
**ATTACHMENT B
ESTABLISHING HEARING PROCEDURES**

A. Presentation of Exhibits Electronically During Evidentiary Hearing.

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

2. These procedures are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. These procedures will allow parties participating remotely to view exhibits on the videoconference screen while the exhibits are being offered into evidence and witnesses testify about them.

3. The exhibit requirements in this Attachment apply to *all* exhibits, including those used solely for impeachment, to refresh recollection, or for rebuttal. Each party must: (a) mark all exhibits for identification with a hearing exhibit number in accordance with the procedures in the Decision to which this document is attached; and (b) upload all pre-marked exhibits into each party's respective designated box.com folder prior to presenting them during the hearing.¹ When exhibits will be first presented during the hearing, the Commission will receive them electronically from each party's folder for display.

¹ The Public Utilities Commission Administrative Hearings Section uses a web-based document sharing service, box.com. All parties must ensure they can access and use box.com. An informational email with more details will follow closer to the evidentiary hearing.

4. All parties are responsible for ensuring they and their respective witnesses have access to all pre-filed exhibits and are able to view exhibits and download exhibits from box.com *during the hearing.*

B. Identification and Formatting Requirements for Hearing Exhibits.

5. Each party must pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block *before* uploading the exhibits to the party's designated box.com folder and filing them with the Commission. Each exhibit must be physically marked as a "Hearing Exhibit [insert number within assigned number block]" at the top right corner of the Hearing Exhibit (in the header). Each exhibit must also be electronically saved with a name that identically mimics the hearing exhibit number physically appearing on each of their hearing exhibits. For example, Arctic Recovery's first exhibit must be physically marked (on the exhibit itself) as "Hearing Exhibit 100" and must also be electronically named "Hearing Exhibit 100." This will ensure efficient hearing exhibit navigation during the remote hearing.

6. To ensure that electronic pagination matches the page numbers appearing on exhibits, *before* uploading the exhibits to the party's designated box.com folder and filing them with the Commission, the parties must mark the first page of **each** hearing exhibit 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. This will ensure efficient hearing exhibit navigation during the remote hearing.

7. 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 1” and “Page 1 of 10” with each page that follows including the same exhibit number and the relevant page number. T

C. Procedures Regarding Confidentiality

8. 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.

9. 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.

10. 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. Rather, the public version will simply be marked as “Hearing Exhibit 100.” 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.

11. 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. Rather, confidential or highly confidential exhibits will be marked as “Hearing Exhibit 100C” or “Hearing Exhibit 100HC.” The first page of the confidential or highly confidential exhibit must list each page number on which confidential or highly confidential material is found; indicate the nature of the information claimed to be confidential or highly confidential; and *clearly identify the specific language in the exhibit that is claimed to be confidential and highly confidential*. This can be accomplished by highlighting confidential language in one color and highly confidential information in another color.

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