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Division of Public Utilities

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## DPU COMMENTS

To: Utah Public Service Commission

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Energy Section Manager

Date: May 24, 2016

Re: **Comments on Potential Amendments to R746-100-3, Pleadings**

Docket No. 16-R100-01, In the Matter of the Potential Amendments to R746-100-3

The Division submits the following comments in response to the Commission's invitation In the Matter of the Potential Amendments to R746-100-3, specifically, eliminating the requirement to file paper copies with pleadings.

While the Division of Public Utilities (Division) believes requiring paper copies in all filings is inefficient, the Division recommends the Commission consider exceptions in cases dealing with multiple witnesses or other testimony containing large amounts of information. For large utilities, these matters, such as rate cases, results of operations, major plant additions, etc. are difficult to analyze and review without paper copies. Some utility models for example, are (perhaps rightly) designed for the benefit of the utility and are not user friendly. In these instances, having paper copies is invaluable for navigating the utilities' application and arriving at recommendations that are in the public interest.

To mitigate the inefficiency of paper copies, the Division recommends that the Commission consider limiting the number of required copies. The Division for example, would be satisfied with two paper copies of such filings, one for its general files or records and one for general staff

access. Similarly, the Commission may be able to satisfactorily review a case with fewer paper copies.

Instead of defining specific cases or filings requiring a limited number of copies, the Commission may want to consider defining “large” by the size of the filing. Requiring paper copies based on size, for example, the number pages, invites abuse. Therefore the Division recommends that in exceptional cases the Commission consider paper requirements on a case-by-case basis.

Whether the Commission decides on a limited requirement or eliminates paper copies altogether, any electronic documents should be filed in a format that is searchable. In addition,

1. Electronic copies should be in their original format, that is in its word processing or spreadsheet format, and not simply a Portable Document Format or PDF;
2. At least one electronic copy of the pleading or accompanying work papers should have all formulas intact; and
3. Confidential information should be properly marked in a manner determined by the Commission. Yellow or other readable highlighting should be adequate.

The Division notes that R746-100-3(E)(1)(c) refers to R746 -100-16(A)(1)(g), which deals with highly confidential information, states in part:

All documents, data, information, studies and other materials filed in conjunction with a Commission proceeding, made available to proceeding participants, whether made available pursuant to interrogatories, requests for information, subpoenas, depositions, or other modes of discovery or otherwise, that are claimed to be Highly Confidential, shall be furnished pursuant to the terms of this rule . . .

In the past, utilities have at times required that Division staff or its consultants adhere to extraordinary means to view highly confidential information requested through interrogatories or

data requests. Given highly confidential information is being filed at times with the Commission, and provided to regulators in the course of business, these requirements for other such information are burdensome and serve to hinder the Division's efforts to adequately discharge its statutory duties in a reasonable manner. The Division, therefore, requests that the Commission clarify under what conditions highly confidential information apart from that filed with the pleading will be provided to parties.

Finally, current State rules require that Information Technology (IT) scan all outside media such as CDs. This process can take as long as four or five days or longer depending on IT's backlog. Given the many statutory or Commission deadlines governing cases, without paper copies the necessary delay will stress the Division's efforts to adequately review many cases. Questar Gas Company has, for a number of years, maintained a secure website for data requests and responses, including confidential, but not highly confidential, information. The use of such sites could be expanded to hold entire filings. The Division recommends that in the absence of paper copies, the Commission explore how such sites could be used to house entire pleadings, including data requests and responses.