

Docket A-050802
Procedural Rules Comment Matrix
Excluding Settlement Rules

<i>Rule section</i>	<i>Provision</i>	<i>Commenter</i>	<i>Comment</i>	<i>Response</i>
480-07-140(6)(b)	Requires electronic copies of documents. Sets standards for electronic document format	PSE; Qwest supports PSE; Avista	Oppose mandatory standards for electronic document format; prefers current rule stating only a preference. Cites difficulty in obtaining some documents in electronic format. Cites burden of seeking frequent waivers. Cites problems in providing original files when documents are mixed (as with insertion of an Excel file in a Word document)	Accept in part. Some documents should be exempted from the requirement. These include published, copyrighted material and voluminous material not produced by or for the company or a witness when the required copy is unobtainable. Few exceptions should be allowed for material created by or for a witness, a party, or an attorney. Lack of this material can be extremely burdensome on other parties and on the commission in reviewing and deciding issues. Mixed files need not be provided in separate original files, as long as the provided document contains the needed information. As PSE notes, waivers are available.

Rule section	Provision	Commenter	Comment	Response
480-07-145(6)	Filing deadlines; requires paper copy of documents;	Verizon	Asks authority for electronic filing. Opposes “arbitrary” early deadlines for electronic copies when filing date extended.	Reject. The commission is expanding its capability to deal with electronic documents, but to date does not have the infrastructure to manage rate case filings in electronic format. Early filing deadlines allow time for commission staff to print copies of the documents for staff who need them.
480-07-150	Requires a party to designate one person to receive service (each) of representative’s and party’s documents	Verizon	Asks multiple recipients of service, to allow staff and others to receive copies of documents.	Reject. This provision relates only to <u>service</u> of documents, the legal requirement, to reduce confusion and cost. It does not relate to the exchange of documents – prehearing orders now collect information permitting easy exchange of electronic documents.
480-07-310	Defines and bars <i>ex parte</i> communication between deciders and others	Public Counsel; WEBTeC supports.	Proposes to define and restrict communications between commission staff and other parties about settlement, outside the presence of all parties, as <i>ex parte</i> .	Reject. Such communications do not fall within the customary definition of <i>ex parte</i> . The provisions are not shown to be necessary to support any barrier to settlement talks before a plenary discussion.

<i>Rule section</i>	<i>Provision</i>	<i>Commenter</i>	<i>Comment</i>	<i>Response</i>
480-07-340(1)	Defines parties and other categories of persons that may receive notices or information about pending dockets	Verizon	Supports proposal as useful.	
480-07-395	Requires tables of authorities and outline-style tables of contents in briefs	Verizon	Objects to requirements as unnecessary and burdensome in short documents; need to obtain waivers burdensome. Proposes limitation to briefs over 10 pages.	Reject. Tables of contents and authorities are very helpful in all but the smallest briefs, and number of pages does not necessarily define the number of citations or the complexity of the argument. Waiver is available.
480-07-400(3)	Deletes the requirement of certification of discovery requests by counsel for requesting party	Verizon	Objects to proposed deletion and substitution of language in later subsection. Existing language merely restates provisions of CR 26.	Reject. This change was made to facilitate electronic service of data requests and answers, which all appear to support. Signatures are not feasible yet for electronic documents.

<i>Rule section</i>	<i>Provision</i>	<i>Commenter</i>	<i>Comment</i>	<i>Response</i>
480-07-510	GRC filing requirements	Public Counsel, WeBTEC	<p>Move requirement to serve Public Counsel to the rule's opening paragraph so parties know to serve the entire filing on Public Counsel.</p> <p>Move requirement of an electronic copy of the filing from subsection (1) to the opening general paragraph to clarify that the entire filing must be submitted electronically.</p> <p>Clearly identify items not included in the work papers because they are too large.</p> <p>Require the company to provide tariff sheets containing any definitions and any sheets referenced by filed tariffs.</p>	<p>Accept. The rule should be modified to clarify that Public Counsel should receive a full packet at filing of a general rate case and that an electronic copy is required of all material at the time of a GRC filing.</p> <p>Accept. The company should clearly identify excluded voluminous material and provide copies of related tariff sheets.</p>
480-07-510(3)	Requires work papers to accompany tariff filing and later testimony and exhibits	Staff, PSE	<p>Staff asks that work papers not be required at filing in later rounds, to allow concentration on filing, but that a grace period be allowed for electronic exchange of work papers. PSE supports a 5-day delay after original filing.</p>	<p>Accept. 5-day delay for subsequent filings seems warranted.</p>

<i>Rule section</i>	<i>Provision</i>	<i>Commenter</i>	<i>Comment</i>	<i>Response</i>
480-07-620(2)	Allows one commissioner, the executive secretary or the chief ALJ to sign complaints for emergency adjudications	Verizon	Defer to delegation rulemaking.	Reject. The topic could be addressed exclusively in the delegation rulemaking; the topic is also appropriate in this rule.
480-07-650(4)(d)	Allows the commission to convert an enforcement petition to a complaint when the scope exceeds limits of petition process	Verizon	Suggests adding statutory citation for a complaint proceeding, for clarity.	Accept.
480-07-883	Provides that acceptance of a noncompliant compliance filing does not validate the noncompliant provisions.	Verizon	Suggests that later rejection should be prospective only. 116 Wn.App. 761, 774; 152 Wn.2d 195.	Reject. Treat on a case-by-case basis. The cases say what they say, and will guide commission actions.