
ATTACHMENT B
ESTABLISHING PROCEDURES

A. Presentation of Exhibits Electronically During Evidentiary Hearing.

1. Because the hearing will be held remotely by video-conference, all evidence must be presented electronically. This Attachment establishes procedures for the presentation of exhibits electronically during the evidentiary hearing.

2. If a pre-filed hearing exhibit marked for identification is admitted into evidence, it is anticipated that the electronic copy in the Commission's file will be admitted by administrative notice, in lieu of receiving the identical paper copy (*e.g.*, the fact administratively noticed is that the copy on file is the content of the otherwise-admissible hearing exhibit).

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. The spreadsheet will be made available to the parties prior to the hearing and marked as a hearing exhibit. A Commission staff person will display pre-filed electronic filings during the hearing.¹

4. Any document previously-filed by a party that will be offered into evidence, but has not been identified in compliance with this decision, must be revised and re-filed in accordance with the requirements in this Attachment. Any such filings shall be (a) made within

¹ 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.

14 days of the date of the underlying Decision and (b) treated as the original filing of hearing exhibits.²

5. Any stipulations or settlement agreements, along with any associated testimony or exhibits, shall also be filed electronically in accordance with the procedures set forth below.

6. Final versions of all previously-filed hearing exhibits must be filed **on or before** the fourth business day prior to the hearing,³ unless otherwise ordered, so that the spreadsheet may be timely prepared and distributed during the three business days prior to the hearing. Hyperlinks will not be included for confidential or highly confidential information. Any exhibits filed after this deadline will not be included in the spreadsheet of hyperlinked electronic exhibits and will not be admitted by administrative notice.

7. After the deadline for final versions, a party intending to present a document during hearing must: (a) pre-mark such document with a hearing exhibit number within the party's assigned exhibit number block as required by Attachment; and (b) upload such document into the party's designated box.com folder before presenting them during the hearing.⁴ This includes document not required to be pre-filed (*e.g.*, for impeachment, to refresh recollection, or for rebuttal).

² Compliance with this Decision may result in a change to pagination of prior versions of hearing exhibits. References in discovery requests and responses to prior versions of hearing exhibits will be construed to be amended to refer to the latest filed version of such testimony, unless otherwise specified. Although corresponding page and line references may reasonably be affected by such construction, corrected references will not be necessary (*i.e.*, no need to amend) so long as the reference remains in reasonable proximity to the referenced material.

³ A calculation of the fourth business day prior to hearing shall exclude the first day of the hearing and include each of the four business days preceding the hearing. For example, if the first day of the hearing falls on a Monday, then the fourth business day prior to hearing is Tuesday of the preceding week.

⁴ 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 email with more details will follow.

8. The parties are responsible for ensuring they and their witnesses have access to all pre-marked exhibits and are able to download and view documents from box.com *during the hearing.*

B. Assignment of Hearing Exhibit Number Blocks

9. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties shall use a unified numbering system for all hearing exhibits.

10. The party initiating the proceeding is assigned hearing exhibit numbers, from 100 to 299.

11. Each intervening person or entity is assigned a block of 100 hearing exhibit numbers (*e.g.*, 300-399, 400-499, etc.) in the chronological order that notices of intervention by right and petitions for permissive intervention are filed, as reflected in the Commission's E-Filings System. As a result, the first person or entity noticing an intervention by right or requesting permissive intervention is assigned hearing exhibit numbers from 300 to 399, the second person or entity is assigned hearing exhibit numbers from 400 to 499, etc. Parties shall rely upon the Commission's E-Filings System to determine sequencing of requests for intervention (*i.e.*, without regard to whether or when the interventions were granted). To determine the sequencing and avoid duplicative use of blocks, parties are encouraged to confer as needed.

C. Identification and Filing Requirements for Hearing Exhibits.

12. In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (*e.g.*, Rule 1202 regarding pre-filed

testimony), all pre-filed hearing exhibits shall be marked for identification and filed as required by this Attachment.⁵

13. Parties must mark all hearing exhibits for identification in sequential order, using hearing exhibit numbers within their assigned hearing exhibit number block. Each type of a witness's testimony, including any attachments, (*e.g.*, direct, answer, rebuttal, cross-answer, and supplemental) shall be marked with one hearing exhibit number.⁶ Even if comprised of multiple electronic documents, the testimony and attachments will be one hearing exhibit.⁷

14. Parties should not duplicate hearing exhibits or attachments previously filed by another party. At the hearing, any party may sponsor an exhibit that was pre-filed by another party.

