

ORIGINAL

Decision No. 76634

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion in the matter of whether the Rules of Practice and Procedure before the Public Utilities Commission should be modified, amended or otherwise revised.

Case No. 8849
(Filed September 24, 1968)

APPEARANCES

See Appendix A attached hereto.

ORDER SETTING ASIDE SUBMISSION

On September 24, 1968, the Commission on its own motion instituted an investigation for the purpose of determining whether the Commission's Order Revising Rules of Practice and Procedure, Decision No. 72329 in Case No. 4924 and Case No. 7234, effective July 14, 1967 should be revised by adoption of the proposed rules attached as Appendix A to the Order Instituting Investigation herein.

Public hearings in the matter were held before Commissioner Morrissey and Examiner Cline in San Francisco and Los Angeles on November 4, 25 and 26, 1968, and January 15, 16 and 17, April 2, 3 and 4 and May 1, 1969, at which time the matter was taken under submission. Previously the Commission on April 8, 1969, had authorized the issuance of a proposed report in this proceeding.

Upon the resignation of Commissioner Morrissey this matter has been reassigned to Commissioner Vukasin and Examiner Cline. Prior to the filing of the proposed report the Commission desires to have an expression of views, opinions and evidence of the parties

to this proceeding with respect to the draft of proposed rules attached as Appendix B hereto. The parties are hereby placed on notice that by the issuance of the order setting aside submission the Commission does not thereby in any respect give its approval to such draft of proposed rules.

IT IS ORDERED that submission of this matter is set aside for the purpose of giving the parties to this proceeding an opportunity to express their views and opinions and offer evidence regarding the draft of proposed rules attached hereto as Appendix B revisions or modifications thereof, and additional rules germane thereto.

Further public hearings in this proceeding shall be held before Commissioner Vukasin or Examiner Cline on Monday, Tuesday and Wednesday, January 19, 20 and 21, 1970 at 10:00 a.m. in the Commission Courtroom, State Building, San Francisco, California.

On or before January 14, 1970, any party desiring to do so may serve upon the appearances and file in this proceeding revisions or modifications of the draft of proposed rules attached as Appendix B, or any additional rules germane thereto, together with comments pertaining to the draft of proposed rules and the revisions or modifications thereof or the additional rules germane thereto, which may have been served and filed.

For the information of the parties to this proceeding a Tabulation of References to the Order Instituting Investigation herein, Exhibits and Transcripts related to the proposed Rules of

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Practice and Procedure set forth in Appendix A to the Order
Instituting Investigation herein is attached hereto as Appendix C.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this
30th day of DECEMBER, 1969.

William J. Quinn
President

[Signature]

[Signature]
Commissioners

Commissioner A. W. Gatov, being
necessarily absent, did not participate
in the disposition of this proceeding.

LIST OF APPEARANCES

RESPONDENT: Francis N. Marshall, John C. Morrissey and A. Crawford Greene, Jr., for The State Bar of California.

INTERESTED PARTIES: Lester W. Spillene, for Allied Telephone Companies Association and in his own behalf; William Mitze, for Riverside Division, American Cement Corporation; Leland E. Butler, Robert B. Curtis and Frederick G. Pfrommer, for The Atchison, Topeka and Santa Fe Railway Company; C. H. Purkiss, for Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; E. O. Blackman, for California Dump Truck Owners' Association; W. L. Knecht and Ralph Hubbard, for California Farm Bureau Federation; Neal C. Hasbrook, for California Independent Telephone Association; Robert E. Eurt, John P. Hellman, John T. Reed, and Brobeck, Phleger & Harrison, by Gordon E. Davis, for California Manufacturers Association; A. D. Poe, W. T. Meinhold and H. F. Kollmyer, for California Trucking Association; Jack L. Dawson, for California Warehousemen's Association, Pacific States Cold Storage Warehouse Association and California Warehouse Tariff Bureau; C. G. Ferguson, for California Water Service Company; William D. Mayer, for Cannery League of California; Louis Possner, Chief Engineer-Secretary, Bureau of Franchises and Public Utilities, for City of Long Beach; Robert W. Russell and Roger Arneberg, City Attorney, by Charles E. Matson and Charles W. Sullivan, Deputy City Attorney, for the City of Los Angeles; Curtis M. Fitzpatrick and John W. Witt, Chief Deputy City Attorney, for Edward T. Butler, City Attorney, for the City of San Diego; Thomas M. O'Connor, City Attorney, William C. Taylor, Deputy City Attorney and Robert E. Laughhead, Rate Expert, for City and County of San Francisco; William F. McCann, for Container Corporation of America; Ronald M. Zaller, for Continental Can Company, Inc.; Ronald Schneider, Deputy County Counsel, and Bill T. Farris, for County of Los Angeles; John A. Cunningham, Utilities Consultant, in his own behalf; Russell Bevans, for Draymen's Association of San Francisco, Inc.; E. R. Chapman, for Foremost Foods; James F. Sorrenson, for Friant Water Users Association; A. M. Hart and Donald J. Duckett, by Donald J. Duckett, for General Telephone Company of California; Gibson, Dunn & Crutcher, by Raymond L. Curran in their own behalf; Graham & James, by Boris H. Lakusta and David L. Marchant in their own behalf; Ray Greene of Handler, Baker & Greene in his own behalf; W. L. McCracken, for Greyhound Lines, Inc. (Western Greyhound Lines Division); George G. Grover in his own behalf; C. Fred Imhof, for Industrial Asphalt; William D. Wagstaffe, for Industrial Traffic Associates of San Francisco; Calhoun E. Jacobson in his own behalf; C. E. Jacobson, General Manager, Associated Traffic Services, in his own behalf; K. M. Robinson and S. A. Moore, for Kaiser Cement & Gypsum Corporation; G. C. Willis, for Kraft Foods; Kenneth C. Delaney, for Los Angeles Area Chamber of Commerce; James Quintrall, for Los Angeles Warehousemen's Association; Eugene E. Rhodes, for Monolith Portland Cement Company; E. P. Kinsinger, for Order of Railroad Conductors & Brakemen; Lionel E. Goff, Jr., for

Pacific Lighting Service & Supply, Southern California Gas Company, and Southern Counties Gas Company; Robert E. Michalski, for The Pacific Telephone and Telegraph Company; Norman I. Molaug, for J. C. Penney Company, Inc.; James E. Ingwerson, for REA Express; Karl K. Roos in his own behalf and for Knapp, Gill, Hibbert & Stevens; Martin J. Rosen, Silver and Rosen, in his own behalf; Claude N. Rosenberg of Bacigalupi, Elkus, Salinger and Rosenberg, in his own behalf; Donald M. Haight, for Sacramento Municipal Utility District; Chickering & Gregory, by Sherman Chickering, C. Hayden Ames and Donald J. Richardson, Jr., and Stanley Jewell, for San Diego Gas & Electric Company; James M. Cooper, for San Francisco Chamber of Commerce; James W. Curtright, for Shell Oil Company; Rolin E. Woodbury, Harry W. Sturges, Jr., and John R. Burry, for Southern California Edison Company; Harold S. Lentz, for Southern Pacific Company; G. B. Shannon and Overton, Lyman & Prince, by Donald H. Ford, for Southwestern Portland Cement Company; Charles H. McCrea, for Southwest Gas Corporation; D. R. Ranche, for Standard Brands; Thomas C. Lynch, Attorney General, by Donald B. Day, Deputy Attorney General, for the State of California; Melvin R. Dykman and Joseph C. Easley, for Department of Public Works, State of California; Arthur D. Guy, Jr., Suburban Water Systems and Southwest Water Company; D. H. Marken, for Traffic Managers Conference of California; Marshall W. Vorkink, for Union Pacific Railroad Company; J. E. Howe, for United Transportation Union, AFL-CIO; Edward L. Blincoe, for Utility Users League of California and in his own behalf; Gordon Pearce, for Western Air Lines, Inc.; and J. A. Moore, for Western Union Telegraph Company.

Commission Staff: Vincent V. MacKenzie, Counsel; Sidney J. Webb, for the Finance and Accounts Division; John R. Laurie, for the Transportation Division, and Greville L. Way, for the Utilities Division.

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Article 13. Hearing Conferences; Initiation, Purpose, Results; Exchange of Exhibits and Written Testimony.

49.1. (Rule 49.1) Hearing Conferences. With or without the request of any party, a presiding officer may hold a hearing conference prior to or during the course of a hearing in order to expedite the orderly conduct of the hearing and the disposition of the proceeding, or after the submission of the proceeding in order to expedite the disposition of the proceeding.

