

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Rules and Regulations Governing Digital :
Filings and Website Information Required : Docket No. D-03-8
Under Rhode Island General Laws :
Section 39-1-18 :

REPORT AND ORDER

1. Introduction

Pursuant to the provisions of Rhode Island General Laws §§39-1-3(b), 39-1-15, 39-3-33 and 42-35-3, the Division of Public Utilities and Carriers (hereinafter "Division") conducted a public hearing on Thursday, June 5, 2003, at 10:00 a.m., in the Division's hearing room located at 89 Jefferson Boulevard, Warwick, Rhode Island, for the purpose of adopting rules and regulations designed to assist the Division in implementing the requirements of Rhode Island General Laws, Section 39-1-18, as newly amended.

Rhode Island General Laws, Section 39-1-18, as amended (hereafter "Section 39-1-18"), provides that "[e]ffective as of September 1, 2003, all filings made to the division or the commission shall also be provided digitally in a manner established by the division". Section 39-1-18 further requires the Division to "maintain a site on the internet" through which the public may access specific information about hearing and open meeting notices and other regulatory activities of the Division and the Rhode Island Public Utilities Commission (hereafter "Commission"). The proposed rules and regulations

provide the details regarding how the Division will implement the aforementioned requirements.

During the hearing conducted on June 5, 2003, the Division heard testimony from Mr. Terrence Mercer, the Division's Rules Coordinator, who explained the need for the instant rulemaking process.¹ The Division also heard comments from several individuals who suggested a number of changes to the Division's proposed rules and regulations.² The Division's rules and regulations, entitled "*Rules and Regulations Governing Digital Filings and Website Information Required Under Rhode Island General Laws Section 39-1-18*" (hereafter "Rules") had been available since May 1, 2003 for public inspection. A "Notice of Rulemaking and Public Hearing" was also published in the *Providence Journal* on May 1, 2003.

In order to facilitate the Division's discussions and findings relative to the suggested changes articulated by interested persons during this proceeding, the Division has attached a copy of the initially proposed Rules to this report and order as "Appendix 1".

2. Public Comments/Suggested Changes

a. New England Gas Company

¹ Tr.12-17. William K. Lueker, Esq., Special Assistant Attorney General entered an appearance on behalf of the Division's Advocacy Section. Mr. Mercer was an Advocacy Section witness.

² Terry Schwennesen, Esq. entered an appearance on behalf of the Narragansett Electric Company. Ms. Schwennesen stated that Narragansett did not have any formal comments but wanted to appear to "observe" the rulemaking proceeding.

The New England Gas Company (“NEGC”) submitted written comments regarding the proposed Rules on June 4, 2003.³ The Company also entered an appearance through counsel at the June 5, 2003 hearing.⁴

The substantive changes proposed by the NEGC are summarized below⁵:

- Proposes that the terms “application”, “petition” and “tariff”, as used in the definition of a “filing” (Rule 2(e)) be expanded to include “*or other similar document*”; and further that the definition of “filing” include requests for “*authority for issuance of securities*” and “*authority for transactions between public utilities*”.
- Proposes that the Rules apply to “*nonregulated power producers*” in addition to public utilities and CATV companies (Rules 2(e) and 3(a)).
- Proposes that persons making filings be able to satisfy the additional requirement of providing a digital copy by providing an “*attachment to an electronic mail*” (Rule 3(A)).
- Proposes that language be added to the Rules to make it clear that the website will not include filings that are “*...subject to protective orders*” (Rule 4(b)).
- Proposes that major report and orders be available on the website for “*one (1) year*” after issuance in lieu of “*six (6) months*” currently prescribed in the proposed Rules (Rule 4(d)).

³ Public Comment Exhibit 1.

⁴ Craig L. Eaton, Esquire entered an appearance on behalf of NEGC.

⁵ The NEGC’s written comments were crafted and proffered as a redacted version of the Division’s initially proposed Rules. In addition to the many substantive changes incorporated into NEGC’s redacted Rules, the NEGC also provided a number of non-substantive language change suggestions, some of which the Division has adopted in the Final Rules approved herein.

b. Kent County Water Authority

The Kent County Water Authority (“KCWA”) also submitted written comments regarding the Rules.⁶ The KCWA suggested that Rule 3(b), which requires that all digital or electronic copies be configured in “Word” and/or “PDF” formats be expanded to include “*Excel type spreadsheets*” as well. The KCWA maintains that the mandated “Word” and “PDF” formats will limit the ability to file data that some public utilities currently compile on “Excel” spreadsheets.

The KCWA also questions how it is to file digital copies of “*drawings and figures*” or “*items that may be older than the digital process that is being utilized as evidence in any hearing process*”. The KCWA therefore recommends that the Rules provide an exemption for such items.