15. The title of all pre-filed written testimony should include the type of testimony and the name of the witness. For example, if Hearing Exhibit 100 is the direct testimony of witness John J. Doe, the following title should be used: "Hearing Exhibit 100, Direct Testimony of John J. Doe."

16. Anything accompanying pre-filed written testimony within a hearing exhibit (*e.g.*, exhibits, appendices, attachments, or attachments to filing) shall be referred to as an "attachment" to the testimony and identified by the hearing exhibit number reference, the witness's initials, and a number sequence. For example, if the party assigned block 300 files

⁵ 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.

⁶ Each type of testimony should be identified with a different hearing exhibit number. For example, John J. Doe's direct testimony may be Hearing Exhibit 100 and his rebuttal testimony may be Hearing Exhibit 105.

⁷ While marked for identification with one hearing exhibit number, the testimony and each attachment should be filed in compliance with Rule 1202 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, which provides that the primary document and each secondary document must be separately uploaded in the Commission's E-Filings system.

answer testimony of Albert B. Cooke, that includes a table as Attachment ABC-1, then the title of the table will be “Hearing Exhibit 300, Attachment ABC-1.” The attachment should not be referred to as Exhibit ABC-1 or Appendix A.

17. When filing hearing exhibits in the Commission’s E-Filings System, parties must title the exhibits to match the title of the hearing exhibit, but may not be in all uppercase format. All exhibit titles entered into the E-Filing System must start with “Hearing Exhibit XXX.” Building on the above examples, John J. Doe’s Direct Testimony should be titled “Hearing Exhibit 100, Direct Testimony of John J. Doe” when filing in the Commission’s E-Filing System, and the first attachment to John J. Doe’s testimony should be titled “Hearing Exhibit 100, Attachment JJD-1” when filing.

D. Formatting of Hearing Exhibits.

18. each page of The first page of **each** hearing exhibit shall be page 1, with each additional page numbered in succession. Thus, electronic pagination will match the page numbers, which will facilitate electronic navigation during the hearing. For example, the cover page shall be page 1, and all following pages shall be numbered sequentially, including executive summaries, tables of contents, and lists of attachments.

19. There shall be only one page number shown on each page of all hearing exhibits. Page numbers should be included in the header of each page-numbered hearing exhibit (e.g. placed at the top right corner of each page of the hearing exhibit or attachment included as part of a hearing exhibit). The top line of the header shall include the title of the document (e.g., Hearing Exhibit 400, Answer Testimony of Albert B. Cooke or Hearing Exhibit 400, Attachment ABC-1, Page 1).

20. A person may modify formatting options in revisions to filed documents in order to minimize the resulting impact to page and line references (*e.g.*, widen a paragraph margin to insert a word).

E. Filing of Executable Attachments to Hearing Exhibits

21. Any spreadsheet filed as, or that is the basis for, an attachment to a hearing exhibit shall be filed in both PDF format and in the native executable electronic file format (*e.g.*, .xlsx, .ods, .gsheet).⁸

22. The title of the executable version filed shall mirror the title identifying the pre-filed version and include the word “Executable” after the hearing exhibit number. For example: Hearing Exhibit 300, Executable Attachment ABC-1, or Hearing Exhibit 400, Executable.

23. Parties are not required to: mark native executable hearing exhibits, including executable attachments thereto, for identification, paginate such executable exhibits, or file amended, modified, or corrected executable exhibits in redline/strikeout format.

F. Modifying, Amending, or Correcting a Previously Filed Hearing Exhibit On or Before Deadline for Corrections.

24. Should a party need to modify, amend, or correct a previously identified hearing exhibit **on or before the earlier of** the ordered deadline for such changes or the fourth business day prior to hearing, the following procedures shall be followed.

⁸ When the executable version is filed in native format, the Commission’s E-Filings system will convert it into a PDF version and include it in the docket for the proceeding. The docket will then list the “Executable” version of the attachment, but will link to the converted the PDF version of the native attachment. Any such PDF version titled as “Executable” (consistent with the naming convention set forth above) will be disregarded for all purposes. It should not be cited by the parties, will not be cited by the Commission, and will not be displayed during the hearing.

