1002.4, which authorizes the Commission to adopt successor guidelines to the 2019 Guidelines via resolution. Section 1002.4(b) provides that to the extent there is a conflict or inconsistency between a Commission Rule of Practice and Procedure and any guidelines adopted pursuant to Section 1002.4, the latter shall prevail. The modification to Rule 2.4(b) requires the PEA for energy infrastructure projects to comply with any successor guidelines the Commission may adopt pursuant to Section 1002.4 and adds Section 1002.4 as a reference in the note to the rule.

New Rule 2.4(c) is added to address the process by which an applicant may submit an alternative to the PEA consistent with the process set forth in Commission General Order 131-E. Current Rule 2.4(c) is renumbered as Rule 2.4(d).

In response to comments on the originally proposed new Rule 2.4(c), we modify the rule to permit Energy Division staff to authorize a shorter period for pre-filing consultation, consistent with the process set forth in General Order 131-E.⁵

8. Complaints by Mobilehome Park Tenants (Rule 4.1(a))

Pursuant to Section 739.5(a), the Commission must require that rates for gas or electrical service, or both, provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, comply with the requirements of that statute. The California Court of Appeal has upheld the Commission's jurisdiction to hear complaints against a master-meter customer alleging a violation of Section 739.5.⁶

Current Rule 4.1 sets forth who may file complaints before the Commission but does not include that tenants of a mobilehome park, apartment building, or similar

⁵ D.25-01-055, p. 36; General Order 131-E, §§ VI, VI.B, VII.A.1.c, VII.B.1.c, VII.C.1.

⁶ *Hillsboro Properties v. Public Utilities Com.* (2003) 108 Cal.App.4th 246.

residential complex may file a complaint against a master-meter customer providing gas or electrical service, pursuant to Section 739.5. The modification to Rule 4.1 specifies that tenants of a mobilehome park, apartment building, or similar residential complex may file such complaints and adds Section 739.5 as a reference.

9. Petition for Rulemaking (Rule 6.3)

Rule 6.3(b) provides that unverified factual assertions set forth in a petition for rulemaking will be given only the weight of argument. However, Rule 6.3(b) also states that factual assertions in the petition must be verified. Since the rule requires factual assertions to be verified, Rule 6.3(b) is modified to delete the sentence referencing unverified factual assertions.

Rule 6.3(d) provides that responses to a petition must be filed and served on all persons who were served with the petition within 30 days of the date the petition was served, unless the ALJ sets a different date. In order to ensure the public and all interested persons are provided with notice of the petition at least 30 days prior to the due date for responses, similar to responses to an application (Rule 2.6(a)), the modification to Rule 6.3(d) requires responses to a petition for rulemaking to be filed within 30 days of the date notice of the petition first appears in the Commission's Daily Calendar.

10. Definitions for Article 8 (Rule 8.1(b))

Rule 8.1(b) sets forth a definition of "ex parte communication." "Ex parte communication" is also defined in Section 1701.1(e)(1)(A) to mean:

any oral or written communication between a decisionmaker and an interested person concerning any matter before the commission that the commission has not specified in its Rules of Practice and Procedure as being a procedural matter and that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter.

Consistent with the statute, the modification to Rule 8.1(b) clarifies that communication that occurs during a public hearing before the California Legislature is not defined as an ex parte communication.

11. Ex Parte Requirements (Rule 8.2)

Current Rule 8.2(c)(4) provides that no oral or written ex parte communications may occur in a ratesetting or catastrophic wildfire proceeding during any "quiet period"

established pursuant to Sections 1701.3(h)(6)(A) or 1701.3(h)(6)(D). The current rule reflects the requirements of former Section 1701.3(h)(6), which have been superseded by recent amendments to Sections 1701.3 and 1701.9 enacted by Assembly Bill 1068 (Stats. 2023).

The modification to Rule 8.2(c)(4) deletes language that reflects superseded statutory requirements and adds language to reflect the current statutory requirements under Section 1701.9, which require the Commission to establish a “quiet period” during the three business days before the Commission’s scheduled vote on a decision in a ratesetting or catastrophic wildfire proceeding during which oral or written ex parte communications shall not be permitted with specified exceptions.⁷

Rule 8.2 sets forth differing ex parte requirements depending on the categorization of the proceeding as quasi-legislative, adjudicatory, ratesetting, or catastrophic wildfire. The Commission awards compensation to intervenors who participate in Commission proceedings and meet the requirements set forth in Section 1801 et seq. Generally, claims for intervenor compensation are filed in the underlying Commission proceeding in which the intervenor participated, which may be categorized as quasi-legislative, adjudicatory, ratesetting, or catastrophic wildfire.

There is no reason why the ex parte requirements applicable to pending intervenor compensation claims should vary depending on the categorization of the underlying proceeding. The intervenor compensation awards are funded by ratepayers and can include awards of several million dollars.⁸ Of the different proceeding categories, intervenor compensation claims are most analogous to ratesetting proceedings.

Therefore, the modification to Rule 8.2(c) applies the same ex parte rules that apply to ratesetting and catastrophic wildfire proceedings to pending intervenor compensation claims. The modification to Rule 8.2(d) specifies that the assigned Commissioner may restrict or prohibit ex parte communications on a pending intervenor compensation claim, similar to in other proceedings. Section 1801 et seq. is also added as a reference in the note to the rule.

Section 1701.8, which defines catastrophic wildfire proceedings, is also added as a reference in the note to Rule 8.2.

⁷ See also, Pub. Util. Code § 1701.3(h)(2) and (4).

⁸ See, e.g., D.24-10-026.

12. Motions for Reassignment or Disqualification (Rules 9.3(b), 9.4(b), and 9.5(b))

Rules 9.3(b), 9.4(b), and 9.5(b) provide that motions for reassignment and disqualification made pursuant to those rules shall be filed and served as provided in Rule 9.2(a). Rule 9.2(a) addresses motions for reassignment on peremptory challenge. In addition to specifying who shall be served with the motion, Rule 9.2(a) requires a declaration and specifies the form of the declaration. A declaration is also required under Rules 9.3(b), 9.4(b), and 9.5(b) but not with the same form specified under Rule 9.2(a). In order to clarify that the declaration under Rule 9.2(a) is not required for motions made under the other rules, the modifications to Rules 9.3(b), 9.4(b), and 9.5(b) remove the reference to Rule 9.2(a) and instead specify the persons to be served.

13. Statements of Confidentiality (Rule 11.4(c))

Article 1, Section 3 of the California Constitution grants the people “the right of access to information concerning the conduct of the people’s business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Government Code Section 7290 et. seq. governs the procedures for making an agency’s public records available. However, certain agency records are exempt from public disclosure pursuant to provisions of the Government Code, such as Sections 7925.005 and 7927.605. According to Government Code Section 7922.000, an agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of Division 10 of the Government Code, or that on the facts of a particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Rules 11.4(a) and 11.4(b) provide the process by which a party may move for leave to file documents under seal and by which those motions may be opposed. The Commission has determined that certain documents are presumptively entitled to confidential treatment.⁹ Proposed new Rule 11.4(c) provides for the filing of a statement of confidentiality in lieu of the motion required by Rule 11.4(a). Proposed new Rule 11.4(c)(2) clarifies that statements of confidentiality in lieu of motion are only authorized when the Commission has previously issued a decision identifying the subject documents as presumptively confidential.

Based on comments on the originally proposed rule, new Rule 11.4(c) is revised to:
(1) clarify that the statement of confidentiality may be filed only in proceedings

⁹ See, e.g., D.24-11-003.

delegated to Commission examiner review, and (2) provide parties with an opportunity to challenge the confidentiality designation. Minor changes to the example Statement of Confidentiality are included to make the form generic to all types of applications proceedings delegated for review to a Commission examiner.

14. Exhibits (Rule 13.7)

Rule 13.7 provides that the top sheet of an exhibit must have a blank space to accommodate the Commission's exhibit stamp. Consistent with Commission practice, the modification to Rule 13.7 clarifies that the blank space should be in the upper right-hand corner of the top sheet of an exhibit.

Based on comments on the originally proposed rule, the Commission also modifies Rule 13.7 to allow exhibits served concurrently with a new application to be uploaded as "supporting documents" using the Commission's e-filing system within a reasonable time once a proceeding number is assigned to address current technological constraints in the Commission's e-filing system.

15. Prepared Testimony (Rule 13.8(c))

Current Rule 13.8(c) provides that prepared testimony and accompanying exhibits may be offered and received into evidence without direct or cross examination absent objection by any party. The modification to Rule 13.8(c) clarifies that a motion offering prepared testimony and accompanying exhibits into evidence without direct or cross examination must include a declaration by the sponsoring witness similar to that required by Rule 13.7(e) for other evidentiary exhibits.

16. Comments on Proposed or Alternate Decision (Rule 14.3(b))

Rule 14.3 addresses comments on proposed or alternate decisions. Rule 14.3(b) provides that comments shall include an appendix setting forth proposed findings of fact and conclusions of law and that the appendix does not count against the page limit. The modification to Rule 14.3 clarifies that the appendix is limited to setting forth proposed findings of fact and conclusions of law.

Based on comments on the originally proposed modification, Rule 14.3 is modified to permit the appendix to also include proposed changes to ordering paragraphs.

