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Administrative Law Judge Hallie Yacknin
California Public Utilities Commission
505 Van Ness Avenue, Room 5005
San Francisco, CA 94102

Subject: Draft Resolution ALJ-260

ALJ Yacknin:

Pursuant to Public Utilities Code § 311, L. Jan Reid (Reid) submits these comments to draft resolution ALJ-260 (ALJ-260). The due date for comments is December 6. I will serve these comments on the due date. ALJ-260 proposes a number of changes to the Commission's Rules of Practice and Procedure. My comments on the proposed rule changes are discussed below.

Rule 1.9

For purposes of clarity, the word "mail" should be changed to "mailbox" in the second sentence of Rule 1.9 (c).

Rule 1.10

The Resolution proposes to change Rule 1.10 (c) by adding the sentence "The certificate of service and service list shall be attached to the e-mail message as a separate document." I interpret this change to mean that the service list and the certificate of service must be merged into a single .PDF file. The resolution argues that "This will save resources by allowing persons to print the electronically served document without printing the official service list." (ALJ-260, p. 3)

Reid, Aglet Consumer Alliance, and many other parties already provide the service list in a separate file while other parties include the service list in the same file as their pleading. Even if the service list is not provided in a separate file, persons can already print the electronically served document without printing the official service list. Adobe Acrobat, Microsoft Word, and all other modern programs allow the user the ability to print a range of pages. Users can easily exclude the service list when printing a document. For example, if the document is 20 pages long, followed by a one page certificate of service, and a five-page service list; the user can print pages 1-20, thereby eliminating the waste of paper.

The proposed change would be unnecessarily burdensome for small intervenors with limited resources. It would require the practitioner to create a Microsoft Word (Word) file for the certificate of service, create a Microsoft Excel file for the service list, merge both files into Word, format the service list, and then create an Adobe Portable Document Format Archive (PDF/A) file.

The Commission classifies this type of work as administrative time and the Commission has ruled that administrative work is non-compensable. (See D.99-06-002, discussion, slip op. at 8-10)

Therefore, I recommend that the Commission change ALJ-260 in one of the following ways:

1. Eliminate the proposed change;
2. Change Rule 1.10 (c) to indicate that the service list and not the certificate of service be submitted in a separate document.

or

3. Change Rule 1.10 (c) to indicate that both the service list and the certificate of service be submitted in separate documents.

Conclusion

For the reasons given herein, the Commission should modify draft resolution ALJ-260 as recommended by L. Jan Reid.

Sincerely,

/s/

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