The KCWA further questions what procedure the Division would follow when a public utility seeks authority to use other software formats in its digital filings or when an exemption is requested for the “non-digital filing of certain documents” (Rule 3(b)).

c. Interstate Navigation Company

The Interstate Navigation Company (“Interstate”) also submitted written comments in this docket.⁷⁸ Interstate observes that Rule 2(e) defines a “filing” to mean any “*application, petition or tariff...which seeks (1) approval for a change in rates, tolls or charges; or (2) authority to reduce existing services; or (3) any other document not specifically identified above, which the Commission or the Division*

⁶ Public Comment Exhibit 2.

⁷ Public Comment Exhibit 3.

⁸ Michael R. McElroy, Esquire entered an appearance on behalf of Interstate.

deem to be of significant public interest". Regarding this definition, Interstate focused on part "(3)" above, and questions "how this determination of significant public interest will take place". Interstate recommends clarification on this point.

Interstate also asks the Division to clarify whether the required digital copy submitted with a rate change application is limited to the 'application' itself or whether the filing extends to the supporting documents too (i.e., pre-filed direct testimony, pre-filed rebuttal testimony, supporting schedules, etc.).⁹

Interstate also shared the KCWA's concern about the required "Word" and "PDF" software formats. Interstate agreed with the KCWA that an allowance for an "Excel" spreadsheet format should be added to the Rules.

Regarding the website provisions contained in the Rules, Interstate urged the Division to extend the time in which filings would be available for review on the website. Although Interstate expressed "*no major problem*" with the provision that filings be available on the website until the conclusion of the related proceeding, Interstate preferred that the Division maintain the digital documents on the website "for a while" longer (Rule 4(b)).

Interstate objected to the Division's proposal to maintain "major decisions" for only six (6) months on the website. Interstate asserts that the reports and orders of the Division and Commission should be "continually maintained digitally" on the website (Rule 4(d)).

In its final comments, Interstate voiced specific support for Rule 4(g), which provides that public utility tariffs may be examined on the Division's website "or

⁹ In the context of Rules 2(e) and 3(a).

by a link to a tariff page on the public utility's website". Interstate called this provision a "good idea".

d. Cox Rhode Island Telecom

Cox Rhode Island Telecom, L.L.C. ("Cox") also submitted written comments in this docket. Cox expressed support for the Division's proposed Rules, opining that the Rules:

"will streamline the electronic web filing process for the benefit of the Commission [and Division] and parties; provide costing [sic] cutting advantages through a reduction in the number of mailings should the Commission [and Division] adopt an electronic service list; provide parties the ability to receive filings in a timely manner and review these filings on the Commission's [Division's] website, and provide the general public with greater access to various regulatory filings".¹⁰

Cox also offered a copy of electronic filing rules that were adopted by the Connecticut Department of Public Utility Control in 1999. Cox offered the Connecticut rules as a "workable framework".¹¹

e. Comments of Mr. Leo Wold

Mr. Leo Wold, a Special Assistant Attorney General, also submitted written comments in his individual capacity. Mr. Wold suggested that the word "hard" as contained in the Rules be defined (Rule 3(a)).¹²

Mr. Wold also questioned whether "e-mail" would satisfy Rule 3(a)'s requirement that the digital or electronic copy be imprinted on an appropriate 'floppy', 'zip' or 'computer' disk.

¹⁰ Public Comment Exhibit 4.

¹¹ Id.

¹² Public Comment Exhibit 5.

Mr. Wold also questioned why the Commission and Division are not moving “*all filing [sic] to a web-based environment. Thus when a utility files a document it automatically becomes filed at the website*”. Indeed, Mr. Wold believes that “paper” filings should no longer be accepted. He recommends that digital filings be adopted as the exclusive method of making a filing, unless the utility receives an “exemption”.¹³

Lastly, Mr. Wold questioned whether “*the Division [may] promulgate rules that impact Commission filings*”.¹⁴

f. Miscellaneous Verbal Comments

Mr. Stephen Frias, Executive Counsel to the Commission, offered a brief verbal comment, also in his individual capacity. The comment was limited to an inquiry of whether “*the Division would be having bilingual information on the website*”, including information on “*bills*” and “*bill payments*”.¹⁵

Ms. Teresa O’Brien appeared on behalf of Verizon to seek some clarification on Rule 3(a). Ms. O’Brien inquired whether an attachment to an e-mail would suffice as a proper method for satisfying the digital copy filing requirements contained in Rule 3(a).¹⁶

The Honorable Kate Racine, a member of the Commission, also commented in this docket. Commissioner Racine shared in the concerns raised in Mr. Wold’s

¹³ Id.

¹⁴ Id.

¹⁵ Tr. 11-12.