17. Comment on Draft or Alternate Draft Resolution (Rule 14.5)

Rule 14.5 states that comments on a draft or alternate draft resolution should be made in accordance with the instructions accompanying the notice. In practice, these instructions are included with the draft or alternate draft resolution and there is no separate notice. Therefore, Rule 14.5 is modified to clarify that the comments should be made in accordance with the instructions accompanying the draft or alternate draft resolution.

There are currently no page limits for comments on a draft or alternate draft resolution. In contrast, Rule 14.3(b) provides that comments on a proposed or alternate decision shall be limited to 15 pages in length, except for comments in general rate cases, which shall not exceed 25 pages. Page limits encourage commenters to focus their comments and will enable more efficient and timely Commission review of the comments. Therefore, similar to the page limit for comments on a proposed or alternate decision, Rule 14.5 is modified to impose a 15-page limit for comments on a draft or alternate draft resolution.

18. Reduction or Waiver of Review (Rule 14.6(c)(4))

With specified exceptions, Section 311 requires a 30-day public review and comment period prior to a Commission vote on a decision. Pursuant to Section 311(g)(3), “Consistent with regulatory efficiency and the need for adequate prior notice and comment on commission decisions, the commission may adopt rules, after notice and comment, establishing additional categories of decisions subject to waiver or reduction of the time period in this section.”

Current Rule 14.6(c)(4) provides that the Commission may reduce or waive the period for public review and comment on draft resolutions and proposed decisions, and may reduce but not waive the period for public review and comment on alternate draft resolutions and alternate proposed decisions, for a decision extending the deadline for resolving adjudicatory proceedings (Section 1701.2(i)) or for resolving the issues raised in the scoping memo in a ratesetting or quasi-legislative proceeding (Section 1701.5). Similar to decisions extending deadlines for resolving issues in adjudicatory, ratesetting, or quasi-legislative proceedings, the proposed modification to Rule 14.6(c)(4) would permit the Commission to reduce or waive the period for public review and comment on a decision extending the deadline set forth in Section 8386.4(b)(2) for issuing a proposed decision in proceedings addressing an electrical

corporation's application for recovery of the cost of implementing its wildfire mitigation plan.

19. Decision in Adjudicatory Proceeding (Rule 15.5(b))

Rule 15.5(b) sets forth the procedure for the Commission to consider and vote on a decision in an adjudicatory proceeding. Rule 15.5(b) requires a vote on an appeal or request for review to be accompanied by an explanation of the Commission's decision. However, the explanation of the Commission's decision is set forth in the decision itself, and there is no apparent need for an additional explanation accompanying the decision. Section 1701.2(e) requires a decision different from that of the presiding officer to be accompanied by a written explanation of each of the changes made to the decision, which is already reflected in Rule 15.5(b), but does not impose such a requirement in the absence of a decision different. Therefore, the modification to Rule 15.5(b) deletes the requirement that the vote on an appeal or request for review be accompanied by an explanation of the Commission's decision.

20. Application for Rehearing (Rule 16.1(a))

Rule 16.1(a) sets forth deadlines for the filing of an application for rehearing of a Commission order or decision. The deadlines in Rule 16.1(a) reflect the statutory deadlines set forth in Section 1731. With specified exceptions, an application for rehearing is due within 30 days after the date the Commission mails the order or decision. The modifications to Rule 16.1(a) conform the rule to recent statutory amendments to Section 1731, subds. (d) and (e), which set forth a 10-day deadline for specified matters.

21. Petition for Modification (Rule 16.4(f))

Rule 16.4 sets forth the procedure for a person to file a petition for modification requesting the Commission to make changes to an issued decision. Rule 16.4(e) provides that if the petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier. The modification to Rule 16.4(f) imposes a similar requirement on persons who file responses to a petition for a modification.

22. Request for Award (Rule 17.3)

Pursuant to Section 1801 *et seq.*, the Commission's Intervenor Compensation Program provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers and eligible local government entities for participation or intervention that leads to a substantial contribution in any proceeding of the Commission. Section 1804(c) provides that a request for an award may be filed within 60 days following the issuance of a final order or decision by the Commission in the hearing or proceeding. Consistent with Section 1804(c), Rule 17.3 states: "[a] request for an award of compensation may be filed after the issuance of a decision that resolves an issue on which the intervenor believes it made a substantial contribution, but in no event later than 60 days after the issuance of the decision closing the proceeding."

In addition to awarding compensation for substantial contribution to a decision, the Commission also awards compensation for substantial contribution to Commission resolutions.¹⁰ Rule 17.3 is modified to clarify that the 60-day deadline also applies to requests for an award related to Commission resolutions.

23. Statement of Confidentiality Form (Rule 18.1)

Rule 18.1 provides sample forms for applications, complaints, answers, and certificates of service. The addition to Rule 18.1 provides a sample form for the Statement of Confidentiality authorized by Rule 11.4(c). Based on comments on the originally proposed modifications, revisions to the form were made to make it more generic to all delegated application types.

24. Correction of References and Typographical and Semantical Errors

We modify Rules 3.7(c), 5.1, 6.2, 6.3(c), 9.2, 9.3, and 16.1(b) to correct references or typographical and semantical errors.

NOTICE OF PROPOSED MODIFICATIONS

Notice of these modifications, and comment on them, are governed by Government Code §§ 11346.4 and 11351, and California Code of Regulations, Title 1, §§ 1-120. Notice of these modifications as originally proposed was published in the California Regulatory Notice Register on October 10, 2025. In addition, on October 10, 2025, the draft resolution containing the proposed modifications was electronically mailed to all

¹⁰ See, e.g., D.23-08-039; D.23-05-032; D.22-08-022.

persons on the service list maintained by the Commission for this purpose.

On April 10, 2026 the revised draft resolution addressing the comments and containing modifications to the originally proposed revisions was electronically mailed to the same service list.

COMMENTS

Comments on the originally proposed modifications were received on November 5, 2025 from: the Association of Bay Area Governments for the Bay Area Regional Energy Network program, the County of Ventura for the Tri-County Regional Energy Network program, and San Diego Community Power for the San Diego Regional Energy Network program (collectively, Joint RENs); and on November 24, 2025 from: California Water Association (CWA); Pacific Gas and Electric Company (PG&E); Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E); and San Diego Community Power and Clean Energy Alliance (collectively, SD CCAs).

1. Joint RENs

The Joint RENs recommend Rule 2.2 be revised to exempt public entities and California Native American tribes from the requirement to submit a copy of the entity's organizing documents and evidence of qualification to transact business in California when submitting an application to the Commission. We decline to adopt this modification because it is unnecessary. Rule 2.2 does not require an entity that is not a business, such as a public entity or California Native American tribe, to submit evidence of its qualification to transact business in California.

2. CWA

CWA recommends Rule 1.10(c) be modified to increase the limit on the size of a single e-mail message and attachments that may be served from 3.5 MB to 10 MB. CWA contends its proposed size limit reflects reasonable technological capabilities for e-mail attachments today. We find this recommendation to be reasonable and technologically feasible, and therefore, adopt it.

CWA recommends Rule 1.13(b)(1)(ii)¹¹ be revised to permit filings under seal that exceed the 1.5 gigabyte limitation for electronic submissions to be filed by hard copy or on archival DVD. We find this proposed revision to be unnecessary and decline to adopt it. All filings that exceed the size limitation, whether filed under seal or not, must be filed by hard copy.

CWA recommends Rules 3.2(c) and 13.1(b) be revised to update the methods for providing notice of proposed rate increases and public participation hearings. These recommendations are beyond the scope of the originally proposed revisions to the Rules of Practice and Procedure, and therefore, we do not address them here.

CWA recommends Rule 13.7(f) be revised to permit prepared testimony served concurrently with a new application to be uploaded to the Commission's supporting documents e-filing system within a reasonable time once a proceeding number is assigned. Rule 13.7(f) currently requires prepared testimony to be uploaded as supporting documents on the same day it is served. CWA notes that it is not always possible for prepared testimony included with a new application to be uploaded on the same day it is served because a formal docket number is required and it may take the docket office a few days to accept the application and assign a docket number. CWA is correct that testimony may not be uploaded to supporting documents without a docket number and that a docket number may not be assigned immediately. We find reasonable and adopt CWA's recommended modification to address this issue.

CWA recommends the following revisions to Rule 13.8(c): (1) require the declaration to state that the prepared testimony is true and correct to the best of such person's knowledge (rather than just declaring it is true and correct), and (2) not require a declaration if such a declaration was previously included as an attachment to the prepared testimony.

We find the first proposed revision to Rule 13.8(c) to be unnecessary and decline to adopt it. The language in the originally proposed rule is consistent with the language in Rule 13.7 and court-required declarations.

We adopt CWA's second proposed revision to Rule 13.8(c). We agree that if the declaration is attached to the prepared testimony, there is no need to require the party to include it again when making a motion offering testimony into evidence.

¹¹ CWA refers to Rule 1.13(b)(2)(ii) but the language CWA cites is from Rule 1.13(b)(1)(ii).

3. PG&E

PG&E notes that the proposed addition of new Rule 2.4(c) appears intended to conform Rule 2.4 with General Order 131-E, which the Commission recently adopted in D.25-01-055. In order to be consistent with General Order 131-E and broad party support for flexibility, PG&E recommends modifications to the proposed rule to specify that Energy Division staff may authorize a shorter period in writing for the pre-filing consultation. PG&E is correct that the intent of proposed new Rule 2.4(c) is to conform the rule to General Order 131-E. We adopt PG&E's proposed addition, as it is consistent with General Order 131-E. In addition, consistent with General Order 131-E, we revise the proposed rule to clarify that it applies to proposed energy infrastructure projects and to make other non-substantive clarifying edits.

