
**ATTACHMENT B
ESTABLISHING PROCEDURES**

A. Presentation of Exhibits Electronically During Evidentiary Hearing.

1. Because the hearing will accommodate remote participation by videoconference, all evidence must be presented electronically. This Attachment establishes procedures relating to the presentation of exhibits electronically during the evidentiary hearing.

2. If a pre-filed hearing exhibit marked for identification is offered into evidence, the electronic version in the Commission's file will be used during the hearing.

3. To facilitate the presentation of exhibits electronically during the evidentiary hearing, the Commission will provide a spreadsheet identifying each pre-filed hearing exhibit as it exists in the administrative record. The spreadsheet will include hyperlinks to the filings in the administrative record.¹ The spreadsheet will be made available to the parties prior to the hearing and marked as a hearing exhibit. Commission staff will display pre-filed electronic filings during the hearing.²

4. Unless otherwise ordered, only those exhibits filed by **August 29, 2023**, will be included in the hyperlinked spreadsheet referenced above. This ensures that the spreadsheet may be timely prepared and distributed prior to the hearing. *The parties are responsible for reviewing the spreadsheet to confirm that it correctly lists the exhibits they intend to offer into evidence.* Any exhibits filed after this deadline will not be included in the spreadsheet of hyperlinked electronic

¹ Confidential and highly confidential exhibits will only be made available to staff of the Commission.

² Exhibits will be displayed electronically on the video-conference screen during the hearing. Should the parties have technical questions relating to the electronic presentation of exhibits, they may contact Ms. Casey Federico at Casey.Federico@state.co.us or Ms. Stephanie Kunkel at Stephanie.Kunkel@state.co.us.

exhibits. Hyperlinks will not be included for exhibits including confidential or highly confidential information.

5. Any party who may use or offer exhibits which Decision No. R23-0399-I does not require to be pre-filed (*e.g.*, documents which may be used solely for impeachment, to refresh recollection or on rebuttal) must: (a) pre-mark such documents with a hearing exhibit number within the party's assigned exhibit number block as required by Decision No. R23-0399-I and this Attachment; and (b) upload such documents into the party's designated box.com folder before presenting them during the hearing.³

6. The parties are responsible for ensuring that they and any witness testifying remotely have access to all pre-marked exhibits and are able to view exhibits presented through the linked hearing exhibit spreadsheet *during the hearing* and download and view documents from box.com *during the hearing*.

B. Identification and Filing Requirements for Hearing Exhibits.

7. The parties must comply with the identification and filing requirements for hearing exhibits outlined in Decision No. R23-0399-I and this Attachment.⁴ The parties must mark *all* hearing exhibits using hearing exhibit numbers within their assigned exhibit number block. All exhibits must be marked as a "Hearing Exhibit" (not as an "Exhibit" or other like delineation), with the relevant exhibit number (*e.g.*, "Hearing Exhibit 100").

³ The Public Utilities Commission Administrative Hearings Section uses a web-based document sharing service, box.com, to manage certain exhibits during a hearing. All parties must ensure they can access and use box.com. An email with more details will follow, including information on how to access each party's unique box.com folder that will be created.

⁴ In order to minimize the size and allow electronic text searches of the PDF files, versions filed in PDF format should be generated from the native executable electronic file format when possible.

8. Parties should not duplicate hearing exhibits previously filed by another party. At the hearing, any party may sponsor an exhibit that was pre-filed by another party. Any hearing exhibit filed by another party may be rejected or stricken from the record.

9. When filing hearing exhibits in the Commission's E-Filing System, parties must title the exhibits to match the title of the hearing exhibit, consistent with the above requirements, but may not use all uppercase format. For example, all exhibit titles entered into the E-Filing System must start with "Hearing Exhibit" and include the relevant exhibit number (*e.g.*, "Hearing Exhibit 100").

C. Formatting Hearing Exhibits.

10. To ensure that electronic pagination matches the page numbers appearing on exhibits, the first page of **each** hearing exhibit must be numbered as page 1, with each additional page numbered in succession. For example, the cover page must be numbered page 1, and all following pages must be numbered sequentially, including blank pages, executive summaries, tables of contents, and lists of attachments. Page-numbering exhibits consistent with this requirement will facilitate electronic exhibit navigation during the hearing.

11. There may be only one page number shown on each page of all hearing exhibits. The header must include the exhibit number (*e.g.*, Hearing Exhibit 100) and the page number. For example, the header on the first page of an exhibit line would read, "Hearing Exhibit 100" and "Page 1 of 10" with each page that follows including the same exhibit number and the relevant page number.

D. Procedures Regarding Confidentiality.

12. Any hearing exhibit with information claimed to be confidential or highly confidential must be filed in accordance with the Standards of Conduct in the Commission's Rules of Practice and Procedure, Rules 1100 through 1111, 4 CCR 723-1.

13. Parties must file two versions of exhibits that include information claimed to be confidential or highly confidential: (a) a public version that is redacted to exclude confidential or highly confidential information *and* (b) a non-publicly accessible version that is unredacted and filed under seal.

14. The public version of such exhibits must be redacted to exclude the confidential or highly confidential information and marked consistent with the above requirements (*e.g.*, Hearing Exhibit 100). Parties may not identify the public version of such exhibits as "Public Hearing Exhibit 100" or "Redacted Hearing Exhibit 100" or any similar variation. The first page of the public version of the exhibit must state: "NOTICE OF CONFIDENTIALITY: A PORTION OF THIS DOCUMENT HAS BEEN FILED UNDER SEAL." In addition, the first page of the public version of the exhibit must list each page number on which confidential or highly confidential material is found and indicate the nature of the information claimed to be confidential or highly confidential.

15. The non-public version of such exhibit must be filed under seal, *may not be redacted*, and must be pre-marked for identification using the same hearing exhibit number as the public version, but with a "C" (for confidential) or "HC" (for highly confidential) following the hearing exhibit number (*e.g.*, Hearing Exhibit 100C or Hearing Exhibit 100HC). The parties may

not identify confidential or highly confidential exhibits as “Confidential Hearing Exhibit 100,” “Highly Confidential Hearing Exhibit 100” or any similar variation.

16. During the hearing, the parties must inform the hearing officer if testimony or argument will delve into information claimed to be confidential or highly confidential so that the hearing officer may take appropriate action to ensure the information is not publicly disclosed.