¹⁶ Tr. 22-23.

comments, supra, and requested that the Division provide “answers” to Mr. Wold’s concerns.¹⁷

3. Findings

The Division has carefully considered the comments and suggestions made by those individuals and companies who participated in this rulemaking process. The Division appreciates the time and thought that was expended by these participants in their efforts to assist the Division in effectuating its legislative charge under Section 39-1-18.

The Division’s findings relative to the comments and suggestions made during the instant rulemaking docket are reflected below:

a. NEGC’s Comments/Suggestions

The NEGC has proposed that the definition of “filing”, as contained in the Rules, be expanded to also include documents “similar” to “applications, petitions and tariffs”. The Division finds this proposed amendment unnecessary. The Division believes that the terms “applications, petitions and tariffs” are sufficiently broad for purposes of this definition.

The NEGC has also proposed that the definition of “filing” be expanded to include requests for “*authority for issuance of securities*” and “*authority for transactions between public utilities*”. The Division finds this proposed amendment unnecessary as well.

The Division has intentionally narrowed the scope of filings that require a digital copy to only those filings that propose “a change in rates, tolls or charges”

¹⁷ Tr. 25-26.

or “authority to reduce existing services”. Further in extraordinary matters that may go outside the scope of a traditional rate filing or a request to reduce services, the Rules provide a catch-all category for “any other document not specifically identified...” when deemed by the Commission or the Division to be of “significant public interest”. In short, due to the time and cost required to convert paper documents into a digital medium and then post and store them to a website, the definition of a “filing” has been limited to those types of filings that are likely to generate public interest (i.e., rate cases and cases involving requests to cut services). For cases that fall outside the rubric of rate and service reduction cases, the Division will require a digital copy only when the Commission or Division conclude, post-filing, that demonstrated public interest necessitates a digital copy for publication on the Division’s website.

The NEGC has additionally suggested that the definition of “filing” include filings made by “nonregulated power producers”. The Division also finds this proposed amendment unnecessary. Under State law, “*a nonregulated power producer shall not be subject to regulation as a public utility except as specifically provided in the general laws*”.¹⁸ While the law requires nonregulated power producers to file a “*registration application*” with the Division in order to do business in Rhode Island, subsequent filings are not contemplated under the law.¹⁹ Further, insofar as Section 39-1-18 and the Rules provide that “*a listing of all ...nonregulated power producers, together with consumer contact information for each*” be maintained on the Division’s website, expanding the definition of a

¹⁸ R.I.G.L. §39-1-2(19).

¹⁹ R.I.G.L. §39-1-27.1(c).

“filing” to include filings made by nonregulated power producers would be mostly redundant.

The NEGC further suggested that Rule 3(a) be amended to allow persons making filings be able to satisfy the additional requirement of providing a digital copy by providing an “*attachment to an electronic mail*”. Others made similar comments at the hearing (i.e., Verizon, Mr. Wold and Commissioner Racine). The Division finds this suggestion reasonable and will amend the Rules accordingly.

The NEGC additionally suggested that Rule 4(b) be amended to make it clear that the website will not include filings that are subject to protective orders. The Division finds this suggestion reasonable and consistent with the provisions of Section 39-1-18(c)(2) and will amend the Rules accordingly.

The NEGC additionally suggested that Rule 4(d) be amended to provide that major report and orders be available on the website for “*one (1) year*” after issuance in lieu of the “six (6) months” prescribed in the proposed Rules. The Division finds this suggestion reasonable and will amend the Rules accordingly.

b. KCWA’s Comments/Suggestions

The KCWA suggested that Rule 3(b) be amended to permit persons to file “Excel type spreadsheets” without having to convert them first to “PDF” or “Word” formats. Interstate made a similar request at the hearing. The Division finds this proposed amendment unreasonable.

The Division has determined that “PDF” and “Word” software formats are desirable due their common usage. Further the “PDF” format is necessary for transferring information to our website. Rule 3(b) already provides that “other

conventional software formats” may be used “if approved by the Division or Commission Clerk”. If the circumstances warrant, the Division will approve the use of “Excel” or other formats, but for the reasons stated above, the Division prefers not to broaden the prescribed software formats in the Rule.

The KCWA suggested that Rule 3(a) be amended to provide a digital filing exemption for “*drawings and figures*” or “*items that may be older than the digital process that is being utilized as evidence in any hearing process*”. The Division finds this suggestion reasonable and will amend the Rules accordingly.

The KCWA also queries what procedure the Division would follow when a person seeks authority to use other software formats or when an exemption is requested for the non-digital filing of certain documents. Regarding the issue of “other software formats”, the Rules provide that other software formats may be used if approved by the Division. Therefore, persons who wish to utilize a format other than those prescribed in the Rules must contact the Division/Commission Clerk, prior to filing, to seek authority to utilize a substitute software format. The Clerk will respond to such requests as expeditiously as possible.

