

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-252
Administrative Law Judge Division
June 24, 2010

R E S O L U T I O N

RESOLUTION ALJ-252 Adopts rules for public comment at business meetings.

Pursuant to Gov. Code § 11125.7, the Commission may adopt reasonable regulations to provide an opportunity for members of the public to directly address the state body on each agenda item before or during its discussion or consideration of the item.

As part of the "Soup to Nuts" process review initiated in January 2009 by Chief Administrative Law Judge Karen Clopton at the direction of President Michael R. Peevey, a working group was convened to identify, among other things, initiatives to address public access, accommodation and participation at the Commission. The working group presented its recommendations to Chief Administrative Law Judge Clopton on November 30, 2009. In drafting these rules we have reviewed the working group's recommendations, as well as the relevant provisions of the Bagley-Keene Open Meeting Act to ensure that these rules are consistent with the statutory requirements.¹ After consulting with the Public Advisor's Office and the President's Office, we issued a draft of this resolution on May 24, 2010 for public review and comment.

¹ The portions of the Bagley-Keene Act that we have reviewed include Government Code Sections: 11125.7(a), which generally provides members of the public an opportunity to directly address a state body on items that are on the body's meeting agenda ("opportunity to comment"); 11125.7(b), which permits a state body to adopt reasonable regulations including regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker; 11125.7(d), which states that the opportunity to comment does not apply to closed session items; 11125.7(g), which contains provisions applying only to this Commission, that exempt adjudicatory matters that have gone to hearing from the opportunity to comment, and that exclude those who have already participated in the proceedings underlying an agenda item from the opportunity to comment; and 11126.5, which addresses the removal of disruptive persons.

Comments were received from the California Association of Competitive Telecommunications Companies (CALTEL) and The Utility Reform Network (TURN) on June 15, 2010.

CALTEL asks us to modify Rule 8 to bar representatives of trade associations from speaking to issues related to a proceeding in which one or more of the trade association's members is a party, as they currently access Commissioners and their advisors through ex parte meetings. We are not convinced that CALTEL's concern presents a problem at this time. If CALTEL, or any other person, identifies instances in which a trade association both engages in ex parte communications and offers public comment on the same matter, it should alert us, and at that time we will reconsider this proposal.

TURN asks us to change the allotted time for individuals to speak during public comment from two minutes to three minutes. We modify Rule 3 to adopt TURN's proposal.

This resolution adopts the following rules for public comment at the Commission's business meetings:

- Rule 1. The deadline for individuals to sign up to speak is 10:00 a.m. (or the start of the meeting if not at 10:00) on the day of the meeting.
- Rule 2. Individuals with a shared position are encouraged to select a spokesperson for their group.
- Rule 3. Individuals who sign up by the deadline will have a maximum of three minutes to speak. The three minute speaking time may be changed by the Commission President, depending on the number of speakers. A speaker may not cede time to another speaker.
- Rule 4. The order of speakers will generally be based on the order in which speakers sign up, but public officials may be taken out of order.
- Rule 5. At the end of Public Comment Session, the Commission President will ask if there any additional individuals who wish to speak.² Individuals who wish to speak but did not sign up by the deadline, will be granted a maximum of one minute to make their comments.

² All references to Commission President will refer to the Commissioner chairing the meeting in the absence of the Commission President.

- Rule 6. The Commission President will declare when the Public Comment Session is closed. No speakers will be accommodated after the Public Comment Session is closed.
- Rule 7. Individuals may sign up to speak using the electronic system on the Commission's website. However, if the individual has not checked in with the Public Advisor's Office on the day of the meeting, by the sign-up deadline, that individual will be treated the same as any other individual arriving after the sign-up deadline.
- Rule 8. Speakers may address any topic subject to the Commission's jurisdiction, with the following exceptions:
- a. Issues that should be submitted to the Consumer Affairs Branch as an Informal Complaint.
 - b. Adjudicatory matters referenced in Government Code § 11125.7(g).
 - c. Parties to a proceeding cannot speak to issues related to the proceeding to which they are a party.
 - d. Speakers may only speak on a specific agenda item once and may not repeat comments at subsequent meetings. The Commission President will determine whether comments are repetitive.
- Rule 9. If a speaker raises an issue that would more appropriately be addressed as an Informal Complaint, the Commission President may stop the speaker and refer the speaker to the Consumer Service and Information Division staff.
- Rule 10. The Commission President retains the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction.
- Rule 11. Individuals in need of interpreters or other special accommodations must contact the Public Advisor's Office at least three business days in advance of the meeting. Reasonable accommodations will be provided free of charge.³

³ Public speakers who require interpreters or other special accommodations may be given additional time to speak, to account for the time needed to provide the accommodation at the podium. The granting of the additional time is at the discretion of the Commission President.

- Rule 12. Signs brought by meeting attendees are limited to 8 ½ by 11 inches in size. Sticks or any other type of handle are strictly prohibited. Larger signs, or signs with handles, may be left in the area between the auditorium entrance and the security screening, for retrieval after the meeting.
- Rule 13. Speakers may bring written copies of their own comments to a Commission meeting for distribution to the Commissioners and/or Executive Director. Copies of the written comments shall be given to the Public Advisor who will ensure the appropriate distribution of the comments after the meeting.
- Rule 14. With the exception of representatives of public officials, written comments of individuals who cannot be physically present will not be read aloud at the meeting. Copies of written comments of individuals who cannot be physically present should be given to the Public Advisor for distribution as described in Rule 13.
- Rule 15. If written copies of comments are given to the Public Advisor, the Public Advisor will identify the name of the commenter and subject matter of the comments for the Commissioners at the close of the Public Comment Session.
- Rule 16. Attendees may not distribute written materials inside the meeting room except as described in Rules 12 and 13.
- Rule 17. The Commission retains the right to remove disruptive attendees from the Commission meeting.
- Rule 18. The Commission reserves the right to override the above rules in case of emergency or other unforeseen circumstances.

IT IS RESOLVED that the rules for public comment at Commission business meetings as set forth above are adopted.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on June 24, 2010, the following Commissioners approving it:

/s/ PAUL CLANON

PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners