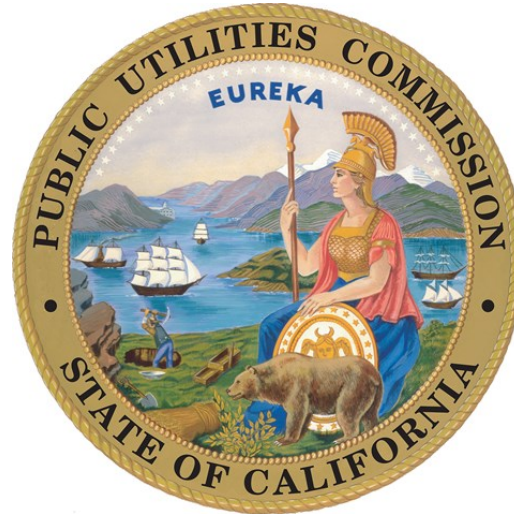




Policy and Governance Committee



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Context and Goals

Rule 12.1 Proposal of Settlements.

Today: Concepts for Rule 12 changes

Underlying Concern: Is the Commission aware of the full scope of a settlement when parties submit a settlement for approval?

Goal: Commissioner discussion and feedback; public comment

Next Step: Incorporate feedback into proposed modifications to Rule 12





Identifying Areas for Clarification

Rule 12.1 Proposal of Settlements.

(a) Parties may, by written motion any time after the first prehearing conference and within 30 days after the last day of hearing, propose settlements on the resolution of any material issue of law or fact or on a mutually agreeable outcome to the proceeding. Settlements need not be joined by all parties; however, settlements in applications must be signed by the applicant and, in complaints, by the complainant and defendant.

The motion shall contain **a statement of the factual and legal considerations adequate to advise the Commission of the scope of the settlement** and of the grounds on which adoption is urged. Resolution shall be limited to the issues in that proceeding and shall not extend to substantive issues which may come before the Commission in other or future proceedings.

[Remainder of Rule Omitted]





Rule 12.1(a) Straw Proposal

The motion shall contain a statement of the factual and legal considerations adequate to advise the Commission of the scope of the settlement, all information potentially relevant to the Commission's evaluation of the settlement, including any separate arrangements, and of the grounds on which adoption is urged.





Identifying Areas for Clarification

Rule 12.1(d) Proposal of Settlements.

The Commission will not approve settlements, whether contested or uncontested, **unless the settlement is reasonable** in light of the whole record, consistent with law, and in the public interest.





Rule 12.1(d) Straw Proposal

The Commission will not approve settlements, whether contested or uncontested, unless the settling parties' motion discloses all information potentially relevant to the Commission's evaluation of the settlement, the settlement is reasonable in light of the whole record, consistent with law, and approval is in the public interest.





Identifying Areas for Clarification

Rule 12.4 Rejection of Settlement.

The Commission may reject a proposed settlement whenever it determines **that the settlement** is not in the public interest.





Rule 12.4 Straw Proposal

The Commission may reject a proposed settlement whenever it determines that the settlement, when evaluated as a whole, including any separate arrangements, is not in the public interest.





THANK YOU
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