
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 to facilitate the presentation of exhibits electronically during the evidentiary hearing.¹

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 and witnesses 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 within their assigned exhibit number block in accordance with the procedures below; and (b) upload all pre-marked exhibits into each party's respective designated box.com folder prior to presenting them during the hearing.² When exhibits are presented during the hearing, the Commission will receive them electronically from each party's folder for display and admission.

¹ Parties may contact Ms. Casey Federico at Casey.Federico@state.co.us or Ms. Stephanie Kunkel at Stephanie.Kunkel@state.co.us with technical questions about presenting exhibits electronically during the hearing, or remote hearing participation. In addition, upon request to Ms. Federico or Ms. Kunkel, a test Zoom session may be scheduled.

² 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 exhibits and that they will be able to download and view documents from box.com during the hearing.

B. Identification and Page-Numbering Requirements for Hearing Exhibits.

5. Each party must pre-mark all hearing exhibits with a hearing exhibit number within their assigned hearing exhibit number block³ *before* uploading the exhibits to the party's designated box.com folder. This means that the exhibit itself must be marked with a hearing exhibit number so that the exhibit number is visible on the exhibit.⁴ Parties are required to mark exhibits as a "Hearing Exhibit" with the designated number. For example, Applicant will mark its first exhibit as "Hearing Exhibit 100."

6. There may be only one page number shown on each page of all hearing exhibits. Parties must sequentially page-number each page of any hearing exhibit that is longer than two pages. Parties must number the first page of hearing exhibits as page 1, regardless of content, *before* uploading the exhibits to their designated folder.

7. As noted above, once the exhibits have been marked for identification and with page numbers, parties must upload all pre-marked exhibits into their designated box.com folder prior to presenting them during the hearing.

³ Exhibit number blocks are assigned in the Decision to which this document is attached.

⁴ While the parties are encouraged to electronically save their exhibits using a name that matches the document's exhibit number, doing this without physically marking the exhibit itself does not comply with this Attachment's requirements.

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. 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.

12. 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.