49.2. (Rule 49.2) Initiation of Prehearing Conferences. Upon the written request filed with the Secretary of the Commission:

(a) In an application proceeding by the applicant, or by a majority of the applicants if there be more than one, within ten days after the date of the filing of the application;

(b) In a petition proceeding (1) by the petitioner, or by a majority of the petitioners if there be more than one, within ten days after the date of the filing of the petition, or (2) by the respondent, or by a majority of the respondents if there be more than one, within ten days after the final date of the receipt of service of the petition by the respondent, or by said majority of respondents, as the case may be;

(c) In a complaint proceeding (1) by the complainant, or by a majority of the complainants if there be more than one, within ten days after the date of the filing of the complaint, or (2) by the defendant, or by a majority of the defendants if there be more than one, within ten days after the final date of the receipt of service of the complaint by the defendant, or by said majority of defendants, as the case may be;

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(d) In a Commission investigation proceeding (1) by the Commission staff representative within ten days after the date of the issuance of the order of investigation, or (2) by the respondent, or by a majority of the respondents if there be more than one, within ten days after the final date of the receipt of service of the order of investigation by the respondent, or by said majority of respondents, as the case may be; a presiding officer shall hold a prehearing conference in order to expedite the orderly conduct of the hearing and the disposition of the proceeding.

Each such request for a prehearing conference shall be accompanied by a written statement of the issues in the proceeding. When the Secretary of the Commission notices the prehearing conference he will direct that each party who proposes to participate in the prehearing conference submit to the Secretary of the Commission five days in advance of the prehearing conference a written statement of the issues in the proceeding.

49.3. (Rule 49.3) Purpose of Hearing Conference. At any such prehearing conference or other hearing conferences as may be held, consideration will be given to:

- (a) Formulating or simplifying the issues;
- (b) Specifying a schedule for the exchange of proposed exhibits and written testimony, and the reduction of oral testimony to exhibit form;
- (c) Specifying the dates of hearing;
- (d) Obtaining admissions as to, or stipulations of, facts not remaining in dispute and of the authenticity of documents or matters of public record which might properly shorten the hearing;

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- (e) Limiting the number of witnesses;
- (f) Receiving offers of settlement or proposals of adjustment;
- (g) Establishing procedure at the hearing;
- (h) Such other matters, including disposition of requests for discovery, as may aid in expediting the orderly conduct of the hearing and the disposition of the proceeding.

49.4. (Rule 49.4) Report of Results of Hearing Conference.

Following such hearing conference the presiding officer shall make an oral report of record, or shall promptly issue and file a written report of the hearing conference which shall be served upon all parties to the proceeding who appeared at the conference. In such report the presiding officer will give an account of the results of the hearing conference which to the extent appropriate will:

- (a) Define the issues;
- (b) Specify a schedule for the exchange of exhibits and written testimony;
- (c) Specify the dates of hearing;
- (d) Enumerate the admissions as to, or stipulations of, facts not remaining in dispute and of the authenticity of documents or matters of public record;
- (e) Determine the limitation of the number of witnesses;
- (f) Specify the offers of settlement or proposals of adjustment which are acceptable.
- (g) Establish other procedures and determine such other matters as may aid in expediting the orderly conduct of the hearing and the disposition of the proceeding.

Within seven days after the filing of the transcript of the oral report, or within seven days after the issuance of the written report by the presiding officer, as may be appropriate, objections

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to the report may be filed and served by any party who attended the hearing conference. If no objections are filed and served, the original report shall be the final report. The presiding officer may revise his report in light of the objections presented. If objections have been filed and served, a final report, whether revised or not, shall be served upon the parties to the proceeding. The final report shall constitute the official account of the hearing conference and shall control the subsequent course of the proceeding. Such final report, however, may be modified at any time by the presiding officer to protect the public interest or prevent manifest injustice.

49.5. (Rule 49.5) Consequence of Failure to Attend Hearing Conference. Failure of a party to attend a hearing conference, after due notice, shall constitute a waiver of all objections to the agreements or stipulations reached, if any, and any order or ruling with respect to matters considered at the hearing conference. ✓

49.6. (Rule 49.6) Exchange of Exhibits and Written Testimony. When required by the report of a hearing conference, exhibits and prepared testimony which are proposed to be introduced in evidence at the hearing must be served upon the parties participating in the hearing conference on or before the dates specified in the final report of the hearing conference or such extensions thereof as may be granted by the Secretary or the presiding officer. Exhibits and written testimony not so served will not be received in evidence, except upon showing good cause for failure to comply with this requirement and except upon reasonable opportunity to other parties to study the materials before they are received in evidence at the hearing. Where the need for additional exhibits or prepared testimony cannot reasonably be foreseen before the hearing, as for

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example where new evidence is deemed necessary to rebut evidence adduced at the hearing, such additional exhibits and prepared testimony may be received provided that other parties shall be afforded reasonable prior opportunity to study such materials for purposes of relevant motions or objections, and reasonable time to prepare for cross-examination and to prepare and submit rebuttal.