PG&E generally supports the proposed modification to Rule 14.3(b), which clarifies that an appendix to comments on a proposed or alternate decision is limited to setting forth proposed findings of fact and conclusions of law. PG&E recommends the Commission modify Rule 14.3(b) to also permit proposed changes to ordering paragraphs. We adopt PG&E's recommendation. This revision will aid decisionmakers' understanding of the specific changes the commenter is requesting and we see no reason to treat proposed ordering paragraphs differently than proposed findings of fact and conclusions of law.

4. SoCalGas and SDG&E

SoCalGas and SDG&E support inclusion in the Commission's Rules of statutory revisions to the Commission's ex parte requirements. SoCalGas and SDG&E recommend proposed Rule 8.2(c)(4) be revised to include the detailed provisions of Section 1701.9. We find the proposed revision to be unnecessary and decline to adopt it. The text of Section 1701.9 is readily available and it is unnecessary to duplicate what is set forth in the statute.

SoCalGas and SDG&E recommend Rule 14.3(b) be modified to permit an appendix to comments on a proposed or alternate decision to also set forth recommended changes to the ordering paragraphs and discussion sections. We adopt the proposed revision as to the ordering paragraphs for the reasons stated above in response to PG&E's comments. We decline to adopt the proposed revision as to the discussion sections because the proposed revision is overly broad and would render meaningless the page limit for comments set forth in the rule.

5. SD CCAs

The SD CCAs recommend the Commission revise proposed Rule 11.4(c) to: (1) define “presumptively confidential information” to ensure complete clarity on the types of information eligible for protection under a statement of confidentiality, and (2) clarify the process by which parties may respond to or challenge statements of confidentiality.

We decline to adopt SD CCAs’ proposed language for its first recommendation. However, in response to SD CCAs’ questions regarding the applicability of the new rule, we clarify that the intent of new Rule 11.4(c) is to streamline and make more efficient the procedure for handling confidential filings in applications delegated to a Commission examiner for review.¹² These applications generally involve a simplified registration or certification process, are uncontested, and do not have an administrative law judge assigned. Currently, if a motion for confidential treatment is filed in such an application, an administrative law judge must be assigned to rule on the motion. We do not find the assignment of an administrative law judge to be warranted solely to rule on a confidentiality motion, where the subject of the motion is information the Commission has presumptively designated as confidential. The statement of confidentiality in lieu of the motion to file under seal will enable staff to continue processing the application, with the Commission making a final determination as to confidentiality in the decision addressing the application. We revise new Rule 11.4(c) to clarify that it applies only to applications delegated to a Commission examiner for review. We do not find it necessary to create an additional process for other applications, since there is already an administrative law judge assigned to these proceedings who may rule on a motion to file under seal.

We adopt the SD CCAs’ second recommendation. Since the information is only presumptively confidential, parties should have an opportunity to challenge the confidentiality designation.

IT IS RESOLVED that:

1. The modifications to the Rules of Practice and Procedure, as shown in the attached Appendix A, are adopted.
2. The Chief Administrative Law Judge shall take all appropriate steps to submit the newly adopted rules to the Office of Administrative Law pursuant to Public Utilities

¹² See, e.g., D.15-05-029 (delegating passenger stage corporation certificate applications); D.97-06-107, as modified by D.97-08-050, D.97-09-035, D.10-09-017, D.11-09-026, D.14-11-004, and D.24-11-003 (delegating Section 1013 telephone company registrations).

Code Section 311(h) for purposes of approval and printing them in the California Code of Regulations, thereby giving them effect.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on _____, the following Commissioners approving it:

APPENDIX A

PROPOSED MODIFICATIONS TO RULES OF PRACTICE AND PROCEDURE

The originally proposed insertions and deletions to the current Rules of Practice and Procedure are shown in underline and ~~strikethrough~~, respectively. The revised insertions and deletions are shown in double underline and ~~double strikethrough~~, respectively. (Double underline and double strikethrough supersede any co-existing single underline or single strikethrough, i.e., ~~single underline/double strikethrough~~ indicates that the originally proposed insertion is now deleted, and double underline/single strikethrough indicates that the originally proposed deletion is now re-inserted.)

1.7. (Rule 1.7) Scope of Filing.

(a) Separate documents must be used to address unrelated subjects or to ask the Commission or the Administrative Law Judge to take essentially different types of action (e.g., a document entitled "Complaint and Motion to File Under Seal" would be improper; two separate documents must be used for the complaint and for the motion). Motions that seek leave to file another document (e.g., to accept a later filing or to file a document under seal) shall be tendered concurrently and separately with the document that is the subject of the motion.

(b) Except as otherwise required or permitted by these Rules or the Commission's decisions, general orders, or resolutions, prepared testimony and other evidentiary exhibits shall not be filed or tendered to the Docket Office. If prepared testimony or other evidentiary exhibit is issued in support of a filing at the time the filing is made, it shall be served (i) on the service list together with the filing, and (ii) on the Administrative Law Judge or, if none is yet assigned, on the Chief Administrative Law Judge.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 1701, Public Utilities Code.

1.10. (Rule 1.10) Electronic Mail Service.

(a) By providing an electronic mail (e-mail) address for the official service list in a proceeding, a person consents to e-mail service of documents in the proceeding, and may use e-mail to serve documents on persons who have provided an e-mail address for the official service list in the proceeding.

(b) Documents served by e-mail need not be otherwise served on persons who appear in the "Information Only" category of the official service list and have not provided an e-mail address for the official service list. Nothing in this rule excuses persons from serving copies of documents on persons who appear in the "Parties" and "~~State Service~~" categories of the official service list and have not provided an e-mail address for the official service list.

(c) E-mail service shall be made by sending the document, a link to the filed version of the document, or the Notice of Availability (see Rule 1.9(c)), as an attachment to an e-mail message to all e-mail addresses shown on the official service list on the date of service. Documents must be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. The subject line of the e-mail message must include in the following order

(1) the docket number of the proceeding, (2) a brief name of the proceeding, and (3) a brief identification of the document to be served, including the name of the serving person. The text of the e-mail message must identify the electronic format of the document (e.g., PDF, Excel), whether the e-mail message is one of multiple e-mail messages transmitting the document or documents to be served and, if so, how many e-mails, and the name, telephone number, e-mail address, and facsimile transmission number of the person to whom problems with receipt of the document to be served should be directed. The total size of a single e-mail message and all documents attached to it may not exceed ~~3.5~~10 megabytes.

~~(d) In addition to any other requirements of this rule, the serving person must provide a paper copy of all documents served by e-mail service to the assigned Administrative Law Judge (or, if none is yet assigned, to the Chief Administrative Law Judge), unless the Administrative Law Judge orders otherwise.~~

~~(ed)~~ The Commission may serve any document in a proceeding by e-mail service, and/or by making it available at a particular URL, unless doing so would be contrary to state or federal law. It is the responsibility of each person on the service list who has consented to e-mail service in the proceeding to ensure his or her ability to receive e-mails from the Commission.

~~(fe)~~ Nothing in this rule alters any of the rules governing filing of documents with the Commission.

~~(gf)~~ The assigned Commissioner or Administrative Law Judge may issue any order consistent with these rules to govern e-mail service in a particular proceeding.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 311.5, Public Utilities Code; and Section 11104.5, Government Code.

1.13. (Rule 1.13) Tendering of Document for Filing.

Documents may be tendered for filing in hard copy or electronically, as follows, except that a utility whose gross intrastate revenues, as reported in the utility's most recent annual report to the Commission, exceed \$10 million shall electronically file all documents unless otherwise prohibited or excused by these rules:

(a) Hard copy:

(1) Documents must be tendered for filing at the Commission's Docket Office at the State Building, 505 Van Ness Avenue, San Francisco, California 94102. All documents tendered by mail must be addressed to the Commission's Docket Office in San Francisco.

(2) Except for Proponent's Environmental Assessments (see Rule 2.4(b)) and complaints (see Article 4), an original and six exact copies of the document (including any attachments but not including the transmittal letter, if any) shall be tendered. After assignment of the proceeding to an Administrative Law Judge, an original and three copies of the document shall be tendered.

In lieu of the original, one additional copy of the document may be tendered. If a copy is tendered instead of the original, the person tendering the document must retain the original, and produce it at the Administrative Law Judge's request, until the Commission's final decision in the proceeding is no longer subject to judicial review.

(b) Electronic:

(1) Documents must be transmitted to the Docket Office using the Electronic Filing System on the Commission's website at <http://www.cpuc.ca.gov/PUC/efiling>.

(i) Documents must be transmitted in PDF Archive format (PDF/A). This PDF document must be searchable unless creation of a searchable document is infeasible.

(ii) A single transmission may not exceed 1.5 gigabytes in size. Documents tendered in a transmission that exceeds this limit shall not be filed electronically.

(iii) The certificate of service must be transmitted with the document as a separate attachment.

(2) Electronically tendered documents may ~~be 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. However, redacted versions of such documents may be electronically tendered for filing.~~

(3) A Notice of Acknowledgment of Receipt of the document is immediately available to the person tendering the document confirming the date and time of receipt of the document by the Docket Office for review. In the absence of a Notice of Acknowledgment of Receipt, it is the responsibility of the person tendering the document to obtain confirmation that the Docket Office received it.