Regarding the procedure for seeking an exemption “for the non-digital filing of certain documents”, the same procedure would apply. Public utilities and CATV companies seeking such an exemption would first contact the Division/Commission Clerk to request the exemption. Again, the Clerk will respond to such requests as expeditiously as possible.

c. Interstate's Comments/Suggestions

Interstate has inquired how the Division will determine if a filing is “of significant public interest” for purposes of determining whether digital copies must be provided. As explained above, in extraordinary matters that may go outside the scope of a traditional rate filing or a request to reduce services, the Rules provide a catch-all category for “any other document not specifically identified...” when deemed by the Commission or the Division to be of “significant public interest”.

Predicated upon vast experience, the Division recognizes that some regulatory matters generate a great deal of public interest, like application filings that seek increases in rates, tolls and charges; or petitions that seek authority to reduce services (i.e., ferry services). Conversely, the Division recognizes that some regulatory matters generate virtually no public interest, like application filings wherein the applicant seeks authority to operate a “public motor vehicle” or seeks authority to transport “bulk commodities” (e.g., sand and gravel). The Division believes that the time and cost required to convert paper documents into a digital medium and then post and store them to a website, is generally impractical for this latter-type of regulatory adjudications. This is why Rule 2(e) is narrowly written to apply only to rate change and service reduction cases.

Nevertheless, as there are usually required exceptions to any general rule, the Division has included a “catch-all” provision in the Rules. The catch-all is necessary because there will invariably be occasions when certain filings, which have nothing to do with a request for a rate change or a request for service

reduction, generate significant public interest. In these cases, the Division and the Commission must be able to accommodate the public interest and request a digital copy of the filing to place on the Division's website. Perhaps without exception, this request for a digital copy will come after the filing is physically made with the Commission or Division and be communicated directly from the Commission/Division Clerk. Naturally, the filing party, now responsible for providing the digital copy, will be provided sufficient time to comply.

In conclusion, the Division does not believe that additional clarification is needed regarding this matter. The limiting language contained in Rule 2(e) is not unreasonable or onerous, but rather is designed to avoid unnecessary administrative filing costs to public utilities and CATV companies, which would ultimately be borne by ratepayers.

Interstate next questions whether the required digital copy submitted with a rate change application is limited to the 'application' alone or whether the filing requirement also extends to the supporting documents (i.e., pre-filed direct testimony, pre-filed rebuttal testimony, supporting schedules, etc.). The Division interprets the term "filing" as having a comprehensive connotation. Therefore, the applications, petitions and tariffs, within the meaning of Rule 2(e), shall include all supporting documents being proffered by the public utility or CATV company relating to the underlying matter before the Commission or Division. This position is consistent with the Division's earlier discussion regarding the KCWA's inquiry about the applicability of Rules 2 (a) and (b) to "*drawings and figures*" or

“items that may be older than the digital process that is being utilized as evidence in any hearing process”, supra.

The Division has addressed Interstate’s suggestion regarding the “Excel” spreadsheet format in its previous discussion regarding the KCWA’s comments on this same matter, supra.

Interstate has suggested that Rule 4(b) be amended to provide that digital copies of filings be available for review on the Division’s website for an extended period of time (although undefined by Interstate) after the conclusion of the related proceeding. In response to this suggestion, the Division submits that the purpose behind the website is to provide useful and timely information to the public with respect to regulatory activities of interest before the Commission and the Division. Maintaining digital copies of filings on the Division’s website beyond the closure date of the proceeding, usually contemporaneous with issue date of the related final report and order, seems illogical in view of the website’s perceived purpose. Moreover, the storage capacity of the website and ease of navigation considerations demand proper housekeeping efforts after a docket has been formally closed. Therefore, while it is unlikely that filings will be purged from the Division’s website immediately after a proceeding has concluded, the Division finds that maintaining the digital copies of filings for an extended period of time beyond the issue date of the report and order is unnecessary and not in the public interest.

Interstate also took exception with Rule 4(d)’s declaration that the Commission’s and the Division’s “major decisions” would only be available on the

website for six months after issuance. Interstate asserted that access to all Commission and Division decisions should be available on the website in perpetuity. The Division does not agree.

As discussed above, the Division has agreed to extend the availability of the Commission's and the Division's major decisions on the website from six months to one year, supra. However, the Division is under no legal obligation to maintain digital access to all decisions, forever. Furthermore, the Division questions the usefulness of perpetuating an ever-growing compilation of unsorted Commission and Division reports and orders with no "search engine" capabilities.

