



**FILED**

01/05/22  
04:59 PM

GT2/cmf 1/5/2022

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California  
Edison Company (U338E) for Authority  
to Increase Rates for its Class C Catalina  
Water Utility and Recover Costs from  
Water and Electric Customers.

Application 20-10-018

**E-MAIL RULING REGARDING UPCOMING EVIDENTIARY HEARINGS AND  
PROVIDING GENERAL GUIDANCE AND INSTRUCTIONS  
IN ADVANCE OF REMOTE HEARINGS**

Dated January 5, 2022, at San Francisco, California.

/s/ GARRETT TOY

Garrett Toy  
Administrative Law Judge

**From:** Toy, Garrett <[Garrett.Toy@cpuc.ca.gov](mailto:Garrett.Toy@cpuc.ca.gov)>

**Sent:** Wednesday, January 5, 2022 4:15 PM

**To:** Bishton Gubernick <[bishgub@aol.com](mailto:bishgub@aol.com)>; Paul.Sung@sce.com; Fisher, Emily <[Emily.Fisher@cpuc.ca.gov](mailto:Emily.Fisher@cpuc.ca.gov)>; Bob Finkelstein <[bfinkelstein@turn.org](mailto:bfinkelstein@turn.org)>; Dundon, Will <[Will.Dundon@cpuc.ca.gov](mailto:Will.Dundon@cpuc.ca.gov)>; Moussa, Hani <[hani.moussa@cpuc.ca.gov](mailto:hani.moussa@cpuc.ca.gov)>; Au, Jenny <[jenny.au@cpuc.ca.gov](mailto:jenny.au@cpuc.ca.gov)>; Aslam, Mehboob <[mehboob.aslam@cpuc.ca.gov](mailto:mehboob.aslam@cpuc.ca.gov)>; [huntpt@regutilconsult.com](mailto:huntpt@regutilconsult.com); [case.admin@sce.com](mailto:case.admin@sce.com); [cooper.cameron@sce.com](mailto:cooper.cameron@sce.com); [Eric.Sezgen@sce.com](mailto:Eric.Sezgen@sce.com); [Gloria.Ing@sce.com](mailto:Gloria.Ing@sce.com); [Raquel.Gonzalez@sce.com](mailto:Raquel.Gonzalez@sce.com); [SCEGRC@sce.com](mailto:SCEGRC@sce.com); Leong, Bradley <[Bradley.Leong@cpuc.ca.gov](mailto:Bradley.Leong@cpuc.ca.gov)>; Chitadje, Charlotte <[charlotte.chitadje@cpuc.ca.gov](mailto:charlotte.chitadje@cpuc.ca.gov)>; Toy, Garrett <[Garrett.Toy@cpuc.ca.gov](mailto:Garrett.Toy@cpuc.ca.gov)>; Williams, Lesley <[Lesley.Williams@cpuc.ca.gov](mailto:Lesley.Williams@cpuc.ca.gov)>; Chavez, Moises <[moises.chavez@cpuc.ca.gov](mailto:moises.chavez@cpuc.ca.gov)>; Rauschmeier, Richard <[richard.rauschmeier@cpuc.ca.gov](mailto:richard.rauschmeier@cpuc.ca.gov)>; Gutierrez, Thomas <[Thomas.Gutierrez@cpuc.ca.gov](mailto:Thomas.Gutierrez@cpuc.ca.gov)>  
**Cc:** ALJ Process <[alj\\_process@cpuc.ca.gov](mailto:alj_process@cpuc.ca.gov)>; ALJ\_Support ID <[alj\\_supportid@cpuc.ca.gov](mailto:alj_supportid@cpuc.ca.gov)>; ALJ Docket Office <[ALJ\\_Docket\\_Office@cpuc.ca.gov](mailto:ALJ_Docket_Office@cpuc.ca.gov)>

**Subject:** A.20-10-018: Administrative Law Judge E-Mail Ruling Regarding Upcoming Evidentiary Hearings and Providing General Guidance and Instructions in Advance of Remote Hearings

This ruling provides general instructions and guidelines to prepare for and effectively participate in the upcoming remote status conference, on January 19, 2022, and evidentiary hearings, January 24-28, 2022, in this proceeding. Further communications with links to the Webex events are to follow.

#### **A. Instruction to Prepare for Remote Status Conference and Evidentiary Hearings**

Preparation for all upcoming hearings will require Webex. Any person that intends to speak during the hearings must log in to Webex Events for video and audio.

1. Audio and Video component of hearing will be via the internet, utilizing Webex Events: Parties, counsel, witnesses, and court reporters must:
  - Be prepared prior to the hearings so that you have necessary audio/visual equipment, sufficient power/battery, sufficient connectivity, and onsite support where you are, as needed;
  - Log in to Webex, at least 30 minutes prior to the hearing time each day. All persons logging in to Webex will enter as an attendee, unless told otherwise. Commission staff will activate visibility for those designated as visible; and
  - Have your video on during the hearing and remain visible on the screen during the hearing.
2. Watch and Listen Only Mode: Other non-speaking attendees and members of the public will not appear on the video screen and will be in a watch and listen only mode.

## **B. General Instructions for Order During Remote Hearings**

1. Speaking: Generally, parties should speak only when addressed and called on by the judge. The court reporters will be relying on the Webex audio to transcribe the hearings. To ensure a complete and accurate record, participants should follow the following instructions:
  - Speakers must identify themselves before speaking each time;
  - Speakers must speak slowly, clearly, and one at a time;
  - Speakers should pause between statements, especially between question and answer, during the course of an examination; and
  - All attendees should mute their telephone line when not speaking.
  - When there are garbled or indecipherable statements, the court reporter will interrupt the speakers when it is possible to do so or may insert the word “inaudible” in the transcript.
  - Cross talking must always be avoided. In the case of any cross talking, the court reporter may insert the words “cross talking” in the transcript.
  -
2. Permission to Speak: To maintain order, if someone else is speaking, you must not interrupt. Instead, you must first secure permission of the judge, if you wish to speak. You may do so by physically raising your hand to alert the judge and wait until the judge permits you to speak, by using the raise your hand tool in Webex, or by leaving a comment in the chat. The judge will set aside time to address these questions at the judge’s discretion.