(4) The Docket Office shall deem the electronic filing system to be subject to a technical failure on a given day if it is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day shall be deemed filed that day if they are filed the next day the system is able to accept filings.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 1701, Public Utilities Code.

1.15. (Rule 1.15) Computation of Time for Performance of an Act.

When a statute or Commission decision, rule, order, or ruling sets a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day falls on a Saturday, Sunday, holiday or other day when the Commission offices are closed, the time limit is extended to include the first day thereafter. If an act occurs after 5:00 p.m., it is deemed as having been performed on the next day.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 12, Code of Civil Procedure.

1.16. (Rule 1.16) Filing Fees.

Filing fees required by the Public Utilities Code and Commission order are set forth in the Table of Filing Fees at the end of the Rules. If the fee in the table conflicts with the fee stated in the appropriate statute, the statute prevails.

Filing fees shall be due at the time documents are filed utilizing the method prescribed at the time of filing. ~~for documents tendered by hard copy shall be paid by check, money order or credit card. Filing fees for documents tendered electronically shall be paid by credit card.~~

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Sections 1001, 1007, 1008, 1036, 1904, ~~2754, 2756,~~ 3902, ~~4006, 5136,~~ 5371.1, 5373.1 and 5377.1, Public Utilities Code.

2.2. (Rule 2.2) Organization and Qualification to Transact Business.

All applicants other than natural persons shall submit with their applications a copy of the entity's organizing documents and evidence

of the applicant's qualification to transact business in California. If current documentation has previously been filed with the Commission, the application need only make specific reference to such filing. An applicant that is a foreign corporation that does not transact business in California, as defined in Corporations Code Section 191, need not submit evidence of the applicant's qualification to transact business in California.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 167, 171, 191 and 2105-15010.5, Corporations Code.

2.4. (Rule 2.4) CEQA Compliance.

(a) Applications for authority to undertake any projects that are subject to the California Environmental Quality Act of 1970, Public Resources Code Sections 21000 et seq. (CEQA) and the guidelines for implementation of CEQA, California Code of Regulations, Title 14, Sections 15000 et seq., shall be consistent with these codes and this rule.

(b) Any application for authority to undertake a project that is not statutorily or categorically exempt from CEQA requirements shall include a Proponent's Environmental Assessment (PEA). The PEA shall include all information and studies required under the Commission's Information and Criteria List adopted pursuant to Chapter 1200 of the Statutes of 1977 (Government Code Sections 65940 through 65942), which is published on the Commission's Internet website. If the proposed project is an energy infrastructure project, the applicant shall prepare the PEA in accordance with the Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-filing and Proponent's Environmental Assessments (Version 1.0, November 2019) which is published on the Commission's Internet website and is hereby incorporated by reference, or any successor guidelines adopted by the Commission pursuant to Public Utilities Code Section 1002.4.

(c) If the proposed project is an energy infrastructure project, a draft version of an initial study, Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report, Addendum, or analysis of applicability of an exemption from CEQA may be submitted as a substitute for a PEA provided that: (1) the applicant engages in initiates a pre-filing consultation with the Commission's Energy Division not later than six (6) months prior to the filing of the application unless Energy Division staff authorize a shorter period in writing, and (2) the applicant provides Energy Division with the draft versions of the documents for review during the pre-filing period.

(ed) Any application for authority to undertake a project that is

statutorily or categorically exempt from CEQA requirements shall so state, with citation to the relevant authority.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1002.4 and 1701, Public Utilities Code.

3.7. (Rule 3.7) Public Road Across Railroad.

Applications to construct a public road, highway, or street across a railroad must be made by the municipal, county, state, or other governmental authority which proposes the construction. Such applications shall be served on the affected railroad corporations, and shall contain the following information:

- (a) The rail milepost and either a legal description of the location of the proposed crossing or a location description using a coordinate system that has accuracy comparable to a legal description.
- (b) Crossing identification numbers of the nearest existing public crossing on each side of the proposed crossing. (Numbers may be obtained from the crossing sign at the crossing, or from the office of the railroad.)
- (c) If the proposed crossing is at-grade,
 - (1) a statement showing the public need to be served by the proposed crossing;
 - (2) a statement showing why a separation of grades is not practicable; and
 - (3) a statement showing the signs, signals, or other crossing warning ~~devices~~devices which applicant recommends be provided at the proposed crossing.
- (d) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view for a distance of at least 400 feet along the railroad and 200 feet along the highway in each direction from the proposed crossing. Such map shall show the character of surface or pavement and width of same, either existing or proposed, on the street or road adjacent to the proposed crossing and on each side thereof.
- (e) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.

(f) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1201, 1201.1 and 1202, Public Utilities Code.

4.1. (Rule 4.1) Who May Complain.

(a) A complaint may be filed by:

(1) any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, setting forth any act or thing done or omitted to be done by any public utility including any rule or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission; or

(2) any local government, alleging that a holder of a state franchise to construct and operate video service pursuant to Public Utilities Code Section 5800 et seq. is in violation of Section 5890; or

(3) a public utility that offers competitive services, for a finding by the Commission that condemnation of a property for the purpose of competing with another entity in the offering of those competitive services would serve the public interest, pursuant to Public Utilities Code Section 625.; or

(4) former or current tenants of a mobilehome park, for a finding that the rates charged by the mobilehome park for water service are not just and reasonable or that the water service provided by the mobilehome park is inadequate, pursuant to Public Utilities Code Section 2705.6.

(5) tenants of a mobilehome park, apartment building, or similar residential complex, alleging that a master-meter customer providing gas or electrical service, or both, is in violation of Public Utilities Code Section 739.5.

(b) No complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or

by not less than 25 actual or prospective consumers or purchasers of such gas, electric, water, or telephone service.

Note: Authority cited: Section 1702, Public Utilities Code. Reference: Sections 625, 739.5, 1702, 2705.6 and 5890(g), Public Utilities Code.

5.1. (Rule 5.1) Investigations.

The Commission may at any time institute investigations on its own motion. Orders instituting investigation shall indicate the nature of the matters to be investigated.

Investigations directed at specific utilities or regulated entities will be served on them. However, investigations affecting as a class railroads, pipelines, passenger stage corporations, charter-party carriers, or vessels may only be noticed on the Daily Calendar.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Sections 701, 703, 705, 728, 728.5, 729, and 730, ~~3502, 3541, 5102 and 5112~~, Public Utilities Code.

6.2. (Rule 6.2) Comments.

Any person filing comments on an order instituting rulemaking shall state any objections to the preliminary scoping memo regarding the category, need for hearing, issues to be considered, or schedule. Any recommended changes to the proposed schedule shall be consistent with the proposed category, including a deadline for resolving the proceeding within 18 months or less (ratesetting or quasi-legislative proceeding).

All comments which contain factual assertions shall be verified. Unverified factual assertions will be given only the weight of argument.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701.1, 1701.5 Public Utilities Code.

6.3. (Rule 6.3) Petition for Rulemaking.

(a) Pursuant to this rule, any person may petition the Commission under Public Utilities Code Section 1708.5 to adopt, amend, or repeal a regulation. The proposed regulation must apply to an entire class of entities or activities over which the Commission has jurisdiction and must apply to future conduct.

(b) Form and Content. A petition must concisely state the justification for the requested relief, and if adoption or amendment of a regulation

is sought, the petition must include specific proposed wording for that regulation. In addition, a petition must state whether the issues raised in the petition have, to the petitioner's knowledge, ever been litigated before the Commission, and if so, when and how the Commission resolved the issues, including the name and case number of the proceeding (if known). A petition that contains factual assertions must be verified. ~~Unverified factual assertions will be given only the weight of argument.~~ The caption of a petition must contain the following wording: "Petition to adopt, amend, or repeal a regulation pursuant to Pub. Util. Code § 1708.5."

(c) Service and Filing. Petitions must be served upon the Executive Director, Chief Administrative Law Judge, Director of the appropriate industry division, and Public Advisor. Prior to filing, petitioners must consult with the Public Advisor to identify any additional persons upon whom to serve the petition. If a petition would result in the modification of a prior Commission order or decision, then the petition must also be served on all parties to the proceeding or proceedings in which the decision that would be modified was issued. The assigned Administrative Law Judge may direct the petitioner to serve the petition on additional persons.

(d) Responses and Replies. Responses to a petition must be filed ~~and served on all persons who were served with the petition~~ within 30 days of the date the notice of the filing of that the petition first appears in the Daily Calendar~~was served~~, unless the assigned Administrative Law Judge sets a different date. The petitioner and any other person may reply to responses to the petition. Replies must be filed ~~and served~~ within 10 days of the last day for filing responses, unless the Administrative Law Judge sets a different date.

(e) The requirements of Article 8 regarding communications with decisionmakers and Commissioners' advisors do not apply to petitions for rulemaking.

(f) The Commission will not entertain a petition for rulemaking on an issue that the Commission has acted on or decided not to act on within the preceding 12 months.

Note: Authority cited: Sections 1701 and 1708.5, Public Utilities Code. Reference: Section 1708.5, Public Utilities Code.

8.1. (Rule 8.1) Definitions.

For purposes of this Article, the following definitions apply:

(a) "Decisionmaker" means any Commissioner, the Chief Administrative Law Judge, any Assistant Chief Administrative Law Judge, the policy or legal advisory staff assigned to a Commissioner's office, the assigned Administrative Law Judge, or the Law and Motion Administrative Law Judge.

