

STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
21 S. Fruit St., Suite 10
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September 28, 2022

Re: DT 22-047, Charter Communications, Inc., Cogeco US Finance, LLC d/b/a Breezeline, and Comcast Cable Communications, LLC
Petition for Resolution of Rate Dispute
Hearing Guidelines

To the Parties:

To facilitate the hearing scheduled in this matter, the Presiding Officer has adopted the following procedures. All participants will be expected to appear in person at the hearing, unless a written request for a particular individual to appear remotely, which explains why he or she is unable to participate in person, has been filed with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date.

1. Prehearing Preparation

a. Hearing Exhibits to be Bates Stamped, Premarked, and Prefiled

The parties shall confer for the purposes of identifying and numbering exhibits. The parties shall nominate one party to submit a complete list of exhibits reflecting the proposed numbering. No later than 4:30 p.m., at least 5 business days prior to the date the hearing is scheduled, the nominated party shall submit the exhibit list electronically to ClerksOffice@puc.nh.gov with an email subject heading that lists the docket number and hearing date.

No later than 4:30 p.m., at least 5 business days prior to the date the hearing is scheduled, all listed exhibits shall be submitted electronically to ClerksOffice@puc.nh.gov with an email subject heading that lists the docket number and hearing date.

Parties must prefile all exhibits electronically with the required markings. The Commission has waived the rules requiring paper copy filings until further notice.¹ Parties may not use previously submitted documents as their exhibits because those previously submitted documents will not have the required markings. Large files must be broken down into files that do not exceed 25 MB in size, and individual emails may not exceed 25 MB in size.

¹ Commission March 17, 2020 Secretarial Letter, available at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>

Parties must premark each exhibit in the upper right-hand corner of each page with the docket number and the exhibit number. *See* N.H. Admin. R., Puc 203.22(d)(1).

Parties must sequentially paginate each exhibit, which should be Bates-stamped with Arabic numerals only. *See* N.H. Admin. R., Puc 203.22(c). The sequential pagination must carry through multi-document exhibits. Bates numbering must appear in the lower right corner of each page of the exhibit, in approximately the same location, unless such placement would cause confusion or block the view of necessary information in the exhibit.

Parties must name each electronic version of an exhibit using the following naming convention: Docket No. without prefix_Date of Hearing_exh no. [Example: 20-040_2020-04-27_exh_3]. Parties may not include more than one exhibit per electronic file. If a large file exceeds 25 MB in size and has been broken into several smaller parts, this should be reflected in the exhibit number, such as “exh_1 (Part 1 of 5).” Confidential files should be named using the following naming convention: con_ Docket No. without prefix_Date of Hearing_exh no.

Failure of the parties to follow the above requirements may result in postponement of the hearing.

b. Witness Lists

No later than 4:30 p.m., at least 5 business days prior to the date the hearing is scheduled, each party shall submit its witness list electronically to ClerksOffice@puc.nh.gov with an email subject heading that lists the docket number, hearing date, and name of party filing. The parties may submit a joint witness list. The Commission may limit the number of witnesses or time for each witness’s testimony pursuant to Puc 203.21.

c. Filing and Service

All parties must observe the Commission’s rules for service.

Parties may, but are not required to, file paper copies of exhibits and exhibit lists at this time. If parties elect to file only electronically at this time, then they are directed to maintain one paper copy of all filings. The Commission will issue a subsequent order or letter indicating when that paper copy must be filed.

d. Confidential Information

No later than 4:30 p.m., at least 5 business days prior to the date the hearing is scheduled, parties must advise the Commission by email sent to ClerksOffice@puc.nh.gov and the service list only if they will be discussing or introducing confidential information during the hearing. If so, parties should identify the confidential information in question.

2. Conduct of Hybrid Hearing

a. Use of Webex Videoconferencing Platform

If a hybrid hearing format will be used, the Commission will use the Webex videoconferencing software to hold the hearing. Parties will be sent a link to the Webex videoconference in advance that will enable them to join the hearing remotely.

b. Technology Requirements for Remote Participation & Best Practices

Parties and individuals participating remotely must have the ability to be seen and heard by the commissioners during the hearing. Accordingly, some form of camera device and microphone must be available to remote participants. All individuals participating remotely are encouraged to use a hard-wired, not wireless, internet connection and a good quality wired microphone. Participants should download and test the Webex software in advance of the hearing.

c. Preregistration of Remote Participants

No later than 4:30 p.m., at least 5 business days prior to the date the hearing is scheduled, each person wishing to speak for, or on behalf of, a party, or to provide public comment, during the hearing must register with the moderator² at PUCWebModerator@puc.nh.gov by sending an email with a subject heading that lists the docket number, hearing date, and name of party filing. A party should submit one email for all of its participants (witnesses, attorneys, etc.) listing the name, email address, and telephone number of each participant.

d. Preregistration of In-Person Participants

Parties and members of the public wishing to attend the hearing in person are encouraged to register in advance at ClerksOffice@puc.nh.gov or by calling the Commission at (603) 271-2431, at least 5 business days before the hearing.

e. Presentation of Exhibits by Remote Participants

Each participant must clearly identify each exhibit by its premarked number before referencing it or introducing it by video during the hearing. If it will be necessary for a party to display an exhibit (or exhibits) on the screen during the hearing, then that party must do a run-through with the moderator at least one business day prior to the scheduled hearing to ensure that the party knows how to do so and how to close the presentation when it is complete.

² The moderator is a staff member assigned to aid the Commission with the technological aspects of the remote hearing.

f. Technology Trouble Shooting on the Hearing Day

Hearing participants joining remotely via Webex must join the Webex conference at least 15 minutes before the scheduled commencement of the hearing to verify their names and affiliations, resolve any technical issues, and discuss any necessary preparations prior to the commencement of the hearing.

Any participant experiencing difficulties obtaining access to, or participating in, the hearing should call the Commission at (603) 271-2431.

g. Hybrid Hearing Protocol for Remote Participants

A stenographer will make a record of each of the Commission's hearings. Therefore, during the hybrid hearing, all participants must choose the "mute" option when they are not speaking to ensure the best sound quality. The moderator will mute any participant causing noise interference.

Although participants must mute their microphones when not speaking, participants wishing to make an objection may unmute for that purpose. For any other issue, anyone wishing to speak should physically raise their hand first and should only speak after being recognized by the Presiding Officer.

All non-active participants who are not attorneys will be placed in "attendee" mode, which will deactivate their microphone and video feed, to make it easier for other participants and the Commissioners to focus on the speakers during the hearing and to reduce network saturation. Non-active participants will still be able to view and hear the hearing.

Each participant must clearly identify him- or herself before speaking and identify any other persons present at the participant's location. Speakers are advised to face their camera and speak slowly, with frequent pauses, to ensure accurate transcription.

The Commission does not recommend the use of the Webex "private chat" function to facilitate attorney/client consultations. The Commission does not use or monitor the chat function during hybrid hearings.

- h. Although the Commission will, if necessary, address any confidential matters separately at a single time during the hybrid hearing, the Commission may also need to do so at other times during the hearing, at which time public access to the hearing will be suspended. The public and parties who do not have a right to confidential information will not be able to participate in the hearing when this occurs for so long as confidential information is being addressed during the hearing.

The Presiding Officer may issue further procedures as necessary.

Sincerely,

A handwritten signature in black ink that reads "DANIEL C. GOLDNER". The signature is written in a cursive style with a long, sweeping flourish at the end.

Daniel C. Goldner
Presiding Officer
Chairman

cc: Service List (Electronically)
Docket File