

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

RE: Electronic Access to Pre-Served Testimony
Docket No: L-2014-2406251

Dear Secretary Chiavetta:

Attached for electronic filing please find the Comments of the Office of Consumer Advocate in the above-referenced proceeding.

A copy of this document has been forwarded to the parties listed below. If you have any questions, please feel free to contact us.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christine Maloni Hoover".

Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. #50026
Email: CHoover@paoca.org

Attachment

cc: Office of the Administrative Law Judge
Krystle J. Sacavage, Assistant Counsel, Law Bureau
Bureau of Investigation and Enforcement
Office of Small Business Advocate

184784.doc

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electronic Access To Pre-Served Testimony : Docket No. L-2014-2406251

COMMENTS OF
THE OFFICE OF CONSUMER ADVOCATE

On March 20, 2014, the Public Utility Commission (PUC or Commission) adopted a proposed rulemaking order proposing regulations for the electronic submission of testimony. The proposed rule was published in the Pennsylvania Bulletin on May 17, 2014 with comments due within 30 days. The Office of Consumer Advocate (OCA) generally supports the PUC's moving forward from the one year pilot program that was in effect since January 2013 and subsequently extended to January 2015. 44 Pa. B. 2868. In these Comments, the OCA seeks clarification of certain issues. The OCA has a number of questions regarding certain procedures that are proposed to be used going forward. Specific questions are listed below.

A. Clarification regarding the submitted testimony: The OCA has a number of questions regarding the format and presentation of the submitted testimony.

1. *5.412(b)(3) Labeling of electronically submitted testimony:* This provision prescribes the labeling of the testimony of any party submitting pre-served testimony to the Commission. First, the OCA notes that there can be additional pieces of pre-served testimony that are not addressed in this proposed section. For example, supplemental direct testimony and written rejoinder testimony are examples of testimony that are not addressed in this subsection.

2. *5.412(c) Submission of paper copies of pre-served testimony to the court reporter:* This section requires two paper copies of pre-served testimony to be provided to the court

reporter at the hearing. The OCA seeks clarification regarding whether, with the electronic submission of the pre-served testimony, it is still necessary to submit two copies. For example, if a document is efiled, an original is submitted to the Secretary's office, but additional copies are no longer required. 43 Pa. B. 2605. Can the same procedure be used with the pre-served testimony and thus require only one copy to be provided to the court reporter?

B. Clarification regarding access to the testimony: The OCA seeks clarification regarding access to the public pre-served testimony on the Commission's website.

1. In its Order adopting the proposed rulemaking, the Commission indicates that the proposed regulations "will allow Commission staff, as well as parties of record in an adjudicatory proceeding, to have electronic access to parties' public pre-served testimony through the Commission's case and document management system." 44 Pa. B. 2868. The Commission also states that parties of record with eFiling accounts will be able to view the electronic submissions of public pre-served testimony. 44 Pa. B. 2870. The OCA seeks clarification on how the parties of record with eFiling accounts would be able to access the public pre-served testimony on the Commission's website.

2. In its Order adopting the proposed rulemaking, the Commission indicates that, at this time, the proposed regulations do not permit public access to the public pre-served testimony because it is not certain that the public is aware of the need to consult the transcript for purposes of determining which testimony was admitted into the record. See 44 Pa. B. 2870. The OCA notes that the public cannot access transcripts via the Commission website at this time. However, if testimony is shown on the website with any strikeouts, corrections, or modifications in place, then the public would not need to refer to the transcript in order to know what the final

version of the testimony admitted into the record contains. The OCA supports public access via the Commission website to the testimony that was admitted into the record.

WHEREFORE, the OCA generally supports the Commission's proposed regulations but seeks clarification on these few issues.

Respectfully Submitted,



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