(b) "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 issue in a formal proceeding, other than procedural matters,

(2) takes place between an interested person and a decisionmaker, whether from the interested person to the decisionmaker or from the decisionmaker to the interested person or a combination thereof, and

(3) does not occur in a public hearing, workshop, or other public forum, that has been noticed to the official service list or on the record of the proceeding, or does not occur in a public hearing of the California Legislature.

"Ex parte communications" include communications that are one-way from a decisionmaker to an interested person, except as provided in Rule 8.3(b).

(c) "Interested person" means any of the following:

(1) any party to the proceeding or the agents or employees of any party, including persons receiving consideration to represent any of them;

(2) any person with a financial interest in a matter at issue before the Commission, or such person's agents or employees, including persons receiving consideration to represent such a person;

(3) a representative acting on behalf of any formally organized civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of a Commission member on a matter before the Commission, even if that association is not a party to the proceeding; or

(4) a person involved in issuing credit ratings or advising entities or persons who invest in shares or operations of any party to a proceeding.

(d) "Party" includes any Commission staff assigned to a proceeding in an advocacy capacity.

(e) "Procedural matter" means:

(1) an inquiry regarding the proceeding schedule, location or format of a hearing or other event in the proceeding, general Commission practice, or the requirements of the Rules of Practice and Procedure, provided that the person making the inquiry reasonably believes that the subject of the inquiry is not in controversy;

(2) a discussion of issues related to submission, filing or service of a document;

(3) a request for a specific procedural action, so long as the parties are included in the communication; or

(4) an inquiry pertaining to the forms and requirements for filing an intervenor compensation notice of intent or request for compensation.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701 and 1701.1, Public Utilities Code.

8.2. (Rule 8.2) Ex Parte Requirements.

(a) In any quasi-legislative proceeding, ex parte communications are allowed without restriction or reporting requirement.

(b) In any adjudicatory proceeding, ex parte communications and communications concerning procedural matters between interested persons and decisionmakers other than the assigned Administrative Law Judge are prohibited.

(c) In any ratesetting, ~~or~~ catastrophic wildfire proceeding, or on any pending intervenor compensation claim, ex parte communications are permitted if consistent with the following requirements:

(1) All-party meetings:

(A) Oral ex parte communications are permitted at any time with a Commissioner provided that the Commissioner involved (i) invites all parties to attend the meeting or sets up a conference call in which all parties may participate, and (ii) gives notice of this meeting or call as soon as possible, but no less than three working days before the meeting or call.

(B) Oral ex parte communications at all-party meetings are not subject to the reporting requirements set forth in Rule 8.4.

(2) Individual oral ex parte communications:

(A) If a decisionmaker, other than the policy or legal advisory staff assigned to a Commissioner's office, grants an ex parte communication meeting or call to any interested person individually or to a group of interested persons outside of an all-party meeting, all other parties shall be granted an individual meeting of a substantially equal period of time with that decisionmaker.

(B) If a decisionmaker grants an ex parte communication meeting or call to any interested person individually or to a group of interested persons outside of an all-party meeting, the interested person requesting the initial individual meeting shall notify the parties that its request has been granted, and shall file this notification, at least three working days before the meeting or call. A single notification on behalf of a group of interested person will suffice.

(C) Individual oral ex parte communications are not permitted during the three working days before the Commission's scheduled vote on the decision in the proceeding and extending until after the Commission's voting meeting concludes.

(D) Individual oral ex parte communications are subject to the reporting requirements set forth in Rule 8.4.

(3) Written ex parte communications:

(A) Written ex parte communications are permitted provided that the interested person making the communication serves copies of the communication on all parties on the same day the communication is sent to a decisionmaker.

(B) Written ex parte communications permissible under Rule 8.2(c)(3)(A) are not subject to the reporting requirements set forth in Rule 8.4.

(4) No oral or written ex parte communications may occur during any "quiet period" established pursuant to Public Utilities Code Sections ~~1701.3(h)(6)(A) and 1701.9(h)(6)(D)~~ 1701.9(b), unless otherwise permitted by Public Utilities Code Section 1701.9(d).

(d) Notwithstanding subsections (a) and (c) of this rule, the assigned Commissioner may issue a ruling to restrict or prohibit ex parte

communications in a quasi-legislative, ratesetting, or catastrophic wildfire proceeding, or on any pending intervenor compensation claim, or to require reporting of ex parte communications in a quasi-legislative proceeding.

(e) Ex parte communications concerning categorization of a given proceeding are permitted, but must be reported pursuant to Rule 8.3.

(f) Ex parte communications regarding the assignment of a proceeding to a particular Commissioner or Administrative Law Judge, or reassignment of a proceeding to another Commissioner or Administrative Law Judge, are prohibited.

(g) Ex parte communications that are one-way from a decisionmaker to an interested person are banned.

(h) If a prohibited communication occurs, the interested person shall report it pursuant to Rule 8.4.

(i) The requirements of this rule, and any reporting requirements under Rule 8.4, shall apply until (1) the date when the Commission serves the decision finally resolving any application for rehearing, or (2) where the period to apply for rehearing has expired and no application for rehearing has been filed.

(j) Upon the filing of a petition for modification, the requirements of this rule, and any reporting requirements under Rule 8.4, that applied to the proceeding in which the decision that would be modified was issued shall apply until and unless a scoping memo has issued determining that a different category shall apply.

(k) Where a proceeding is remanded to the Commission by a court or where the Commission re-opens a proceeding, the requirements of this rule and any reporting requirements under Rule 8.4 that previously applied to the proceeding shall apply until and unless a Commission order or a scoping memo has issued determining that a different category shall apply.

(l) When the Commission determines that there has been a violation of this rule or of Rule 8.3, the Commission may impose penalties and sanctions, or make any other order, including but not limited to:

(i) penalty of from \$500 up to \$50,000 for each offense, except that, if the person or entity that committed the violation may obtain financial benefits that exceed this maximum penalty, the Commission may impose a penalty up to the amount of those benefits. If the violation consists of engaging in a prohibited ex

parte communication, each day that the violation is not disclosed to the Commission and to parties to the proceeding is a separate violation.

(ii) adverse consequences in the subject proceeding or in other Commission proceedings.

In determining the appropriate penalties or sanctions, the Commission shall consider (i) the harm caused by virtue of the violation, (ii) the person's or entity's conduct in preventing, detecting, correcting, disclosing, and rectifying the violation, (iii) the amount of penalty that will achieve the objective of deterrence based on the person's or entity's financial resources, (iv) penalties or sanctions that the Commission has imposed under reasonably comparable factual circumstances, and (v) the totality of circumstances from the perspective of the public interest.

(m) The Commission shall render its decision based on the evidence of record. Ex parte communications, and any notice filed pursuant to Rule 8.3, are not a part of the evidentiary record of the proceeding.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701, 1701.1, 1701.2, 1701.3, ~~and 1701.4~~, 1701.8, and 1801 et seq., Public Utilities Code.

9.2. (Rule 9.2) Motion for Reassignment on Peremptory Challenge.

(a) A party to a proceeding preliminarily or finally determined to be adjudicatory may file a motion, once only, for automatic reassignment of that proceeding to another Administrative Law Judge in accordance with the provisions of this subsection. The motion shall be filed and served on all parties, and on the Chief Administrative Law Judge and the President of the Commission. The motion shall be supported by declaration under penalty of perjury (or affidavit by an out-of-state person) in substantially the following form:

_____, [declares under penalty of perjury:] That [s]he is [a party] [attorney for a party] to the above-captioned adjudicatory proceeding. That [declarant] believes that [s]he cannot have a [fair] [expeditious] hearing before Administrative Law Judge [to whom the proceeding is assigned]. That declarant [or the party declarant represents] has not filed, pursuant to Rule 9.2, any prior motion for reassignment on peremptory challenge in the proceeding. Dated _____, at _____, California.
 _____ [Signature]

Where there is more than one complainant or similar party, or more than one defendant or similar party, only one peremptory challenge for each side may be made, and the declaration shall include a showing that either (1) no previous peremptory challenge has been filed in the proceeding, or (2) the interests of the moving party are substantially adverse to those of any party who previously moved for reassignment under this rule.

(b) A party to a proceeding preliminarily or finally determined to be ratesetting, or a person filing a concurrent motion to become a party under Rule 1.4(a)(4), may file a motion, once only, for reassignment of that proceeding to another Administrative Law Judge in accordance with the provisions of this subsection; however, no more than two reassignments pursuant to this subsection shall be permitted in the same proceeding. The motion shall be filed and served as provided in subsection (a) of this rule, and shall be supported by a declaration similar in form and substance to that set forth in subsection (a) of this rule.

(c) Any motion filed pursuant to this rule shall be filed no later than 10 days after the date of the notice of the assignment or ruling, if any, on reassignment.

(d) The Chief Administrative Law Judge shall issue either a ruling reassigning the proceeding to another Administrative Law Judge or, in consultation with the President of the Commission, a ruling explaining why the motion is not proper under this rule.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701.2 and 1701.3, Public Utilities Code.

9.3. (Rule 9.3) Motion for Reassignment for Prior Service.

(a) Irrespective of the limits in Rule 9.2 on number of motions for reassignment, a party may move for reassignment in any adjudicatory proceeding or ratesetting proceeding in which the assigned Administrative Law Judge (1) has, within the previous 12 months, served in any capacity in an advocacy position at the Commission or been employed by a regulated public utility, or (2) has been a party or served in a representative capacity in the proceeding.

