

Ex parte Communications: Guidelines for Communicating with Commissioners

To ensure that the decision-making process is fair and impartial, Commission employees, utilities and other parties in proceedings before the Commission are held to certain standards regarding "ex parte" communication on cases under review. Ex parte communication is defined as "oral or written, off-the-record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

Generally, the ex parte rules prohibit Commissioners from engaging in informal communications with parties that could influence how a case is decided. Under the rules of ex parte communications, parties may not, for example, present information to commissioners about the facts or merits of a case, extend offers of employment, or offer gifts or favors.

If prohibited ex parte communication is attempted, the rules require that the Commissioner involved first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Executive Secretary. The Executive Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

Communication between commission staff and parties is allowed without documentation for procedural, scheduling, and status inquiries, or other inquiries or requests for information--as long as they have no bearing on the outcome of the proceeding. Staff may also engage in ex parte communication about the merits of the case, but such communication must be documented.