

Steps in a Department of Public Utilities (DPU) Adjudicatory Proceeding

Adjudicatory Proceeding: A formal legal process. Adjudicatory proceedings review evidence and arguments to decide the rights and responsibilities of the parties involved.

Outreach Requirements for DPU Proceedings

The DPU Tiering and Outreach Policy spells out who the petitioner must contact and when to share information about their proposal. Proceedings that involve significant policy changes require the greatest level of publication and outreach and require the petitioner to contact potentially impacted municipal representatives and community members at least 30 days before filing with the DPU. Routine proceedings require less publication and outreach.

Petition: A formal written request asking the DPU to open a proceeding to approve a proposal, conduct an investigation, or take a regulatory action.

Early steps

1. Petitioner Files Petition with DPU

The **petitioner*** submits a petition, a type of formal paperwork, to the DPU. Filing the petition starts the proceeding, which is an official legal process.

Petitioner: The person or organization that files a petition with the DPU. Utility companies are common petitioners.

2. DPU Issues Notice of Filing and Public Comment Hearing(s)

The DPU publishes a Notice that tells the public about the case. The Notice includes a short description of the petition, the person or organization who filed it, and the assigned **Hearing Officer(s)***. It also lists the dates of the public comment hearing(s), how to submit comments, the comment deadline, and contact information in case of questions.

Hearing Officer: A Department attorney assigned to manage the proceeding, run hearings, decide on petitions to intervene, determine what evidence to admit or exclude, and other procedural matters.

3. Deadline to File a Petition to Intervene

Anyone who wants to be an **intervenor*** must file a petition to intervene at least 7 days before the public comment hearing or by the deadline listed in the Notice.

Intervenors: Eligible groups granted formal party status in a proceeding. They take on a bigger role in the legal decision-making than members of the public who submit comments. Intervenors can issue information requests and responses, present testimony and witnesses, cross-examine witnesses, file a brief, and appeal a Final Order in the case.

4. Public Comment Hearing(s)

Public comment hearings can be in person, virtual, or hybrid. Anyone can submit written or spoken comments. These comments help the parties spot issues worth discussing in the case. Speakers usually get 2 or 3 minutes to make their oral comments.

Public Comment Period: Steps 2, 3 & 4

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5. Discovery

Discovery is the fact-finding phase. Parties ask one another questions about pre-filed testimony and exhibits. This step helps each party clarify its position, find points of agreement or disagreement, and build the **evidentiary record***.

Evidentiary Record: All testimony, exhibits, public hearing transcripts, data, and other materials formally entered into the record. The DPU relies on this record when making its decision.

6. Information Requests

During the discovery phase, DPU staff and parties to the proceeding send **information requests*** to the petitioner. The answers help build the evidentiary record.

Information Requests: Formal, written questions. They let you ask other parties in the case, like utility companies or other intervenors, for more details, data, or explanations.

7. Technical Conference(s), if applicable

Technical sessions, usually roundtable discussions and workshops are informal and used to discuss complex technical questions. They often include subject matter experts. Technical sessions are open to members of the public to observe but they may not participate or provide public comment unless invited.

8. Testimony and Exhibits

Testimony is information given by a witness under oath. It can support or disagree with another party's position. Exhibits are documents that back up a party's case, for example, pictures, charts, spreadsheets, reports, or letters.

9. Evidentiary Hearing(s)

Only parties to the proceeding, their witnesses and attorneys, Hearing Officers, and relevant DPU staff can take part. This formal hearing builds the evidentiary record and lets parties question and **cross-examine*** witnesses under oath.

Cross-Examination: During Evidentiary Hearings, parties are allowed to ask questions of witnesses who have given testimony.

10. Briefs

Briefs are written documents that summarize a party's legal and factual arguments. They are filed after the evidentiary hearing.

11. Commission's Final Order

The three-member Commission, the governing body of the DPU, issues a binding written decision at the end of the proceeding. This is called the Final Order. A Final Order can approve the petition, approve it with changes, or reject it.



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