(b) A motion under this subsection shall be supported by declaration under penalty of perjury (or affidavit by an out-of-state person) setting forth the factual basis for the motion, and shall be filed and served on all parties, and on the Chief Administrative Law Judge and the President of the Commission ~~as provided in Rule 9.2(a).~~

(c) Any motion filed pursuant to this rule shall be filed no later than 10 days after the date of the notice of the assignment.

(d) The Chief Administrative Law Judge shall issue either a ruling reassigning the proceeding to another Administrative Law Judge or, in consultation with the President of the Commission, a ruling explaining the basis for denial of the motion.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701.2 and 1701.3, Public Utilities Code.

9.4. (Rule 9.4) Motion for Disqualification of Administrative Law Judge for Cause.

(a) A party may move in any proceeding to disqualify the assigned Administrative Law Judge for having:

(1) a financial interest in the subject matter in a proceeding or in a party to the proceeding.

(2) bias or prejudice in the proceeding. In a ratesetting or adjudicatory proceeding, bias or prejudice may include either of the following:

(A) Actions taken during the proceeding that demonstrate bias or prejudice.

(B) Actions taken outside the public record of a proceeding demonstrating any commitment to provide relief to a party.

(b) A motion filed pursuant to this rule shall be supported by a declaration under penalty of perjury (or affidavit by an out-of-state person) setting forth the factual basis for the motion, and shall be filed and served on all parties, and on the Chief Administrative Law Judge and the President of the Commission as provided in Rule 9.2(a).

(c) A motion filed pursuant to this rule shall be filed at the earliest practicable opportunity and in any event no later than 10 days after the date the party discovered or should have discovered facts set forth in the declaration filed pursuant to this rule.

(d) The Chief Administrative Law Judge, in consultation with the President of the Commission, shall rule on any motion to disqualify the assigned Administrative Law Judge. The assigned Administrative Law Judge shall not rule on the motion.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 309.6, 1701, 1701.2, and 1701.3, Public Utilities Code.

9.5. (Rule 9.5) Motion for Disqualification of Commissioner for Cause.

(a) A party may move in any proceeding to disqualify a Commissioner for having a financial interest in the subject matter in a proceeding or in a party to the proceeding, or for having bias or prejudice in the proceeding.

(1) In a ratesetting or adjudicatory proceeding, bias or prejudice may include either of the following:

(A) Actions taken during the proceeding that demonstrate bias or prejudice.

(B) Actions taken outside the public record of a proceeding demonstrating any commitment to provide relief to a party.

(b) A motion filed pursuant to this rule shall be supported by a declaration under penalty of perjury (or affidavit by an out-of-state person) setting forth the factual basis for the motion, and shall be filed and served on all parties, and on the Chief Administrative Law Judge and the President of the Commission as provided in Rule 9.2(a).

(c) A motion filed pursuant to this rule shall be filed within 30 days after the date the party discovered or should have discovered facts set forth in the declaration filed pursuant to this rule.

(d) The Executive Director, in consultation with the General Counsel, shall present a recommended resolution for a vote of the Commission.

(e) A Commissioner who is the subject of a motion for disqualification may not vote on the Executive Director's recommended resolution of the motion.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 309.6, 1701, 1701.2, and 1701.3, Public Utilities Code.

11.4. (Rule 11.4) Motion for Leave to File Under Seal, Statements of Confidentiality in Lieu of Motion.

(a) A motion for leave to file under seal shall attach a proposed ruling that clearly indicates the relief requested.

(b) Responses to motions to file pleadings, or portions of pleading, under seal shall be filed and served within 10 days of the date that the motion was served.

(c) In an application proceeding before a Commission examiner, a statement of confidentiality may be filed in lieu of a motion for leave to file under seal when the Commission has presumptively designated certain the subject information or documents as confidential in a decision.

(1) Statements of confidentiality shall be filed concurrent with the filing of the subject document(s).

~~(2) Subsection (c) shall only apply to information specifically identified as presumptively confidential by the Commission in a formal decision. The statement of confidentiality shall identify the Commission decision that designates the subject information as presumptively confidential.~~

(3) Responses to statements of confidentiality shall be filed and served within 10 days of the date the statement of confidentiality was served.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 3, Article I, California Constitution; Section 1701, Public Utilities Code; and Sections ~~6253.4, 7925.005, 7927.605, 7922.000~~ et. seq., Government Code.

13.7. (Rule 13.7) Exhibits.

(a) Exhibits and copies of exhibits shall be legible and either prepared on paper not exceeding 8 ½ x 13 inches in size, or folded to that approximate size. Exhibits of two or more pages shall be bound or stapled and, wherever practicable, the pages of each exhibit shall be numbered. Exhibits that contain multiple chapters or attachments shall include a table of contents. Rate comparisons and other figures shall be set forth in tabular form. The top sheet of an exhibit must have a blank space two inches high by four inches wide in the upper right-hand corner to accommodate the Commission's exhibit stamp.

(b) When exhibits are offered in evidence, the original plus one copy shall be furnished to the presiding officer and one copy to the reporter and to each party, unless the presiding officer directs otherwise.

(c) Documentary exhibits shall be limited to those portions of the document that are relevant and material to the proceeding.

(d) If relevant and material matter offered in evidence is embraced in a document containing other matter, parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

(e) All documents that are prepared, directly or indirectly, by the party offering them into evidence shall be certified under penalty of perjury by the person preparing or in charge of preparing them as being true and correct, unless the person preparing them is dead or has been declared incompetent, in which case any other person having knowledge of such statements of fact may certify such documents.

(f) Exhibits shall be submitted as "supporting documents" using the Electronic Filing System on the Commission's website at <http://www.cpuc.ca.gov/PUC/efiling>.

(i) Prepared testimony (see Rule 13.8) shall be submitted on the same day as it is served or for prepared testimony served concurrently with a new application, within a reasonable time once a proceeding number is assigned.

(ii) All other exhibits shall be submitted by no later than three business days from the conclusion of evidentiary hearing.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 1701, Public Utilities Code.

13.8. (Rule 13.8) Prepared Testimony.

(a) Prepared testimony may be offered in evidence as an exhibit in lieu of oral testimony under direct examination, provided that copies shall have been served upon all parties prior to hearing and pursuant to the schedule adopted in the proceeding. Prepared testimony shall constitute the entirety of the witness's direct testimony, and shall include any exhibits to be offered in support of the testimony and, in the case of an expert witness, a statement of the witness's qualifications.

(b) Direct testimony in addition to the prepared testimony previously served, other than the correction of minor typographical or wording errors that do not alter the substance of the prepared testimony, will not be accepted into evidence unless the sponsoring party shows good cause why the additional testimony could not have been served with the prepared testimony or should otherwise be admitted. Corrections to minor typographical or wording errors in prepared testimony may be offered in evidence as an exhibit in lieu of oral testimony under direct examination.

(c) Prepared testimony and accompanying exhibits may be offered and received into evidence without direct or cross examination absent objection by any party. A motion offering prepared testimony and accompanying exhibits into evidence without direct or cross examination shall include a declaration under penalty of perjury by the person preparing or in charge of preparing the prepared testimony as being true and correct, unless the person preparing them is dead or has been declared incompetent, in which case any other person having knowledge of such statements of fact may certify such documents, or such a declaration was included as an attachment to the prepared testimony.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 1701, Public Utilities Code.

14.3. (Rule 14.3) Comments on Proposed or Alternate Decision.

(a) Parties may file comments on a proposed or alternate decision within 20 days of the date of its service on the parties.

(b) Except in general rate cases, comments shall be limited to 15 pages in length. Comments in general rate cases shall not exceed 25 pages. Comments shall include a subject index listing the recommended changes to the proposed or alternate decision, a table of authorities, and an appendix limited to setting forth proposed findings of fact, and conclusions of law, and ordering paragraphs. The

subject index, table of authorities, and appendix do not count against the page limit.

(c) Comments shall focus on factual, legal or technical errors in the proposed or alternate decision and in citing such errors shall make specific references to the record or applicable law. Comments which fail to do so will be accorded no weight. Comments proposing specific changes to the proposed or alternate decision shall include supporting findings of fact and conclusions of law.

(d) Replies to comments may be filed within five days after the last day for filing comments and shall be limited to identifying misrepresentations of law, fact or condition of the record contained in the comments of other parties. Replies shall not exceed five pages in length.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 311(d), Public Utilities Code.

14.5. (Rule 14.5) Comment on Draft or Alternate Draft Resolution.

Any person may comment on a draft or alternate draft resolution by serving (but not filing) comments on the Commission within 20 days of the date of its mailing and publication on the Commission's website and in accordance with the instructions accompanying the draft or alternate draft resolution notice. Comments shall be limited to 15 pages in length.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Sections 311 and 1701, Public Utilities Code.

14.6. (Rule 14.6) Reduction or Waiver of Review.

(a) In an unforeseen emergency situation, the Commission may reduce or waive the period for public review and comment on proposed decisions, draft resolutions, and their alternates. "Unforeseen emergency situation" means a matter that requires action or a decision by the Commission more quickly than would be permitted if advance publication were made on the regular meeting agenda. Examples include, but are not limited to:

- (1) Activities that severely impair or threaten to severely impair public health or safety.
- (2) Crippling disasters that severely impair public health or safety.