The Division does not accept Interstate's belief and assertion that it is entitled to a free digital legal research resource. Section 39-1-18 was enacted to ensure that the public receives real-time useful information with respect to the regulatory activities of the Commission and the Division. If Interstate wishes to access the Division's library of past report and orders (older than one year), access is available through several existing means. These include access to the Commission/Division "Order Books", which are organized by year and available at the offices of the Commission and Division. Access is also available through individual docket records, which are maintained by the Commission/Division Clerk. The Commission and the Division provide access to the aforementioned "Order Books" and docket records in full conformance with the Rhode Island Access to Public Records Act.²⁰

²⁰ R.I.G.L. §38-2-1, et seq.

Access is also commercially available through www.compbase.com, which utilizes a proprietary search engine that may be used to research Commission and Division orders dating back to 1971. It appears from Interstate's comments that it would like to see this commercial service made available by the Division over its website at no charge. However, the Division is neither legally or financially required nor technologically capable of maintaining such a service.

d. Cox's Comments/Suggestions

The Division examined the excerpts from the Connecticut Department of Public Utility Control's "*Electronic Filing and Signatures*" Rules, which Cox submitted for the Division's consideration. Although the Division found Connecticut's Rules interesting and informative, the Division notes that the Connecticut Rules are substantially different in focus. The Connecticut Rules involve the adoption of procedures that facilitate the acceptance of an electronic filing as the exclusive filing in the matter. In short, an alternative filing process to the conventional "paper" filings. In contrast, the instant Division Rules implement a legislative directive to have digital filings included with paper filings for inclusion on the Division's website. Section 39-1-18 does not specify or imply that digital filings may be used to supplant paper filings.

e. Leo Wold's Comments/Suggestions

Attorney Wold suggested that the Division define the word "hard" as used in Rule 3(a). Mr. Wold opined that the term is "confusing". The Division is puzzled by Mr. Wold's confusion as it is abundantly clear, based on the reference in Rule 3(a) to the formal filing requirements contained in the Division's and

Commission's respective Rules of Practice and Procedure and based on the context in which the term is used, that the term "hard" denotes "paper". Indeed, Mr. Wold uses the word "paper" in a like context in one of his other comments. The Division does not believe that additional clarification is necessary.

Mr. Wold's question about whether "e-mail" would satisfy Rule 3(a)'s requirements that the digital copy be imprinted on an appropriate 'floppy', 'zip' or 'computer' disk was addressed by the Division in its earlier discussions regarding the NEGC's comments and suggestions. The Division has agreed to accept "attachments to an electronic mail" as being responsive to the digital copy requirement contained in the Rules.

Mr. Wold's suggestion to have digital filings replace paper filings altogether is beyond the scope of Section 39-1-18 and inconsistent with the subject matter and purpose of this rulemaking process.

Regarding Mr. Wold's concerns about whether the Division has the authority to promulgate rules that impact the Commission, the Division must refer Mr. Wold to Section 39-1-18(b), which states that:

"Effective as of September 1, 2003, all filings made to the division or commission shall also be provided digitally in a manner established by the division".

The instant rulemaking process has its genesis in the above provision.

f. Miscellaneous Comments/Suggestions

Attorney Stephen Frias inquired about whether the Division would exhibit "bilingual" information on its website. As an initial observation, the Division notes that Section 39-1-18 does not require the Division's website to include bilingual

information. Principally, however, in view of the time sensitivity often associated with Division and Commission proceedings; the extremely large volume of information involved; and the concomitant interpreter costs, which would ultimately be passed on to ratepayers, the Division is unfortunately, not able to realistically entertain such a suggestion.

Regarding the comments and suggestions voiced by Ms. Teresa O'Brien, on behalf of Verizon, and the Honorable Kate Racine, the Division notes that responsive findings on identical comments and suggestions are already contained in the instant report and order. Therefore, no additional findings are required.

4. Post-Hearing Change in Law

Subsequent to the public hearing conducted in this docket, the Rhode Island General Assembly passed a bill further amending Section 39-1-18. Under the latest amendment, some minor changes have been made with respect to the information to be included on the Division's website. Albeit these changes do not materially affect the instant Rules, in the interest of keeping the Rules current and technically accurate, the Division has incorporated the recent changes into the final Rules adopted herein.

Now, Accordingly, it is

(17534) ORDERED:

1. That predicated upon and modified by the findings contained herein, the Division hereby adopts the "*Rules and Regulations Governing Digital Filings and Website Information Required Under Rhode Island General Laws Section 39-1-18*", as reflected in "Appendix 2" to this report and order.

2. That "Appendix 1" and "Appendix 2" are hereby incorporated by reference.

Dated and Effective at Warwick, Rhode Island on August 13, 2003.

