



California ISO

**Standard Procedures for Appeal of Records Request
Determinations**

Version # 1.0



Effective upon Board approval

REVISION HISTORY

| VERSION NO. | DATE | SUGGESTED REVIEW DATE | REVISED BY | DESCRIPTION |
|--------------------|-------------|------------------------------|-------------------|------------------------------|
| 1.0 | 12/18/15 | | | Submitted for Board decision |
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1.0 INTRODUCTION

Section 8.0 of the Records Availability Policy (RAP) for the California Independent System Operator (ISO) provides that any denial of a request for records under the RAP may be appealed to the ISO Board of Governors (Board) within 30 calendar days of the denial by filing a notice with the Corporate Secretary. This document identifies the standard process that will be followed for handling any such appeal.

2.0 PROCESS FOR INITIATING AN APPEAL

2.1 Notice of Appeal

Within 30 days after receiving written notification from the ISO's Records Request Coordinator that a request for records made under the RAP has been denied, the party seeking to appeal the determination (for purposes of this process "Appellant") must submit a notice of appeal of the determination. The notice of appeal must identify each specific request that is the subject of the appeal and provide a brief summary of all disputed issues that are the subject of the appeal. The Appellant must attach to the notice of appeal each request that is the subject of the appeal, and the ISO's written notice denying the request. The notice of appeal must be submitted to the ISO Corporate Secretary via mail at the following address:

California Independent System Operator
P.O. Box 639014
Folsom, CA 95763-9014

and with a copy e-mailed to the Records Request Coordinator at recordsrequestcoordinator@caiso.com.

The Corporate Secretary will forward the notice of appeal to a Case Manager ("Case Manager") designated by the Board of Governors.

2.2 Preliminary Review of Notice

The Case Manager will review the notice to determine whether it meets the requirements of section 2.1. If the Appellant has not met those requirements, the notice will be returned to Appellant with an explanation of the reasons for its return. The Appellant will have five business days from the date the notice is returned to cure any deficiency.

The Case Manager will also make a preliminary determination as to whether the notice of appeal has been timely filed. If the Case Manager determines that the appeal deadline has expired, this preliminary determination will be provided to the Board for a final determination of that issue. The Board may request briefing on this issue on a schedule to be established by the Board.

3.0 SCHEDULE FOR SUBMISSION OF BRIEFS AND SUPPORTING MATERIALS; APPEAL RECORD

Within five business days after receiving a timely and sufficient notice of appeal, the Case Manager shall issue a briefing schedule for the appeal.

The standard schedule for an appeal is as follows:

| | |
|---------------------------------|--|
| Appellant's Initial Submission: | 15 business days after the date of the notice of briefing schedule |
| ISO's Response: | 15 business days after Appellant's submission |
| Appellant's Reply: | five business days after ISO's response |

The Case Manager or the Board may extend or shorten this schedule, or make other adjustments to the briefing process, as circumstances may warrant, taking into consideration the scope and complexity of the issues, the availability of the parties, or other issues relevant to the timing of resolution of the dispute.

The briefs submitted by the Appellant and the ISO will be limited to 15 pages in length, using standard 12-point font and double-line spacing. The Appellant's reply brief will be limited to five pages. The Case Manager or the Board may increase or reduce these page limits as circumstances may warrant, taking into consideration the scope, number, and complexity of issues raised in the appeal.

In addition to the briefs, the Appellant and the ISO may include with their submissions copies of any correspondence between the Appellant and the staff relating to the records requests. A complete copy of the records request or requests at issue must also be submitted. These additional submissions will not count towards the page limitations identified above.

The parties must serve their submissions on each other by email. The Appellant's submissions are to be sent by email to the ISO Corporate Secretary and to the ISO's Records Request Coordinator identified in the RAP.

4.0 PROCEDURE FOR RENDERING A DECISION

After submission of the materials identified in section 3.0, the Board, at its discretion, may schedule a time to hear oral argument from the Appellant and ISO staff on the issues raised in the parties' briefing. The oral argument may not be used as a vehicle to present new evidence not included in the parties' written submissions.

If a party believes that oral argument is warranted, the party should express that position in their initial written submission made pursuant to the briefing schedule.

If the Board determines that oral argument is appropriate, the Case Manager will issue a notice to the parties identifying the date and time of the argument, the duration of the argument, whether it

will be in-person or by teleconference, and any other information necessary for the parties to prepare.

Any proceeding by the Board under the appeal process will be conducted consistent with the ISO's Open Meeting Policy.

5.0 BOARD DECISION

The Board will issue a written decision resolving the appeal. In reaching its decision, the Board will exercise its independent discretion as provided in the RAP. In instances where the appeal is granted, the written decision will include any instructions or guidance as the Board deems appropriate for implementing the decision. In the event of a denial, the written decision will provide the basis for the denial. The decision of the Board is final and not subject to further hearing or appeal.

The Board's written decision will typically be issued within 90 days of final submission of the appeal. The Board may adjust this timeline depending on the scope, complexity and number of issues raised in the appeal.

6.0 MODIFICATIONS

Any substantive revisions to this policy must be approved by the Board of Governors.

7.0 CONTACTS

Questions regarding this procedure shall be directed via email to the Records Request Coordinator at recordsrequestcoordinator@caiso.com.

8.0 APPROVAL

This procedure has been reviewed and approved by the following person(s):

ISO Corporate Secretary:

Roger E. Collanton

Name

Signature

Date