

DECISION MEMORANDUM

**TO: COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSIONER KEMPTON
COMMISSION SECRETARY
COMMISSION STAFF**

**FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL**

DATE: OCTOBER 24, 2008

**SUBJECT: STAFF RECOMMENDATIONS TO AMEND THE COMMISSION'S
PROPOSED RULES OF PROCEDURE, IDAPA DOCKET NO. 31-0101-
0801 (RUL-U-08-01)**

On October 1, 2008, the Commission's proposed changes to its Rules of Procedure, IDAPA 31.01.01.000 *et seq.*, were published in the Administrative Bulletin. The Bulletin Notice required persons wishing to comment on the proposed changes to do so no later than October 22, 2008. The only comments received in response to the Notice were submitted by the Commission Staff. Staff supported the proposed changes and recommended two additional changes. The proposed rules and Staff's comments are submitted for your final review and approval.

THE PROPOSED CHANGES

The Commission last updated its Rules of Procedure five years ago. Most of the Commission's proposed changes generally fall into five categories:

1. Housekeeping changes: zip codes, e-mail addresses, references to computer storage medium (Rules 12, 14, 67, 132, 225, 233, 267, and 272).
2. Clarify rules or remove ambiguities: Rules 54, 122, 134, 202, 204, 229, 241, and 244.
3. Move rules from other rules sets and include procedural requirements currently contained in Orders: Rules 114, 125, and 260.
4. Electronic filing or dual-sided printing: Rules 61, 62, 63, and 231.
5. Renumbering rules: Rules 126 and 127.

The Staff's prior memorandum dated August 8, 2008 contains a complete review of the proposed rule changes. In addition, the rules are available for review in the Commission's electronic Case Information System under "Multi-Utility," clicking on RUL-U-08-01, then click on Decision Memo. If the Commissioners desire a copy of the previous 28-page decision memo, please advise the Commission Secretary.

STAFF COMMENTS

In its comments, Staff supported the Commission's proposed changes to its procedural rules. Staff asserted that the increase use of electronic filing and allowing documents to be printed on both sides of the page will save both time and resources for those parties filing documents with the Commission.

The Commission Secretary also proposed that the Commission consider two additional changes to Rules 61 and 62. More specifically, to assist the Commission Secretary in copying and distributing documents within the Commission, she asked that original documents be filed "unbound and unstapled." "Requiring original documents to be unbound and unstapled will appreciably aid in the scanning, copying and distribution of original documents." Staff Comments at 1.

The Staff proposed changes to the proposed rules are shown below in bold italicized text.

061. FILING DOCUMENTS WITH THE COMMISSION -- NUMBER OF COPIES -- DISCOVERY – FACSIMILE TRANSMISSION (FAX) AND ELECTRONIC FILING (RULE 61).

The following numbers of documents ~~must~~ shall be filed with the Commission Secretary:

- (7-1-93)(____)
- 01. Printed Filings.** When filing printed material, (4-5-00)(____)
- a.** In utilities cases (other than those cases specified in Subsections 061.01.b. and 061.01.c. below of this rule): (3-16-04)(____)
- i.** Pleadings (applications, petitions, complaints, motions, answers and consent agreements)--an original (***unbound and unstapled***) and seven (7) copies. (7-1-93)(____)
- ii.** Briefs, proposed orders, statements of position, and exceptions under Rule 312—***an original (unbound and unstapled) and eight seven (87) copies.*** (4-5-00)(____)

- b. Security issuance cases: (4-5-00)
- i. Pleadings--an original (unbound and unstapled) and four (4) copies.(7-1-93)()
- c. Telecommunication interconnection agreements: (3-16-04)
- i. Pleadings--an original (unbound and unstapled) and three (3) copies.(3-16-04)()

[No other changes to Subsections 02, 03 and 04.]

062. FORM OF DOCUMENTS (RULE 62).

... [No changes to Subsections 01, 02, and 03.]

04. Original Documents. All original documents filed with the Commission Secretary shall be unbound and unstapled. Copies of original documents may be bound or stapled. ()

COMMISSION DECISION

1. Does the Commission wish to make any changes to its proposed rules published October 1, 2008 in Vol. 08-10?
2. Does the Commission wish to amend its proposed changes to Rules 61 and 62 to incorporate the Commission Secretary's proposed changes?
3. Does the Commission wish to adopt its proposed rules as its pending rules? Does the Commission wish to have its Notice of Adoption of Pending Rule published in the next Administrative Bulletin on December 3, 2008?



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