- (3) Administrative disciplinary matters, including, but not limited to, consideration of proposed decisions and stipulations, and pending litigation, that require immediate attention.
- (4) Consideration of applications for licenses or certificates for which a decision must be made in less than ten days.
- (5) Consideration of proposed legislation that requires immediate attention due to legislative action that may be taken before the next regularly scheduled Commission meeting, or due to time limitations imposed by law.
- (6) Requests for relief based on extraordinary conditions in which time is of the essence.
- (7) Deadlines for Commission action imposed by legislative bodies, courts, other administrative bodies or tribunals, the office of the Governor, or a legislator.
- (8) Unusual matters that cannot be disposed of by normal procedures if the duties of the Commission are to be fulfilled.

A rate increase is not an unforeseen emergency situation.

(b) The Commission may reduce or waive the period for public review and comment on proposed decisions and their alternates, where all the parties so stipulate, and on draft resolutions and their alternates, where all persons identified in subsection (1), (2), (3) or (4) of Rule 14.2(d) so stipulate.

(c) In the following circumstances, the Commission may reduce or waive the period for public review and comment on draft resolutions and proposed decisions, and may reduce but not waive the period for public review and comment on alternate draft resolutions and alternate proposed decisions:

- (1) in a matter where temporary injunctive relief is under consideration.
- (2) in an uncontested matter where the decision grants the relief requested.
- (3) for a decision on a request for review of the presiding officer's decision in an adjudicatory proceeding.
- (4) for a decision extending the deadline for resolving adjudicatory proceedings (Public Utilities Code Section 1701.2(i)) ~~or~~ for resolving the issues raised in the scoping memo in a ratesetting or

quasi-legislative proceeding (Public Utilities Code Section 1701.5), or for issuing a proposed decision in an application for recovery of the cost of implementing an electrical corporation's wildfire mitigation plan (Public Utilities Code Section 8386.4(b)(2)).

(5) for a decision under the state arbitration provisions of the federal Telecommunications Act of 1996.

(6) for a decision on a request for compensation pursuant to Public Utilities Code Section 1801 et seq.

(7) for a decision authorizing disclosure of documents in the Commission's possession when such disclosure is pursuant to subpoena.

(8) for a decision under a federal or California statute (such as the California Environmental Quality Act or the Administrative Procedure Act) that both makes comprehensive provision for public review and comment in the decision-making process and sets a deadline from initiation of the proceeding within which the Commission must resolve the proceeding.

(9) for a decision on a motion for disqualification of a Commissioner.

(10) for a decision in a proceeding in which no hearings were conducted where the Commission determines, on the motion of a party or on its own motion, that public necessity requires reduction or waiver of the 30-day period for public review and comment. For purposes of this subsection, "public necessity" refers to circumstances in which the public interest in the Commission adopting a decision before expiration of the 30-day review and comment period clearly outweighs the public interest in having the full 30-day period for review and comment. "Public necessity" includes, without limitation, circumstances where failure to adopt a decision before expiration of the 30-day review and comment period would place the Commission or a Commission regulatee in violation of applicable law, or where such failure would cause significant harm to public health or welfare. When acting pursuant to this subsection, the Commission will provide such reduced period for public review and comment as is consistent with the public necessity requiring reduction or waiver.

(11) in a catastrophic wildfire proceeding to a period of no less than 15 days at the discretion of the assigned Commissioner.

Note: Authority cited: Sections 1701 and 1701.8, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference:

Sections 306, 311, 1701 and 1701.8, Public Utilities Code; and Section 11125.5, Government Code.

15.5. (Rule 15.5) Decision in Adjudicatory Proceeding.

In an adjudicatory proceeding:

(a) The decision of the presiding officer shall become the decision of the Commission if no appeal or request for review is timely filed pursuant to Rule 14.4. The Commission's Daily Calendar shall notice each decision of a presiding officer that has become the decision of the Commission, the proceeding so decided, and the effective date of the decision.

(b) The Commission may meet in closed session to consider the decision of the presiding officer that is under appeal pursuant to Rule 14.4. The vote on the appeal or a request for review shall be in a public meeting and ~~shall be accompanied by an explanation of the Commission's decision, which~~ shall be based on the record developed by the presiding officer. A decision different from that of the presiding officer shall include or be accompanied by a written explanation of each of the changes made to the presiding officer's decision. The decision shall become effective 20 days after issuance, unless otherwise provided therein.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 311(d), 1701.2(d), 1701.2(e) and 1705, Public Utilities Code.

16.1. (Rule 16.1) Application for Rehearing.

(a) Application for rehearing of a Commission order or decision shall be filed within 30 days after the date the Commission mails the order or decision, or within 10 days of mailing in the case of an order relating to (1) security transactions and the transfer or encumbrance of utility property as described in Public Utilities Code Section 1731(b), ~~or~~ (2) the Department of Water Resources as described in Public Utilities Code Section 1731(c), (3) Article 5.7 or Article 5.8 of the Public Utilities Code as described in Public Utilities Code Section 1731(d), or (4) an executive director disposition as described in Public Utilities Code Section 1731(e).

(b) Filing of an application for rehearing shall not excuse compliance with an order or a decision. An application filed ten or more days before the effective date of an order suspends the order until the ~~petition~~application is granted or denied. Absent further Commission order, this suspension will lapse after 60 days. The Commission may extend the suspension period.

(c) Applications for rehearing shall set forth specifically the grounds on which the applicant considers the order or decision of the Commission to be unlawful or erroneous, and must make specific references to the record or law. The purpose of an application for rehearing is to alert the Commission to a legal error, so that the Commission may correct it expeditiously.

(d) A response to an application for rehearing is not necessary. Any response may be filed and served no later than fifteen days after the day the application for rehearing was filed. In instances of multiple applications for rehearing the response may be to all such applications, and may be filed 15 days after the last application for rehearing was filed. The Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed.

(e) An application for rehearing or a response to an application for rehearing shall not exceed 50 pages.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Sections 1701, 1731, 1732, 1733 and 1735, Public Utilities Code.

16.4. (Rule 16.4) Petition for Modification.

(a) A petition for modification asks the Commission to make changes to an issued decision. Filing a petition for modification does not preserve the party's appellate rights; an application for rehearing (see Rule 16.1) is the vehicle to request rehearing and preserve a party's appellate rights.

(b) A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.

(c) A petition for modification must be filed and served on all parties to the proceeding or proceedings in which the decision proposed to be modified was made. If more than one year has elapsed since the effective date of the decision, the Administrative Law Judge may direct the petitioner to serve the petition on other persons.

(d) Except as provided in this subsection, a petition for modification must be filed and served within one year of the effective date of the decision proposed to be modified. If more than one year has elapsed,

the petition must also explain why the petition could not have been presented within one year of the effective date of the decision. If the Commission determines that the late submission has not been justified, it may on that ground issue a summary denial of the petition.

(e) If the petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier.

(f) Responses to petitions for modification must be filed within 30 days of the date that the petition was filed. Responses must be served on the petitioner and on all parties who were served with the petition. If a person filing a response was not a party to the proceeding in which the decision proposed to be modified was issued, the response must state specifically how the person is affected by the decision and why the person did not participate in the proceeding earlier.

(g) With the permission of the Administrative Law Judge, the petitioner may reply to responses to the petition. Replies must be filed and served within 10 days of the last day for filing responses, unless the Administrative Law Judge sets a different date. A reply must state in the opening paragraph that the Administrative Law Judge has authorized its filing and must state the date and the manner in which the authorization was given (i.e., in writing, by telephone conversation, etc.).

(h) Unless otherwise ordered by the Commission, the filing of a petition for modification does not stay or excuse compliance with the order of the decision proposed to be modified. The decision remains in effect until the effective date of any decision modifying the decision.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 1708, Public Utilities Code.

17.3. (Rule 17.3) Request for Award.

A request for an award of compensation may be filed after the issuance of a decision or resolution that resolves an issue on which the intervenor believes it made a substantial contribution, but in no event later than 60 days after the issuance of the decision closing the proceeding or the resolution. If an application for rehearing challenges a decision or resolution on an issue on which the intervenor believes it made a substantial contribution, the request for an award of compensation may be filed within 60 days of the issuance of the decision denying rehearing on that issue, the order or decision that

resolves that issue after rehearing, or the decision closing the proceeding.

Note: Authority cited: Section 1701, Public Utilities Code. Reference: Section 1804, Public Utilities Code.

18.1. (Rule 18.1) Forms.

The following skeleton forms of applications, complaint, answer, ~~protest~~ and certificate of service contained below are merely illustrative (Numbers 1-4). The content of a particular document will vary, depending on the subject matter and applicable rules. The Statement of Confidentiality format (Number 5) is illustrative and subject to the Commission decision or order authorizing its use in a particular circumstance.

1. Application
2. Complaint
3. Answer
4. Certificate of Service
5. Statement of Confidentiality

No. 1 – Application

(See Articles 1 and 2)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN JONES (Jones Rapid Transit) to operate bus service between San Francisco and South San Francisco; to establish fares; and to issue a \$10,000 note.

Application No.

(Commission will insert number)

APPLICATION

The application of (exact legal name, mailing address and telephone number of each applicant) respectfully shows:

1. That communications in regard to this application are to be addressed to (name, title, and address).
2. (Here, and in succeeding numbered paragraphs, set forth the specific facts required by the applicable rules, together with additional facts deemed material.)

WHEREFORE, applicant requests an order (here state clearly and concisely the specific authorization sought by applicant).

Dated at _____, California, this _____ day of _____, 20____.

(Signature of applicant)

(Signature, address, telephone number, facsimile transmission number, and e-mail address (if consenting to e-mail service) of attorney, if any)

VERIFICATION*

(See Rule 1.11)

(Where applicant is an individual)

I am the applicant in the above-entitled matter; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.

