

8/15/2016

Policy and Governance Committee

For discussion: Modification of Meeting Procedures Policy to provide guidance for proposed changes from the dais

COMMISSION POLICY	
Category: Governance Process	Title: Meeting Procedures
	Policy Number: GP-5
Date of Adoption: June 23, 2016	Resolution No.
Date of Revision:	Resolution No.

Note: This policy modifies CR-2, Commission Policies and Guidelines Regarding the Commission Public Agenda, adopted by the Commission 9/27/2002

The Commission operates its meetings under the following meeting principles:

1. An item appearing on the public agenda shall be voted upon, withdrawn or continued to a commission meeting date certain. A list of items appearing on the public agenda that are continued to future meetings ("hold list") shall be made available to the public the day before each commission meeting along with the date of the meeting to which the items (except for executive session items) are continued. Items held at the request of an individual Commissioner shall include a statement of the reason for the hold. The hold list may be updated as a result of public discussion (or non-public discussion, in the case of executive session items) during the course of the commission meeting.
2. An item appearing on the hold list, as modified during a Commission meeting, shall be set for the public agenda on the Commission meeting date indicated on the hold list. In the event that no date is clearly designated on the hold list, the item shall be set for the next meeting and shall be so reflected in the public agenda for that meeting.
3. In addition to holds by CPUC staff, any individual Commissioner may hold any item for no more than two meetings. A majority may vote to hold an item for additional meetings.
4. Each item on the Commission's public agenda shall state the initial date the matter appeared on the public agenda, each date the item previously appeared on the agenda, and the applicable categorization.
5. All cover sheets on decisions, resolutions, memoranda, and other matters pertaining to public agenda items shall state in a consistent position (as designated by the Chief Administrative Law Judge) the current agenda placement number, the date of the meeting at which it is to be considered, the applicable categorization and its agenda identification number.
6. All decisions, draft decisions and proposed decisions shall state the name of the assigned Commissioner and administrative law judge. If the Commission makes revisions to a recommended decision from the dais or in closed session, the decision shall reflect such action.

7. Only the assigned Commissioner (as defined in Public Utilities Code §§311, 1701.1, 1701.2, and 1701.4) may place an assigned matter on the agenda for decision, except that any Commissioner may place such assigned matter on the agenda for status report and/or discussion. Any Commissioner may place any other matter (e.g., resolutions, legislative items, personnel matters, management and Commissioner reports, external agency matters, appeals, potential and actual litigation, rehearings, originating orders initiating investigations (OIs), originating orders initiating rulemaking (OIRs), assignment or reassignment of cases to Commissioners, or new matters on the agenda for discussion or action by the Commission. Placement of matters on the agenda pursuant to this section shall comport with due process requirements, the rules of the Commission, and the Bagley-Keene Open Meeting Act (Government Code §11120 et seq.). Whenever possible, non-routine matters should be brought by Commissioners to the attention of the Chief Administrative Law Judge or the General Counsel for advice and assistance on their legal form and sufficiency prior to their being placed on the agenda. Nothing in this provision shall be deemed to restrict the Commission's power to delegate to divisions or designated employees the power to place matters on the agenda.
8. Proposed Decisions or Draft Resolutions addressing matters that are complex, controversial, or of significant public interest merit voluntary special procedures to enhance transparency and sound decision-making. Where the assigned Commissioner is aware of such complexity, controversy, or significant public interest, the assigned Commissioner shall work with the administrative law judge and strive to implement the following:
 - a. State in the scoping memo that because of the nature of the case, the assigned Commissioner, working with the administrative law judge, will likely implement special procedures regarding the timing and treatment of the Proposed Decision. In the case of Draft Resolutions for which these procedures will be implemented, the Commission President will coordinate such implementation with the assigned industry division director.
 - b. Mail the Proposed Decision or Draft Resolution to the service list 45 days or more in advance of the scheduled Commission meeting at which the item is to appear on the agenda. The Commission's rules setting comment and reply deadlines shall apply. Revisions to these Proposed Decisions and Draft Resolutions to incorporate comments will be distributed no later than four business days before the Commission meeting. For a Commission meeting on a Thursday, this means the prior Friday is the distribution deadline.
 - c. In all other proceedings and matters, the Proposed Decision or Draft Resolution shall be mailed consistent with current rules and practice.
9. As soon as an agenda item is held, that information will be publicly available. The Commission will make the first draft hold list publicly available at 3 p.m. three business days before the next voting meeting. For meetings on a Thursday, this means the first draft hold list will be made publicly available the prior Monday at 3 p.m. The final hold list will be issued the day before a voting meeting. Holds by a Commissioner can only be lifted by a vote of the Commission at the voting meeting, followed by a vote on the item under consideration.

The Commission will use its website to communicate the draft and final hold lists to the public, as well as the policy that lifting a hold is subject to a vote by the Commission.

10. If a Commissioner wishes to propose changes to any public session agenda item from the dais during a Commission meeting, the Commissioners may discuss the matter with each other during public

session. If one or more Commissioners wishes to propose substantive changes from the dais (i.e., during the public session) for the purposes of a vote, any such substantive changes to a Proposed Decision or Alternate must be suggested in prior comments on the Proposed Decision or Alternate, and must be consistent with the record in the proceeding. Any proposed changes from the dais regarding any public session agenda item must be made available to the public before they can be voted upon.

Commissioners should ensure they understand the impact of any proposed changes from the dais before a vote occurs. Commissioners should consult with Legal Counsel and/ or technical staff if there are any questions regarding the appropriateness or impact of proposed changes from the dais, and may wish to recess or hold the matter over for this purpose. Bagley-Keene law restrictions regarding communications between decision-makers remain in effect if the Commission meeting recesses.

Monitoring Method: Commission Report
Frequency: Annual