

PUBLIC SERVICE COMMISSION

SPLIT STAFF GUIDELINES

POLICY 4-02-98(1)

November 17, 1999

A. PURPOSE

This policy establishes guidelines for staff preparation and involvement in cases in which staff is split into advocacy and advisory roles. It defines the roles of the advocacy staff and advisory staff and identifies how issues should be researched, developed, and addressed.

These guidelines apply in cases in which staff advocates a particular position. Examples include audits of regulated entities, rate applications, other applications, and complaints. These guidelines do not apply to rulemakings or cases in which staff does not advocate a particular position.

B. POLICY

Decision to Split Staff

Upon initial review of docketed cases, staff shall notify the Commission if it advocates a particular position concerning the issue or issues involved. Upon further review, the Commission may, by motion, act to split the Public Utilities and Legal Divisions into advocacy and advisory roles. If advisory and advocacy roles are assigned, the staff members assigned to each shall be identified in the corresponding motion.

Issue Development

When the Commission decides to split its staff as described in the preceding section, it will then meet jointly with the advisory staff and advocacy staff to identify issues that need to be addressed to fully develop the case. Special attention should be given to available time and staff and outside resources.

Advocacy Staff

Advocacy staff shall research identified issues, conduct discovery, and explore alternative theories or solutions. Outside consultants, when used, shall be considered a part of the advocacy staff. Advocacy staff shall be independent of the Commission and advisory staff.

Advocacy staff will prepare written testimony that will include the identification, description, and analysis of all identified issues. This analysis shall include the

discussion of relevant Commission policies, established precedents, and a discussion of viable alternative solutions, wherever applicable. Advocacy staff is also required to identify issues that may establish new precedent.

The advocacy staff will prepare pre-hearing and post-hearing briefs, when required, and will conduct direct and cross examination of witnesses at hearings.

Advisory Staff

Advisory staff will advise the Commissioners and make recommendations as requested by the Commissioners.

Advisory staff will communicate with the Commissioners to determine specific concerns that Commissioners have regarding specific issues and shall advise the advocacy staff and other parties of record of those specific concerns.

Advisory staff, in consultation with the advocacy staff and the Commissioners, shall administer the processing of the case and prepare all documents including notices and scheduling orders.

The advisory staff may conduct cross examination of witnesses at hearings and will represent the Commission in appeals of Commission orders.

REFERENCES

- (0) PSC Minutes, April 8, 1998
- (1) PSC Minutes, November 17, 1999