53. (Rule 53) Intervention. In any proceeding before the Commission, petitions to intervene and become a party thereto shall be in writing, shall make a full disclosure of the persons or entities in whose behalf the intervention and appearance is to be entered, and shall set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. Such a petition shall be served and filed by petitioner at least five days before the proceeding is called for hearing, except for good cause shown, and the parties may serve or file replies before or at the time the matter is called for hearing.

Leave will not be granted except on averments which are reasonably pertinent to the issues already presented, but do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding to the degree indicated by the order allowing intervention, or by the presiding officer at the hearing.

54. (Rule 54) Participation Without Intervention by Appearance. In any proceeding pending before the Commission an appearance may be entered at the hearing without filing a pleading, if no affirmative relief is sought, if there is full disclosure of the persons or entities in whose behalf the appearance is to be

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entered, if the interest of such persons or entities in the proceeding and position intended to be taken are fairly stated, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed.

A person or entity in whose behalf an appearance is entered in this manner becomes a limited party to and may participate in the proceeding only for the purpose of presenting direct testimony.

Article 14. Hearings.

56.1. (Rule 56.1) Motions to Dismiss Based Upon Lack of Jurisdiction. No later than ten days before the date set for initial hearings on a complaint, order instituting investigation, application or other pleading which initiates a proceeding or amends any claim therein, any party may file with the Commission and serve upon all parties to the proceeding, and all other parties upon which service of copies of the pleadings are therein shown to have been made, a motion to dismiss the proceeding or portion thereof on the ground that the Commission lacks jurisdiction. The motion shall be accompanied by a statement of points and authorities in support thereof.

The motion to dismiss for lack of jurisdiction shall be heard at the time the motion is set for hearing or the matter is first set for hearing. The presiding officer may deny the motion and thereupon proceed with the receipt of evidence, or he may take the motion under submission in which case all further hearings will be stayed until the motion to dismiss is determined as promptly as reasonably possible by the Commission or the presiding officer, as may be appropriate, and a copy of the written ruling disposing of the motion to dismiss for lack of jurisdiction is served upon the

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parties. The ruling on the motion shall be without prejudice to the renewal of such motion upon the final submission of the proceedings.

This rule shall not affect the right of parties to move for the dismissal of a proceeding, or a portion thereof, at any other time, but the provisions of this rule staying hearings shall be applicable only when the motion is filed and served as hereinabove provided.

57.1. (Rule 57.1) Definition of and Confinement to Issues. At the commencement of a hearing after there has been a prehearing conference report, the presiding officer shall state the issues to be determined which have been defined in the prehearing conference report. At the commencement of a hearing when there has been no prehearing conference report the proponent or the party having the burden of proof shall make an opening statement in which he defines the issues to be determined. Thereafter any other party to the proceeding will be given an opportunity to take exception to or to seek to expand the issues to be determined. Any conflict in the definition of the issues to be determined shall be resolved by the presiding officer at the hearing.

The defined issues may be enlarged or modified by order of the presiding officer for good cause shown, during the course of the hearing, with notice to all parties and reasonable opportunity to protect their interests and position in the premises.

Evidence, statements or arguments upon matters irrelevant to the issues so defined shall not be permitted during the hearing when objected to by a party to the proceeding, or without objection at the discretion of the presiding officer.

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Article 16. Presiding Officers.

63. (Rule 63) Authority. The presiding officer may set hearings and control the course thereof, administer oaths, issue subpoenas, receive evidence, hold appropriate conferences before or during hearings, rule upon all objections or motions which do not involve final determination of proceedings, receive offers of proof, hear argument, and fix the time for the filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules and policies of the Commission.

Rulings on motions which may affect the future course of hearings, as by bringing in additional parties, by creating or eliminating the necessity for evidence of particular matters, or by dismissal of all or a portion of the proceeding, shall be made as promptly as reasonably possible by the Commission or the presiding officer, as may be appropriate, and ordinarily shall not be made to await the final submission of the proceeding. Any motion on which the presiding officer or the Commission has not issued a ruling within thirty days after the motion is made and heard shall be deemed to have been denied unless the presiding officer has notified the parties the motion is under submission for a further definite period of time.