25. If the native executable electronic file format is **not** a spreadsheet, a complete revision including all changes in redline/strikeout format shall be filed.⁹ If an additional revision is later filed, it would be filed as Hearing Exhibit 100, Direct Testimony of John J. Doe, Rev. 2 and would contain all redlined modifications as compared to the original version (*i.e.*, not only as compared to Rev. 1). For Rev. 2 and all subsequent revisions, the filing shall also include a notice identifying changes in each revision from the most recent previous revision. Parties may not identify or file any revised hearing exhibit or attachment as “corrected,” “modified,” or “amended,” even if the revision corrects, modifies or amends a prior filing.

26. The most recent revision of a hearing exhibit shall be the version utilized during the evidentiary hearing. References in testimony to obsolete versions of other testimonies will be construed to be amended to refer to the latest filed version of such testimony, unless otherwise specified. Although corresponding page and line references may reasonably be affected by such construction, corrected references will not be necessary (*i.e.*, no need to amend) so long as the reference remains in reasonable proximity to the referenced material.

G. Modifying, Amending, or Correcting a Previously Filed Hearing Exhibit After Deadline for Corrections.

27. Should a party need to modify, amend, or correct a previously identified hearing exhibit **after the earlier of the** ordered deadline for such changes or the fourth business day prior to hearing, or during the hearing, the following procedures shall be followed to upload them into the party’s designated box.com folder rather than filing through the Commission’s E-Filings System.

⁹ Filing a “clean” version is not necessary and is discouraged.

28. If the native executable electronic file format is **not** a spreadsheet, all changes should be reflected on replacement pages only in redline/strikeout format that will be: (a) marked for identification with a hearing exhibit number within the party's assigned exhibit number block in accordance with the procedures in this Attachment; and (b) uploaded into the party's designated box.com folder prior to use of the exhibit during the hearing.¹⁰ The replacement pages shall also include an additional notice attachment (*i.e.*, as a secondary document if electronically filed) identifying changes in each revision from the most recent previous revision.

29. If the native executable electronic file format **is** a spreadsheet (*e.g.*, .xlsx, .uos, .gsheet), all changes should be reflected **on replacement pages only** that will be: (a) marked for identification with a hearing exhibit number within the party's assigned exhibit number block in accordance with the procedures in this Attachment; and (b) uploaded into the party's designated box.com folder prior to use of the exhibit during the hearing. The changes do *not* need to be in redline/strikeout format. The revision pages shall also include an additional notice attachment (*i.e.*, as a secondary document if electronically filed) identifying changes in each revision from the most recent previous revision. Additionally, a complete revision of the executable spreadsheet, including all changes, shall be filed in accordance with Section E above.

30. If the changes are permitted, and assuming the original filing otherwise admissible, both hearing exhibits would be admitted into evidence during the hearing with the latter replacement pages superseding and prevailing to the extent of conflict in the previous revision.

¹⁰ Filing a "clean" version is not necessary and is discouraged.

31. References to superseded portions of a hearing exhibit will be construed to be amended to refer to the replacement pages, unless otherwise specified. Although corresponding page and line references may reasonably be affected by such construction, corrected references will not be necessary (*e.g.*, no need to amend) so long as the reference remains in reasonable proximity to the referenced material. Thus, a reference in answer testimony to page 10, line 5 of someone else’s direct testimony need not be revised when a replacement page 10 is filed so long as page 10, line 5 is in reasonable proximity to the referenced material.

H. Procedures Regarding Confidentiality

32. Any pre-filed hearing exhibit (including attachments) filed in accordance with the Standards of Conduct in the Commission’s Rules of Practice and Procedure containing confidential information shall be pre-marked for identification by the same hearing exhibit number within the assigned block identifying the portion in the public record and shall be designated with a “C” following the number of the hearing exhibit or attachment.

33. For example, a witness’s pre-filed written testimony might be identified as Hearing Exhibit 100, Direct Testimony of John J. Doe. If portions of the testimony in Hearing Exhibit 100, Direct Testimony of John J. Doe are claimed to be confidential, those portions would be filed in accordance with the Standards of Conduct and identified as Hearing Exhibit 100C, Direct Testimony of John J. Doe. Hearing Exhibit 100, Direct Testimony of John J. Doe would remain in the public record (redacted to exclude confidential material).

34. Further, if portions of Hearing Exhibit 100, Direct Testimony of John J. Doe, Attachment JJD-1 are claimed to be confidential, those portions would be filed in accordance with the Standards of Conduct and identified as Hearing Exhibit 100, Attachment JJD-1C.

Hearing Exhibit 100, Attachment JJD-1 would remain in the public record (redacted to exclude confidential material). Comparably, should any highly confidential protections be afforded, the hearing exhibit number would be designated with an “HC” following the number.