

SCC PUBLIC WITNESS TIPS

When conducting a hearing, the State Corporation Commission (SCC) functions in a manner similar to a court of law following applicable laws and its own rules of practice and procedure. However, citizens should not be discouraged from participating in an SCC case. Anyone is welcome to attend Commission hearings in Richmond or in other localities and is encouraged to testify.

- Although the venue for a local hearing may be a high school gymnasium or a city council chambers, it is the Commission's courtroom. As such, only the news media is allowed to photograph or record the hearing.
- There can be no signs, posters, or demonstrations. The audience will be instructed by the Commission or a Hearing Examiner to refrain from applause, boos, catcalls, or laughter.
- Witnesses are encouraged to arrive at least 15-minutes early to sign up. Late arrivals will continue to be registered.
- Every attempt will be made to call witnesses in the order that they sign up. However, circumstances may cause the order to shuffle, so be prepared to stay as long as it takes.
- If you have prepared testimony as a participant in the case, you will not be allowed to speak as a public witness.
- When you approach the witness stand microphone, you will be sworn in by the SCC bailiff avowing that your comments are truthful.
- A written copy of any prepared comments is not required, but certainly helpful if such can be left with the bailiff. This includes any supplemental material you wish to submit for the Commission's consideration.
- You will be asked to state your full name, address, and whether you represent yourself or a group.
- Be thoughtful of your neighbors. The Commission sets no time limit on witnesses, but comments should be concise, on point, and not repetitive. Everyone in the room has taken time away from their important schedules to attend the hearing. Be considerate of their time.
- At the conclusion of a person's comments, the Commissioners, a Hearing Examiner or an attorney representing the applicant, SCC staff, or other case participants may ask clarifying questions. Public witnesses may not ask questions. SCC staff will be available at the hearing to address individual questions.
- All comments from public witnesses are transcribed by the court reporter. The transcript is made part of the case record.

After a local hearing, the evidentiary phase of the case continues in Richmond. Hearings in Richmond are held in the Commission's second floor courtroom located in the Tyler Building at 1300 East Main Street. Public witnesses are heard only at the very beginning of those hearings.

It will be several months before the Hearing Examiner's report is issued. That report serves as a recommendation to the Commission. Although that report allows a 21-day comment period, the comment window is open only to the formal case participants, not public witnesses.

SCC RULES OF PRACTICE AND PROCEDURE

5 VAC 5-20-80. Regulatory Proceedings.

A. **Application.** Except where otherwise provided by statute, rule or commission order, a person or entity seeking to engage in an industry or business subject to the commission's regulatory control, or to make changes in any previously authorized service, rate, facility, or other aspect of such industry or business that, by statute or rule, must be approved by the Commission, shall file an application requesting authority to do so. The application shall contain: (i) a specific statement of the action sought; (ii) a statement of the facts that the applicant is prepared to prove that would warrant the action sought; (iii) a statement of the legal basis for such action; and (iv) any other information required by law or regulation. **Any person or entity filing an application shall be a party to that proceeding.**

B. Participation as a **respondent.** A notice of participation as a respondent is the proper initial response to an application. A notice of participation shall be filed within the time prescribed by the commission and shall contain: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. **Any person or entity filing a notice of participation as a respondent shall be a party to that proceeding.**

C. **Public witnesses.** Any person or entity not participating in a matter pursuant to 5 VAC 5-20-80 A or 5 VAC 5-20-80 B may make known their position in any regulatory proceeding by filing written comments in advance of the hearing if provided for by commission order or by attending the hearing, noting an appearance in the manner prescribed by the commission, and giving oral testimony. **Public witnesses may not otherwise participate in the proceeding, be included in the service list, or be considered a party to the proceeding.**