(Date)

(Name of city)

(Applicant)

* Where execution occurs outside California, verification must be made in accordance with the law of the state where execution occurs.

No. 1 – Application – Continued

VERIFICATION(See Rule 1.11)

(Where Applicant is a Corporation)

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

(Signature and Title of Corporate Officer)

(Where applicant is absent from
County of Attorney’s Office)

I am the attorney for the applicant herein; said applicant is absent from the County of _____, California, where I have my office, and I make this verification for said applicant for that reason; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

(Attorney for Applicant)

No. 2 – Complaint

(See Articles 1 and 4)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(B) _____

(Fill in Complainant (s) name)
vs.

(C) _____

(Fill in Defendant (s) name)

CASE _____
(for Commission use only)

(A) Have you tried to resolve this matter informally with the Commission’s Consumer Affairs staff?

_____/_____
YES NO

Has staff responded to your complaint?

_____/_____
YES NO

Did you appeal to the Consumer Affairs Manager?

_____/_____
YES NO

Do you have money on deposit with the Commission?

_____/_____/_____\$_____
YES NO AMOUNT

Is your service now disconnected?

_____/_____
YES NO

COMPLAINT

(D) The complaint of _____

(Insert exact legal name, mailing address and telephone number of each complainant)

respectfully shows that:

(E) 1. Defendant(s) _____
(Insert full name and address of each defendant)

(F) 2. Explain fully and clearly the details of your complaint. (Attach additional pages if necessary.)

(G) 3. Scoping Memo Information

(a) The proposed category for the Complaint is (check one):

- adjudicatory
- ratesetting (if the complaint challenges the reasonableness of a rate)

(b) Are hearings needed? YES NO

(c) The issues to be considered are:

- (d) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: 30 to 40 days from the date of filing of the Complaint.

Hearing: 50 to 70 days from the date of filing of the Complaint.

Explain here if you propose a schedule different from the above guidelines.

(H) Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

(I) **OPTIONAL:** I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

(J) Dated _____, California, this _____ day of _____, 20 ____ (city)
(date) (month) (year)

(Signature of each complainant)

(Signature, address, telephone number, facsimile transmission number, and, if the representative consents to e-mail service, the e-mail address, of representative, if any)

VERIFICATION

(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(K) Executed on _____, at _____, California.
(date) (city)

(If more than one complainant, only one need sign) _____
(Complainant)

VERIFICATION

(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L) Executed on _____, at _____, California.
(date) (city)

(Signature and Title of Corporate Officer) _____

(M) FILE the original complaint plus 6 copies, plus 1 copy for each named defendant, with the Commission.

(N) MAIL TO: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

No. 3— Answer

(See Article 1 and Rule 4.4)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,

Complainant,

vs.

Smith Public Utility System, a corporation,

Defendant.

Case No.

(Insert
number of
complaint)

ANSWER

Defendant (exact legal name, mailing address and telephone number of each defendant joining in answer), for answer to the above complaint, respectfully shows:

1. (Here, and in succeeding numbered paragraphs, admit or deny material allegations of the complaint, and set forth any matters constituting a defense.)

WHEREFORE, defendant requests that the complaint be dismissed (or other appropriate request).

Dated at _____, California, this _____ day of _____, 20____.

(Signature of each defendant joining in answer)

(Signature, address, telephone number, facsimile transmission number, and e-mail address (if consenting to e-mail service) of attorney, if any)

VERIFICATION

Use appropriate form of verification as set forth following Form 1, substituting "defendant" for "applicant."

No. 4—Certificate of Service

(See Rule 1.9)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,

Complainant,

vs.

Smith Public Utility System, a corporation,

Defendant.

Case No.

(Insert
number of
complaint)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of [title of document, e.g., "Applicant UtilCorp's Motion to Strike" or "Notice of Availability of Application"] on all known parties to [proceeding number, e.g., A.93-01-010] by [here describe manner of service, e.g., mailing a properly addressed copy by first-class mail with postage prepaid, or transmitting an e-mail message with the document attached, etc.] to each person named in the official service list [or appropriate special service list or specific persons required to be served by ruling or order, etc.]. (If more than one means of service is used, identify which persons were served by which means.)

Executed on [date] at [location], California.

[signature]

John Jones

No. 5 – Statement of Confidentiality

(See Rules 11.4(c), 18.1)

STATEMENT OF CONFIDENTIALITY

[Title of Document e.g., “1013 Simplified Registration”]

Name of Applicant/Company _____

My name is _____ . I am _____ (Title) of
_____ (Applicant). I have personal knowledge of the documents
for which I am requesting confidential treatment.

The documents for which I am requesting confidential treatment meet the financial information requirements set forth in [Decision e.g., “D.24-11-003, Appendix F”], and consist of one or more of the following documents: [List documents included e.g., “(1) Unaudited bank statements; (2) ...”]~~(2) certificate of deposit or other liquid deposits with a reputable bank or financial institution; (3) preferred stock proceeds or other shareholder equity; (4) letter of credit issued by a reputable bank or other financial institution; (5) loan issued by a qualified subsidiary, affiliate, of applicant, or a qualified corporation holding controlling interest in the applicant; (6) guarantee, issued by a corporation, co-partnership, or other person or association; (7) guarantee, issued by a qualified subsidiary, affiliate, or applicant; and (8) audited financial statements.~~

I affirm and declare under penalty of perjury under the laws of the State of California and Rule 1.1 of the California Public Utilities Commission’s Rules of Practice and Procedure, that, to the best of my knowledge, all of the documents herein contain information protected from public disclosure pursuant to [Decision e.g., “Decision 24-11-003”].

Signature

Name and Date

Table of Filing Fees
(See Rule 1.16)

Type of Filing	Type of Utility	Fee	<u>PU Public Utilities Code and Commission Decision Reference</u>
Application for Certificate of Public Convenience and Necessity (CPCN)	Passenger stage corporation UNLESS already operating in the immediate vicinity under the Commission's jurisdiction	\$500	§1036(a)
	All others, including street railroads, gas corporations, electric corporations, telegraph corporations, telephone corporations, water corporations, and common carrier vessels	\$75\$500 effective January 1, 2016, with annual adjustment based on the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U), as posted on the Commission's website	§§1001, 1007, 1008, 1904(a) Res. ALJ-464
Application to sell, mortgage, Lease, assign, transfer, or encumber a CPCN	Passenger stage corporation	\$300	§1036(b)
	All others, including street railroads, gas corporations, electric corporations, telegraph corporations, telephone corporations, water corporations, and common carrier vessels	\$75\$500 effective January 1, 2016, with annual adjustment based on the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U), as posted on the Commission's website	§1904(a) Res. ALJ-464
Application to register for registration	Interstate highway carrier of household goods or passengers	\$5 per vehicle, plus \$25 for carriers exempt from ICC Interstate Commerce Commission regulation	§3902(a)(3)z Res. TL-18582 Res. TL-18520
	Private carrier of passengers	\$35 initial registration \$30 renewal	§4006

Type of Filing	Type of Utility	Fee	<u>PU Public Utilities Code and Commission Decision Reference</u>
Application for telephone corporation registration license	Resold local exchange carrier, Non-dominant interexchange carrier, Non-facilities-based interconnected Voice over Internet Protocol carrier	\$250, <u>with annual adjustment based on the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U), effective August 1, 2025, as posted on the Commission's website</u>	§1013 <u>Decision 24-11-003</u>
Application for permit	Household goods carrier	\$500	§5136
	Charter-party carrier of passengers	\$500 <u>1,000 (new) or \$100 (renewal)</u> plus \$15 per tour bus to a maximum of \$6,500	§5373.1(a)(7)-(8), (b)
Application for issuance or renewal of Class A certificate	Charter-party carrier of passengers	\$1,500 (new) <u>or \$500 (renewal)</u> plus \$15 per tour bus up to a maximum of \$6,500	§§5371.1(b), 5373.1(a)(1)-(2), (b)
Application for issuance or renewal of Class B certificate	Charter-party carrier of passengers	\$500 <u>1,000 (new) or \$100 (renewal)</u> plus \$15 per tour bus up to a maximum of \$6,500	§§5371.1(b), 5373.1(a)(3)- (4) , (b)
Application for issuance or renewal of Class C certificate	Charter-party carrier of passengers	\$500 <u>1,000 (new) or \$100 (renewal)</u> plus \$15 per tour bus to a maximum of \$6,500	§§5371.1(b), 5373.1(a)(5)- (6) (4), (b)
Type of Filing	Type of Utility	Fee	PU Code Reference
Application to sell, lease, assign, or otherwise transfer or encumber a certificate	Charter-party carrier of passengers	\$300	§5377.1

Type of Filing	Type of Utility	Fee	<u>PU Public Utilities Code and Commission Decision Reference</u>
Application to transfer permit	Household goods carrier	\$150 or \$25 for transfer after death of permittee and after court approval of distribution of estate, or if no probate or court distribution necessary	§5136

(End of Appendix A)

ALJ/ZK1/sgu

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION ALJ-485 Approves modifications to the Rules of Practice and Procedure (Title 20, Division 1, of the California Code of Regulations)

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list who have provided an e-mail address.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served by U.S. mail on all parties listed in the "Party" category of the official service list for whom no e-mail address is provided.

Dated April 10, 2026, at San Francisco, California.

/s/ SHANE GUTTO

Shane Gutto

N O T I C E

Persons should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

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