

SOUTHERN ENVIRONMENTAL LAW



ELECTRONICALLY FILED

Thursday, October 1, 2020

TR2034773

ALABAMA PUBLIC SERVICE COMMISSION

WALTER L. THOMAS, JR., SECRETARY

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October 1, 2020

VIA E-FILE & OVERNIGHT MAIL

Mr. Walter L. Thomas, Jr., Secretary
Alabama Public Service Commission
RSA Union Building
100 North Union Street, Suite 950
Montgomery, AL 36104

**RE: SELC Comments on Order Establishing Rulemaking Proceeding; Docket
No. 33046**

Dear Secretary Thomas:

On behalf of the Southern Environmental Law Center, please find the enclosed comments regarding the *Order Establishing Rulemaking Proceeding*, noticed on September 11, 2020.

This filing is being submitted to the Commission through its e-filing system, consistent with the rules and practices of the Commission. The original and one copy are being delivered to the Commission via overnight mail.

Please contact me if you have any questions or concerns regarding the enclosed.

Sincerely,

A handwritten signature in blue ink that reads "Keith Johnson".

Keith Johnson

Southern Environmental Law Center

Encl.

BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

IN RE: Rules of Practice of the Alabama)
Public Service Commission)
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Docket 33046

SOUTHERN ENVIRONMENTAL LAW CENTER’S COMMENTS ON RULEMAKING PROCEDURES

On September 11, 2020, the Commission issued notice of an order establishing a rulemaking proceeding regarding the electronic filing of documents at the Commission. The Commission stated that these proposed rules largely followed prior, temporary electronic filing rules that had been established in 2005, with some minor changes. The Southern Environmental Law Center (SELC) submits the following comments concerning the adoption of these electronic filing rules. Thank you for the opportunity to comment.

As currently written, for an electronic filing to be deemed “properly received” by the Commission, the Commission must receive a hard copy of the electronic filing by the next business day. This contingency that the hard copy be received by the next business day for proper and timely electronic filing creates unnecessary administrative burdens, costs and increases the chances for improper filing. For example, if there is a problem with delivery of the hard copy, the party filing might be penalized even though the delivery of the hard copy was beyond their control. In addition, for many parties filing electronically from out of town, this

requirement means that they have to use overnight delivery to get the hard copy timely filed, which increases the costs of filing.¹

We suggest that the Commission consider just requiring that the hard copy be *post-marked* by the next business day, instead of *received at* the Commission by the next business day. In this way, the Commission would still have the electronic copy, as well as any parties of record due to service copies, and the filing party and Commission could confirm that a hard copy was indeed sent to the Commission via post-marked mail. This process would reduce costs and the administrative burden on parties filing, while also decreasing the chances for confusion on the timing of the filing. In the alternative, the Commission could completely do away with the requirement of hard copies being sent with electronic filings. Many federal and state courts do not require hard copies to be filed anymore. With most Commission business conducted electronically, the reduced paper burden would reduce administrative costs for both the Commission and practicing parties.

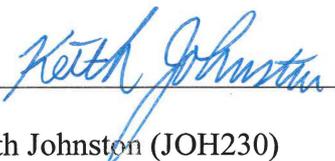
In addition, SELC would also like to suggest making the electronic filing rules clear that electronic filing could happen before or on the date the filings are due. For example, in many federal jurisdictions, a document is deemed timely filed up until the date of the next day. For example, a document filed at 11:59 PM is still considered timely filed on that day.

Finally, SELC respectfully requests that the 10 MB size limit on electronically filed documents be increased. Many filings with the Commission often exceed the 10 MB threshold, and they have to be segregated into smaller documents. This creates confusion in the filing process and, potentially, confusion about which documents go with which filings. In addition,

¹ We do appreciate that the Commission is now just requiring one hard copy per filing, instead of an original and copy.

when documents are “OCR’d” (Optical Character Recognition), as required in the current rules, this increases the electronic size of documents, and adds against the 10 MB size limitation, thus potentially requiring segregating the document into smaller documents. The OCR requirement boasts the need for a larger size limitation.

Thank you again for the opportunity to comment on the Commission’s electronic filing rules. If you have any questions, please do not hesitate to contact me.



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