
ATTACHMENT B
ESTABLISHING PROCEDURES FOR THE PRESENTATION OF EXHIBITS
ELECTRONICALLY DURING REMOTE EVIDENTIARY HEARING

1. The ALJ intends to admit into the evidentiary record the testimony and hearing exhibits already filed in this proceeding, pursuant to Decision No. R20-0345-I (mailed on May 6, 2020), establishing procedures for the presentation of evidence through electronic exhibits. The testimony and hearing exhibits filed on or before June 30, 2020, and included on the spreadsheet described below and in Decision No. R20-0345-I, will be admitted by administrative notice (*e.g.*, the fact administratively noticed is that the copy on file is the content of the otherwise-admissible hearing exhibit).¹

2. 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. It is anticipated that the spreadsheet will be made available to the parties approximately three business days before the hearing, and it will be marked as a hearing exhibit. A Commission Legal Specialist will display the pre-filed electronic filings during the hearing.²

3. The Commission's Administrative Hearings Section utilizes box.com to manage exhibits used during the hearing that are: (1) filed after the June 30, 2020 deadline for inclusion on the spreadsheet of exhibits generated by the Commission; and/or (2) first presented at the

¹ See Decision No. R20-0345-I, ¶¶ 11 through 13 at pages 4 and 5. The requirements of this Attachment B shall control in the event anything in Decision No. R20-0345-I conflicts with this Attachment B.

² Exhibits will be displayed electronically during the hearing. Should the parties have technical questions relating to the electronic presentation of exhibits, they may contact Ms. Christie Nicks at Christie.Nicks@state.co.us or Mr. Ross Smith at Ross.Smith@state.co.us.

hearing (*e.g.*, exhibits used for impeachment or to refresh recollection). In addition to reviewing and complying with any procedural orders implementing this process, all parties should ensure they can access and use box.com.

4. An email invitation will come under separate cover directly from box.com inviting you to sign up for a free box.com account. This account will invite you to share a folder with (only) the staff in the Administrative Hearings Section, Commission advisors, and potentially Commissioners and Commission counsel. The invited party may share access to the box.com account (*i.e.* thus, the folder) as they choose.

5. Any exhibits first presented at the hearing (*e.g.*, exhibits used for impeachment or to refresh recollection), as well as any corrected testimony filed after June 30, 2020, will not be included in the spreadsheet of hyperlinked electronic exhibits and will not be admitted by administrative notice. Such exhibits must be: (a) pre-marked such exhibits for identification with a hearing exhibit number within the party's assigned exhibit number block as required by Decision No. R20-0345-I; (b) filed the pre-marked exhibits in the Commission's E-Filings system; and (c) uploaded the pre-marked exhibits into the party's designated box.com folder before presenting them during the hearing.³ At the hearing, the parties will be responsible for moving for the admission into evidence of any such testimony or exhibits. The parties will also be responsible for ensuring that their attorneys and witnesses have access to all pre-marked exhibits and are able to download and view documents from box.com *during the hearing*.

6. Otherwise, the provisions addressing the filing, treatment, and presentation of electronic exhibits contained in Decision No. R20-0345-I shall apply.

³ All parties should ensure they can access and use box.com. An email with more details about box.com will be sent to counsel for the parties.