John Spirito, Jr., Esq.
Hearing Officer

Thomas F. Ahern
Administrator

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

89 Jefferson Boulevard
Warwick, Rhode Island 02888

Rules and Regulations Governing Digital Filings and
Website Information Required Under Rhode Island General
Laws Section 39-1-18

Date of Public Notice: May 1, 2003

Date of Public Hearing: June 5, 2003

Effective Date: September 1, 2003

1. INTRODUCTION

In 2002 a new law was enacted that requires that all filings made to the Division of Public Utilities and Carriers (“Division”) or the Public Utilities Commission (“Commission”) shall also be provided digitally in a manner established by the Division (R.I.G.L. §39-1-18(b)).

In order to support the ability of the public and interested parties to stay informed of the activities of the Commission and the Division, this same new law also requires the Division to maintain a site on the Internet through which the public may access the following information:

- (1) notices of and agendas of hearings;
- (2) all filings that are available in digital format and that are not subject to protective orders;
- (3) all orders, rules and regulations of the Commission or Administrator;
- (4) announcements of, agendas for, and minutes of open meetings;
- (5) a calendar of all forthcoming public meetings and hearings;
- (6) current tariffs of all public utilities;
- (7) a listing of all public utilities and nonregulated power producers, together with consumer contact information for each;
- (8) consumer information on billing dispute resolution, retail access, conservation, and consumer assistance programs;
- (9) demand side management programs available to residential, commercial and industrial customers;
- (10) other information as the Division deems relevant and useful to the public (R.I.G.L. §39-1-18(c)).

These rules and regulations are designed to facilitate the implementation of the aforementioned directives.

2. DEFINITIONS

- a. “Administrator” means the administrator of the Division as defined in R.I.G.L. §39-1-2(1).
- b. “CATV company” means a Community Antenna Television System as defined in R.I.G.L. §39-19-1.

- c. "Commission" means the Rhode Island Public Utilities Commission as defined in R.I.G.L. §39-1-2(5).
- d. "Division" means the Rhode Island Division of Public Utilities and Carriers as defined in R.I.G.L. §39-1-2(11).
- e. "Filing" means any application, petition or tariff, filed by a public utility or a CATV company, with either the Division or the Commission, which seeks (1) approval for a change in its rates, tolls or charges; or (2) authority to reduce existing services; or (3) any other document not specifically identified above, which the Commission or the Division deem to be of significant public interest.
- f. "Nonregulated power producer" means the nonregulated power producer as defined in R.I.G.L. §39-1-2(19).
- g. "Public utility" means the public utility as defined in R.I.G.L. §39-1-2(20).

3. DIGITAL FILING REQUIREMENTS

- a. All public utilities and CATV companies making a filing with the Commission or Division must include along with the "hard" original and "hard" copies required under the Commission's and the Division's respective *Rules of Practice and Procedure*, a digital or electronic copy imprinted on an appropriate "floppy", "zip" or "computer" disk or, if approved by the Division or Commission Clerk, any other conventional electronic storage system that may currently be in use or may succeed the conventional electronic storage systems that are currently available.
- b. All digital or electronic copies must be configured in "Word" and/or "PDF" formats or, if approved by the Division or Commission Clerk, other conventional software formats that may currently be in use or may succeed the conventional software formats that are currently available.
- c. Digital or electronic copies shall be submitted contemporaneously with all "hard" originals and "hard" copies, or if approved by the Division or Commission Clerk, within five (5) business days thereafter.

4. INFORMATION AVAILABLE ON OR THROUGH THE DIVISION'S WEBSITE

- a. Notices of all public hearings to be conducted by the Division and the Commission shall be available on the Division's website at least five (5) calendar days prior to the date of the hearing.

- b. All filings that are available in digital or electronic format shall be available for examination on the Division's website while the relevant proceeding is in progress. These filings may be purged from the website at the conclusion of the proceeding and after the issuance of a final report and order on the matter.
- c. All currently effective rules and regulations of the Commission and the Division shall be available on the Division's website. The Rhode Island Secretary of State's office similarly provides access to the Commission's and the Division's rules and regulations on its website.
- d. All major decisions (reports and orders) of the Commission and the Division shall be available for review on the Division's website for a period of at least six (6) months from the date of issuance. Access to all other decisions shall be available through a link to a commercial database retrieval service, which will provide "search engine" and database services designed to facilitate access to all Division and Commission decisions issued between 1971 and the present. A fee will be charged for this service. NOTE: Copies of all orders of the Commission and the Division shall also be available at the offices of the Commission and the Division, 89 Jefferson Boulevard, Warwick, Rhode Island, pursuant to the requirements and fee schedule contained in the State's *Access to Public Records Act* (R.I.G.L. §38-2-1, et seq.).
- e. Unless conducted as an "emergency meeting", pursuant to R.I.G.L. §42-46-6(c), open meeting notices and agendas shall be posted on the Division's website at least forty-eight (48) hours before every scheduled open meeting. Notices shall contain: (1) the date the notice was posted; (2) the date of the meeting; (3) the time of the meeting; (4) the location of the meeting; and (5) a statement specifying the nature of the business to be discussed. The minutes of all open meetings will be posted in conformance with R.I.G.L. §42-46-7.
- f. A calendar of all Division and Commission open (public) meetings and hearings, covering a period of seven (7) months, shall be available for review on the Division's website. The calendar will provide a brief description, including a docket number, of each matter pending before the Commission and the Division.
- g. Current public utility tariffs, as described in 39-1-18(c)(6), will also be available for review. Access shall be achieved either by actual inclusion on the Division's website or by a link to a tariff page on the public utility's website.