An exception to this is an objection to a question during the examination of a witness. In this instance, after the completion of the objectionable question, an attorney may orally interject. The attorney should first state his/her name and then briefly state the legal grounds for objection. If such an objection is made, the witness must pause before responding to that question to provide time for the judge to address the pending objection and to account for any lags due to audio delay.

3. Private Communications: During the evidentiary hearing, the Commission prohibits private communications (via telephone, text, e-mail, or any other medium) relevant to the subject matter of the proceeding with a witness while he or she is being examined. We therefore require both the witness and the attorneys to affirm, while on the record, that they will not engage in any private communications relevant to the subject matter of the proceeding during the course of the witness’ examination.

### **C. Drafts, Proposed and Final Exhibit and Witness Lists**

1. According to the schedule and directives as ordered by the Assigned Administrative Law Judge in the December 23, 2021 Ruling:
  - Each party sponsoring any exhibit or proffering any witness shall serve to the service list a Draft Exhibit and Witness Lists by January 18, 2022;
  - Leading up to the evidentiary hearing, all parties sponsoring any exhibit or proffering any witness shall regularly meet and confer with the Applicant, Southern California Edison Company (SCE), to help compile both Draft and Final Proposed Combined Exhibit and Witness Lists, as necessary; and
  - SCE shall prepare and serve the Final Combined Exhibit and Witness Lists by January 21, 2022.
2. All Draft and Final Exhibit Lists shall include (1) the name and description of each exhibit, (2) sponsoring witness, and (3) proposed exhibit number.
3. All Draft and Final Witness Lists shall include, for each witness being offered, (1) the name, (2) short description of testimony being offered, (3) identification of materially disputed factual issue(s) in the proceeding to which the testimony is being offered, (4) the proposed order and date of testimony, and (5) estimated cross examination time.
4. All Draft and Final Exhibit Lists should include links to the exhibit in the Commission's Supporting Documents database, to the extent practicable.
5. During the evidentiary hearing:
  - All parties sponsoring any exhibit or proffering any witness shall meet and confer with SCE, after each day of hearings, to review, coordinate and help maintain an up-to-date Exhibit and Witness Lists;
  - SCE shall update the Exhibit and Witness Lists and serve the same on the service list and the court reporters on the morning of each hearing day, prior to the start of that day's hearing.

### **D. Final Exhibit Format**

1. The upper right-hand corner of the first page of each exhibit (or cover sheet) shall be left blank for the judge's exhibit stamp (approximately 2 inches high x 3.5 inches wide).

2. All hard copy exhibits (if any) shall be bound on the upper left corner or left side and shall comply with the requirements of Rule 13.7.
3. Parties shall ensure that all exhibits are clean, corrected, and final versions. All exhibits shall integrate errata prior to the hearings. Generally, corrections to an exhibit should be made in advance and served to the service list, and not while the witness is under oath and testifying.
4. Parties shall pre-mark their prepared testimony exhibits so that it includes the exhibit number, proceeding number, name of sponsor/witness, and date(s) served (including revision dates).
5. Exhibits shall be marked with a short acronym for the sponsoring party followed by sequential numbering. For example: A&B-1, A&B-2. Confidential exhibits shall be labeled with the same number as the public version of the exhibit followed by a dash and the letter "C." For example, the confidential version of A&B-1 would be labeled A&B-1-C.
6. Partial documents or excerpts from documents must include a title page or first page from the source document. Excerpts from lengthy documents should include a table of contents page covering the excerpted material.

#### **E. Final Cross-examination Exhibits**

Cross-examination Exhibits shall be served on the service list the day before the first appearance of the witness for whom the cross-examination exhibit applies to.

#### **F. Corrections and Errata**

To the extent possible, the final version of each exhibit should include any necessary corrections. A redline version showing the corrections should also be uploaded to Supporting Documents. The Exhibit List should link to the final version of the exhibit (not to previous version) and to the redline version.

The corrected exhibit and redline exhibit should be served on the service list immediately following identification of the need for correction.

**G. Motions**

As noted in the December 23, 2021 Assigned Administrative Law Judge Ruling, all pre-evidentiary hearing motions shall be made by January 18, 2022, to allow the judge time for review of the arguments and relevant issue(s) before evidentiary hearing.

**H. Instructions for Final Sets of Exhibits**

By January 20, 2022, each party shall prepare and serve a complete Final Set of Exhibits by email to the service list and uploaded to Supporting Documents using the Electronic Filing System at the Commission's website pursuant to Rule 13.7(f).

**I. Instructions for Status Conference on January 19, 2022**

By January 12, 2022, parties shall provide via procedural e-mail a name, e-mail address, and contact information for anyone who will be participating in the status conference or evidentiary hearings, as a witness or as an attorney. A status conference shall be held on January 19, 2022 at 10:00 AM, in order to test parties' Webex capabilities, discuss any outstanding motions, and discuss any other outstanding issues related to testimony and exhibits. Witnesses shall be available to test their Webex capabilities at the status conference.

**IT IS SO RULED.**

**The Docket Office shall formally file this ruling.**

**Garrett Toy**

Administrative Law Judge

California Public Utilities Commission