

**PROTOCOLS**  
**FOR**  
**ELECTRONIC PROOF OF SERVICE**  
**PILOT PROJECT**

1. Scope

- Limited to filing and service by e-mail of non-confidential documents of 5 MB or less. For attached files in excess of 50 pages of text only or 25 pages of mixed text, tables, graphics, and photographs, the filer shall state in the e-mail transmittal the file size (in MB) being submitted so that complete transmission can be verified.
- Does NOT apply to the filing in electronic media, such as CD, disk, zip, etc., of an Application for Certification or any other large document in excess of 5 MB.<sup>1</sup>
- Does NOT apply to the service of any filing upon a party who is incapable of or chooses not to receive service electronically. In such instance, that party shall be served by United States Postal Service with a paper copy (“hard copy”) of the electronically filed document. The electronic Proof of Service, described below, will identify parties served electronically and by paper copy.

2. Commission’s Regulation section 1209.5

- On June 14, 2000 (modified June 20, 2000), the Commission adopted emergency regulations authorizing electronic filing in its energy facility siting proceedings. (Cal. Code of Regs., tit. 20., 1209.5.) While the regulation requires the use of the PDF format, the Executive Director may authorize an alternative format, such as Word 97.

3. Official Documents

- The documents to be filed and served under these protocols are limited to official filings in the proceeding.
- Informal comments, including e-mail messages regarding the merits of any siting case which would violate the Commission’s ex parte rules, may not be sent to the Commission, Commissioners, the Hearing Officer, or other parties using the Pilot Project processes described herein. All filings should be relevant to the proceeding, appropriately deliberated by the filer, and served upon the Docket Unit and all other parties.

4. Format

- Due to display and printing problems with stored e-mail messages and until further notice, the substantive portion of all electronic filing for this Pilot Project should be presented in an attachment to an e-mail message, not in the message itself.

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<sup>1</sup> The Commission will continue to accept documents of greater or less than 5 MB in CD, disk, zip, etc., media and will issue Protocols therefor in the near future.

- E-mail messages may use any format that can be read by the Energy Commission and should contain only instructions for filing or the attachment file size stated in MB.
- Parties are encouraged to use the “Docket Unit Electronic Submission Cover Sheet” form available on the Commission’s Web Site at: [www.energy.ca.gov/sitingcases/dockets](http://www.energy.ca.gov/sitingcases/dockets)
- Attachments to e-mail filings shall be:
  - As text, graphics, tables, or pictures in Portable Document Format (.pdf) capable of being read by Adobe Acrobat Reader. (The latest version is recommended and available free at [www.adobe.com](http://www.adobe.com)).<sup>2</sup>
  - **OPTION:** As text, graphics or tables in any version of Microsoft Word or other program capable of being read or converted by Word 97 currently used at the Energy Commission.

## 5. Filing & Service

- Electronic filings are to be as an e-mail message with attachment or using the HTML “Docket Unit Electronic File Submission Cover Sheet” form with an attachment, addressed to the Energy Commission Docket Unit as follows: [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)
- The first page of an e-mail document, whether or not used as a cover-page for an attachment, shall contain:
  1. the e-mail address of the sender in the “From” box;
  2. a listing of all parties by their e-mail addresses upon whom the document is being electronically served in the “To” box;
  3. the docket number of the proceeding, the date of sending, the name of the filer, and the title of the document on “Subject” line. (See sample below.)
- All attachments shall bear a file name in the following format: **docket number\_date\_name\_title** in order to avoid duplication of filings which are being electronically stored at the Commission and posted on the Commission Web Site. Do **NOT** use slashes (//) anywhere in the filename. The date shall use the following format with dashes: mm-dd-yy. Multiple attachments must have different filenames in the **title** portion. Therefore, for example, an attached PDF file containing comments on the Preliminary Staff Assessment could be saved by its author, named “John Doe” and sent on July 12, 2000, as follows: **00afc00\_7-12-00\_JDoe\_\_compsa.pdf** The equivalent Word file would be: **00afc00\_7-12-00\_JDoe\_\_compsa.doc**
- To assure that the document received by the Docket Unit is the same as that served upon the parties and provide confirmation of service to the electronic

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<sup>2</sup> Parties for whom filing in PDF format imposes a financial hardship may submit attachments in Word or other program capable of being converted by Word 97 based upon the Executive Director’s authority to waive the Portable Document Format (pdf) requirement. (Cal. Code of Regs., tit.20, §1209.5(c)(1).)

proof of service list, the e-mail transmission to Docket Unit and to parties designated as e-mail recipients shall be simultaneous. Therefore, for purposes of service of filed documents, all parties should be listed in a single distribution list, also known as a "group" address list.