Article 17. Evidence.

64. (Rule 64) Form and Admissibility. Except in proceedings involving the determination of just compensation for the acquisition of utility properties, the assessment of a penalty, or the award of damages or reparation, the technical rules of evidence need not be

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applied. Any relevant or material evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Substantial rights of the parties shall be preserved. The rules of privilege shall be effective to the extent that they are required by law to be recognized at the hearing. Irrelevant, immaterial and unduly repetitious evidence shall be excluded, particularly if it might put another party to the burden of rebuttal as an alternative to the risk of allowing such evidence to remain uncontroverted, and so extend the hearing and the record without substantially contributing to the proper determination of the issues.

Article 19. Decisions.

70. (Rule 78) Recommended Decisions. As soon as practicable after submission of a proceeding for decision, the presiding officer shall file a recommended decision, (a) if the Commission in its discretion determines that a recommended decision should be issued, either upon its own motion, or upon request prior to submission of any party not otherwise entitled to the issuance of a recommended decision pursuant to subdivision (b) of this rule, or (b) where request has been made prior to submission and such request has not been specifically denied by order of the Commission upon its own motion in the following proceedings:

- (1) In an application proceeding, upon the request of the applicant, or of all of the applicants if there be more than one;
- (2) In a petition proceeding, upon the request of the petitioner, or of a majority of the petitioners if there be more

than one, or upon the request of respondent or a majority of the respondents if there be more than one;

(3) In a complaint proceeding, upon the request of the complainant or of a majority of the complainants if there be more than one, or upon the request of the defendant, or of a majority of the defendants if there be more than one; and

(4) In an investigation proceeding, upon the request of the Commission staff counsel, or other staff representative if there be no staff counsel, or upon the request of the respondent, or of a majority of the respondents if there be more than one.

The recommended decision shall meet all the requirements of law respecting the content of the decision, including, but not limited to, separately stated findings of fact and conclusions of law on all issues material to the order or decision and an order.

The Secretary shall cause copies thereof to be served upon all parties to the proceeding.

79. (Rule 79) Adoption, Modification, or Review of Recommended Decisions, If No Exceptions Are Filed. If exceptions are not filed as provided in these rules, the Commission will (a) adopt the recommended decision as the decision of the Commission, (b) modify the recommended decision and issue such modified decision, or (c) order review of the recommended decision.

80. (Rule 80) Exceptions and Replies. Any party and the Commission staff counsel, or the Commission staff representative if there be no Commission staff counsel, may serve and file exceptions to a recommended decision within twenty days after the filing thereof, or if a transcript is ordered, within twenty days after the transcript is filed, whichever is later. Exceptions shall be

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specific and stated and numbered separately. Exceptions to factual findings shall specify the portions of the record relied upon, proposed substitute findings, and proposed additional findings, with supporting reasons. Exceptions to conclusions shall cite statutory provisions or principal authorities relied upon, proposed substitute conclusions, and proposed additional conclusions. Replies may be served and filed within fifteen days after the last day for the filing of exceptions. At any time before the date of filing exceptions or replies, the presiding officer, the Secretary, or the Commission may, upon good cause shown, extend the time within which to file such exceptions or replies.

After consideration of the exceptions to the recommended decision and the replies thereto the Commission will (a) adopt the recommended decision as the decision of the Commission, (b) modify the recommended decision and issue such modified decision, or (c) order review of the recommended decision.

81. (Rule 81) Review of Recommended Decision. Whenever the Commission orders a review of a recommended decision, it will ordinarily:

- (a) Specify the issues to which review will be limited;
- (b) Specify those portions of the recommended decision, if any, which shall go into effect, as well as the effective dates thereof; and
- (c) Authorize briefs or oral argument before the Commission, or both, setting the time limits within which opening and answering briefs shall be filed and the time for oral argument, as the situation may require.