- h. A listing of all regulated public utilities, by industry group, and all registered nonregulated power producers shall be available for review on the Division's website. Telephone numbers and/or links (where available), to each public utility's and nonregulated power producer's consumer affairs department may also be accessed. Additionally, with respect to nonregulated power producers, the following related Commission rules and regulations will be accessible on the Division's website: (1) *Reliability Responsibility Regulations for Non-regulated Power Producers* and (2) *Consumer Protection Requirements for Non-regulated Power Producers*.
- i. Consumer information on billing dispute resolution procedures will be summarized on the Division's website. For a detailed description of all residential consumer protection rights and related adjudicative procedures a copy of the Commission's *Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service*, or related successor rules and regulations, will be accessible on the Division's website.
- j. Consumer information regarding offerings of retail access available from nonregulated power producers will be summarized on the Division's website. Additional information may be provided through links to the websites of electric distribution companies and/or registered nonregulated power producers.
- k. Consumer information regarding methods of conserving energy and water and also demand side management programs available to residential, commercial and industrial customers will be available on the Division's website. The Division may include links to other websites that contain related information.
- l. Consumer information regarding financial assistance programs that may be available to eligible ratepayers will be available on the Division's website.
- m. The Division's website may also contain any other information that the Division deems relevant and useful to the public.

Adopted as rules and regulations of the Rhode Island Division of Public Utilities and Carriers on _____, 2003, for effect on September 1, 2003.

Thomas F. Ahern, Administrator

APPENDIX 2

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

89 Jefferson Boulevard
Warwick, Rhode Island 02888

Rules and Regulations Governing Digital Filings and Website
Information Required Under Rhode Island General Laws
Section 39-1-18

Date of Public Notice: May 1, 2003

Date of Public Hearing: June 5, 2003

Effective Date: September 1, 2003

1. INTRODUCTION

In 2002 a new law was enacted requiring that all filings made to the Division of Public Utilities and Carriers (“Division”) or the Public Utilities Commission (“Commission”) be provided digitally in a manner established by the Division (R.I.G.L. §39-1-18(b)).

In order to support the ability of the public and interested parties to stay informed of the activities of the Commission and the Division, this same new law also requires the Division to maintain a site on the Internet through which the public may access the following information:

- (1) notices of public hearings;
- (2) all filings that are available in digital format and that are not subject to protective orders;
- (3) all orders, rules and regulations of the Commission or Administrator;
- (4) announcements of, agendas for, and minutes of open meetings;
- (5) a calendar of all forthcoming open meetings and hearings;
- (6) current tariffs of all public utilities who are subject to assessment pursuant to R.I.G.L. §39-1-23; provided, however, that the Division may require any public utility with extensive tariffs to maintain a website and provide access to those tariffs via a link from the Division’s website;
- (7) a listing of all public utilities and Nonregulated power producers, together with consumer contact information for each;
- (8) consumer information on billing dispute resolution, retail access, conservation, and consumer assistance programs;
- (9) demand side management programs available to residential, commercial and industrial customers;
- (10) other information as the Division deems relevant and useful to the public (R.I.G.L. §39-1-18(c)).

These rules and regulations are designed to facilitate the implementation of the aforementioned directives.

2. DEFINITIONS

- a. “Administrator” means the administrator of the Division as defined in R.I.G.L. §39-1-2(1).

- b. "CATV company" means a Community Antenna Television System as defined in R.I.G.L. §39-19-1.
- c. "Commission" means the Rhode Island Public Utilities Commission as defined in R.I.G.L. §39-1-2(5).
- d. "Division" means the Rhode Island Division of Public Utilities and Carriers as defined in R.I.G.L. §39-1-2(11).
- e. "Filing" means any application, petition or tariff (including related supporting documents), filed by a public utility or a CATV company, with either the Division or the Commission, which seeks (1) approval for a change in its rates, tolls or charges; or (2) authority to reduce existing services; or (3) any other document not specifically identified above, which the Commission or the Division deem to be of significant public interest.
- f. "Nonregulated power producer" means the nonregulated power producer as defined in R.I.G.L. §39-1-2(19).
- g. "Public utility" means a public utility as defined in R.I.G.L. §39-1-2(20).