- Below is a sample of an e-mail screen of a hypothetical filer (Joe Green) filing with an attachment to the Docket Unit and serving Commissioner Smith, Hearing Officer Jones, Project Manager Rogers, Staff Counsel Hartman, Applicant's Counsel Sutter, and Public Interest Group's representative Brown:

<b>FROM:</b>	Joe Green	<b>CC:</b>	
<b>TO:</b>	<a href="mailto:Docket@energy.state.ca.us">Docket@energy.state.ca.us</a> <a href="mailto:CSmith@energy.state.ca.us">CSmith@energy.state.ca.us</a> ; <a href="mailto:Hjones@energy.state.ca.us">Hjones@energy.state.ca.us</a> , <a href="mailto:PRogers@energy.state.ca.us">PRogers@energy.state.ca.us</a> , <a href="mailto:SHartman@energy.state.ca.us">SHartman@energy.state.ca.us</a> , <a href="mailto:CSutter@acmepower.com">CSutter@acmepower.com</a> , <a href="mailto:RBrown@pubintgrp.org">RBrown@pubintgrp.org</a>		
<b>SUBJECT:</b>	00afc0_07-12-00_jgreen__compsa or "Green's PSA Comments"		
Attached are Intervenor Green's Comments on the Staff PSA in a Word 97 file, entitled 00afc0_07-12-00_jgreen_compsa.doc			

- When received and printed by the Docket Unit, the sample above will show the identity of the sender and the list of all parties to whom it was simultaneously sent.
- Within one (1) business day of electronic filing, the Applicant, Commission staff, and Committee Members shall file with the Docket Unit a paper copy of any document electronically filed and served. The Applicant, Commission staff, and Committee Member need not serve a paper copy of that document upon the Electronic Proof of Service List.
- **OPTION:** A party, other than the Applicant, has an option of filing with the Docket Unit a paper copy of its electronically filed and served document; however, such filing of a paper copy is not required for this Pilot Project.<sup>3</sup>

<sup>3</sup> Based upon the Presiding Member's authority to establish requirements for filing of documents by parties. (Cal. Code of Regs., tit. 20, §1210.)

## 6. Limitations

- Each filing, including an e-mail message, attachment, or both, shall be no greater than 5 MB. For attached files in excess of 50 pages of text only or 25 pages of mixed text, tables, graphics, and photographs, the filer shall state in the e-mail transmittal the file size (in MB) being submitted so that complete transmission can be verified.
- Procedures, not in this Pilot Project, apply to the electronic filing of any paper or document designated as “confidential.”
- Electronic signatures are not required, since there shall be a presumption that the party identified in the e-mail “header” as the sender knowingly transmitted the e-mail document. There shall be a further presumption that a secretary or administrative assistant identified as the sender of an electronically filed and served document has authority to do so and is acting on behalf of the party.

## 7. Electronic Proof Of Service List

- The Committee shall compile and periodically update an Electronic Proof of Service List, which shall identify each party (and e-mail address) who has agreed to receive filings in the proceeding electronically. The Electronic Proof of Service List will be distributed in the format of a declaration of electronic service and paper service. **A declaration of service must accompany each electronic filing.**

## 8. Docket Unit

- The Docket Unit shall be the only official archive of all electronic filings in this proceeding. ***Any electronic document not e-mailed to the Docket Unit as provided above will not be considered to have been filed in the record of the proceeding.*** If a paper copy of a document is also filed, the Docket Unit shall retain both the electronically filed and the paper filed documents.
- The Docket Unit shall print an electronic filing (except those from the Applicant, Commission staff or Committee members for which a paper copy filing is to be made) upon receipt and place a paper copy of it in the official record of the proceeding. If a document is not printable, the Docket Unit shall so inform the sender and all intended recipients by reply e-mail within 48 hours. An unprintable document will not be considered to have been filed in the record of the proceeding.
- In the absence of problems with e-mail receipt, a party should refer to the Master Log prepared by the Docket Unit and posted on the Energy Commission’s Web Site in this proceeding in order to verify filings in the proceeding.  
[\*\*www.energy.ca.gov/sitingcases/\(name of case\)\*\*](http://www.energy.ca.gov/sitingcases/(name of case))