81.1. (Rule 81.1) Off-the-Record Communications. Except upon notice and opportunity for all parties of record to participate, no person, including parties or representatives of parties, witnesses, Commission staff counsel, and Commission staff representatives (other than Examiners) who have participated in the hearing of a proceeding, and Commission staff employees who have formulated or directed the formulation of a Commission staff position on the merits adverse to that taken by any other party in a proceeding which has gone to hearing, shall advocate to the presiding officer, any Examiner, any Commissioner, or the Commission a finding or conclusion, or order to be incorporated in a decision, or a position involving the merits of a proceeding which has gone to hearing. This rule shall not preclude a presiding officer, any Examiner, any Commissioner, or the Commission from seeking legal or technical advice from the Chief Counsel of the Commission, or from any Commission staff counsel or employee who has not participated in the proceeding and/or who has not formulated or directed the formulation of a Commission staff position on the merits of the proceeding which has gone to hearing. During the course of the hearing and prior to the submission of any proceeding the Commission staff counsel, or the Commission staff representative if there be no Commission staff counsel, shall advise the presiding officer on the record of the names of Commission staff employees who have formulated or directed the formulation of a Commission staff position on the merits adverse to that taken by any other party in the proceeding and whose names do not otherwise appear in the record as Commission staff counsel, representatives or witnesses.

The prohibitions of this rule shall not apply to inquiries and communications as to matters which are strictly procedural.

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In any proceeding in which a hearing is held, all written communications pertaining to such proceeding from persons other than Commissioners or employees of the Commission, except such written communications, information and reports as are required to be furnished to the Commission and which would not otherwise be open to public inspection without a specific order by the Commission, shall be made available for inspection by and for the information of the parties by the presiding officer at the hearing upon the request of any party.

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion in the matter of whether
the Rules of Practice and Procedure
before the Public Utilities Commis-
sion should be modified, amended or
otherwise revised.

Case No. 8849

Tabulation of References to the Order Instituting Investigation herein, Exhibits and Transcript related to the proposed Rules of Practice and Procedure set forth in the Order Instituting Investigation herein.

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Vol. 3	pp 256-257	Pearce, Gordon
.....	pp 262-275	Morrissey, John C.
Ex. No. 1	pp 2-5	Morrissey, John C.
Tr. Vol. 3	pp 276-308	Morrissey, John C.
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.....	pp 342-343	"
.....	pp 348-370	"
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.....	pp 375-377	Blincoe, Edward L.
Vol. 4	pp 389-391	Marshall, Francis N.
.....	pp 405-406	"
.....	pp 419-421	Shannon, George B.
.....	pp 423-427	"
.....	pp 501-502	Foe, Arlo D.
.....	pp 504-507	"
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Vol. 5	pp 609-611	Spillane, Lester W.
.....	pp 675-677	"
.....	pp 688-691	Rosen, Martin J.
Ex. No. 5, Ex. A ...	pp 1-3	Rosen, Martin J.
Tr. Vol. 6	pp 698-710	Rosen, Martin J.
.....	pp 712-713	"
.....	pp 719-721	"

Ex. No. 6	pp 1-3	Butler, Leland E.
Tr. Vol. 7	p 815	Butler, Leland E.
Ex. No. 8	p 2	Jacobson, Calhoun E.
Ex. No. 9	pp 1-2	Sullivan, Charles W.
Tr. Vol. 7	p 824	Sullivan, Charles W.
	pp 827-830	"
Ex. No. 10	pp 1-5	Mackenzie, Vincent
Tr. Vol. 7	p 853	Mackenzie, Vincent
Ex. No. 12	p 2	Way, Greville L.
Tr. Vol. 7	pp 895-897	Way, Greville L.
	pp 910-911	"
Ex. No. 13	p 1	Laurie, John R.
Tr. Vol. 7	p 933	Laurie, John R.
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Ex. No. 14	p 1	Spillane, Lester W.
Ex. No. 16	p 1	McCann, William F.
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Ex. No. 17	p 1	Blackman, E. O.
Tr. Vol. 8	pp 1050-1051	Knapp, Wyman C.
	pp 1082-1087	"
Ex. No. 20	pp 1-2	Michalski, Robert E.
Tr. Vol. 9	p 1101	Michalski, Robert E.
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Ex. No. 21	pp 2-3	Lentz, Harold S.
Tr. Vol. 10	pp 1172-1177	Lentz, Harold S.
	pp 1228-1232	"
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A. Discovery Procedure as Related to
Prehearing Conference.

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Ex. No. 16	p 2	McCann, William F.
Tr. Vol. 8	pp 1010-1011	McCann, William F.
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Ex. No. 19	p 1	Webb, Sidney, J.
Ex. No. 21	p 5	Lentz, Harold S.
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III. Definition of and Confinement
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Ex. No. 10	p 5	MacKenzie, Vincent
Tr. Vol. 7	p 857	MacKenzie, Vincent
Ex. No. 13	p 2	Laurie, John R.
Tr. Vol. 7	pp 958-961	Laurie, John R.
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