3. DIGITAL FILING REQUIREMENTS

- a. All public utilities and CATV companies making a filing with the Commission or Division must include along with the "hard" original and "hard" copies required under the Commission's and the Division's respective *Rules of Practice and Procedure*, a digital or electronic copy imprinted on an appropriate "floppy", "zip" or "computer" disk; or on an attachment to an electronic mail directed to the Division or Commission Clerk; or if approved by the Division or Commission Clerk, any other conventional electronic storage system that may currently be in use or may succeed the conventional electronic storage systems that are currently available. Public utilities and CATV companies may seek an exemption from this requirement for extensive non-text type items (e.g., drawings and figures), or for items that predate existing digital processes. Requests for exemptions shall be directed to the Division/ Commission Clerk who will determine if the request for an exemption is reasonable. If the Clerk denies a request, relief may subsequently be requested from the Commission, if a Commission docket, or from the Division's Administrator, if a Division docket.
- b. All digital or electronic copies must be configured in "Word" and/or "PDF" formats or, if approved by the Division or Commission Clerk, other conventional software formats that may currently be in use or may succeed the conventional software formats that are currently available.
- c. Digital or electronic copies shall be submitted contemporaneously with all "hard" originals and "hard" copies, or if approved by the

Division or Commission Clerk, within five (5) business days thereafter.

4. INFORMATION AVAILABLE ON OR THROUGH THE DIVISION'S WEBSITE

The following information shall be available on the Division's website:

- a. Notices of all public hearings to be conducted by the Division or the Commission at least five (5) calendar days prior to the date of the hearing.
- b. All filings that are available in digital or electronic format, and that are not subject to protective orders, while the relevant proceeding is in progress. These filings may be purged from the website at the conclusion of the proceeding and after the issuance of a final report and order on the matter.
- c. All rules and regulations of the Commission and Division. The Rhode Island Secretary of State's office similarly provides access to the Commission's and Division's rules and regulations on its website.
- d. All major decisions (reports and orders) of the Commission and the Division for a period of at least one (1) year from the date of issuance. Access to all other decisions shall be available through a link to a commercial database retrieval service, which will provide "search engine" and database services designed to facilitate access to all Division and Commission decisions issued between 1971 and the present. A fee will be charged for this service. NOTE: Copies of all orders of the Commission and the Division shall also be available at the offices of the Commission and the Division, 89 Jefferson Boulevard, Warwick, Rhode Island, pursuant to the requirements and fee schedule contained in the State's *Access to Public Records Act* (R.I.G.L. §38-2-1, et seq.).
- e. Unless conducted as an "emergency meeting", pursuant to R.I.G.L. §42-46-6(c), open meeting notices and agendas shall be posted at least forty-eight (48) hours before every scheduled open meeting. Notices shall contain: (1) the date the notice was posted; (2) the date of the meeting; (3) the time of the meeting; (4) the location of the meeting; and (5) a statement specifying the nature of the business to be discussed. The minutes of all open meetings shall be posted in conformance with R.I.G.L. §42-46-7.
- f. A calendar of all Division and Commission open meetings and hearings, covering a period of seven (7) months. The calendar will

provide a brief description, including a docket number, of each matter pending before the Commission or the Division.

- g. Current public utility tariffs, as described in 39-1-18(c)(6). Access shall be achieved either by actual inclusion on the Division's website or by a link to a tariff page on the public utility's website.
- h. A listing of all public utilities, by industry group, and all registered Nonregulated power producers. Telephone numbers and/or links (where available), to each public utility's and Nonregulated power producer's consumer affairs department may also be accessed.
- i. Consumer information on billing dispute resolution procedures will be summarized. For a detailed description of all residential consumer protection rights and related adjudicative procedures a copy of the Commission's *Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service*, or related successor rules and regulations, will be accessible.
- j. Consumer information regarding access to power supply from Nonregulated power producers will be summarized. Additional information may be provided through links to the websites of electric distribution companies and/or registered Nonregulated power producers.
- k. Consumer information regarding methods of conserving energy and water and also demand side management programs available to residential, commercial and industrial customers. The Division may include links to other websites that contain related information.
- l. Consumer information regarding financial assistance programs that may be available to eligible ratepayers.
- m. Other information that the Division deems relevant and useful to the public.

Adopted as rules and regulations of the Rhode Island Division of Public Utilities and Carriers on August 13, 2003, for effect on September 1, 2003.

John Spirito, Jr., Esquire
Hearing Officer

Thomas F. Ahern, Administrator