



To: Executive Committee
From: Joe Huddleston
Date: December 4, 2013
Subject: Suggested Amendments to Public Participation Policy

Attached are suggested amendments to two sections of the Commission's Public Participation Policy (PPP): section 5, *Required open and public meetings* (specifically 5(b) dealing with teleconferences) and section 14, *Opportunity for public to address the Commission*. The amendments are designed to incorporate current practice and informal policies into the PPP.

No action by the Executive Committee is expected at its meeting on December 12, 2013, in New Orleans. I wanted to initiate discussion of these amendments now, with the expectation that should the Executive Committee wish to pursue these or related amendments, they would take action at their next in-person meeting in the spring of 2014. (Action by the Executive Committee at its spring meeting will allow enough time for the requisite noticed required for the Commission to adopt any amendments at its annual meeting in July 2014.)

Amendments to Section 5(b)

These amendments are suggested primarily for two reasons: (1) to confirm the Commission's current practice with respect to providing public access via telecommunication to the portions of all commission meetings open to the public, and (2) to make it clear that the telecommunications tools now widely available may be used to ensure the orderly conduct of commission meetings. Clarification with respect to required roll-call voting is also achieved (conforming to our long-standing practices).

Amendments to Section 14

These amendments provide in writing what has always been the Commission's practice: Members of the public who provide comments to the Commission or a commission body must identify themselves. (Note that Section 6 of the PPP prohibits such a requirement for *attendance* at commission meetings.) The amendments extend this practice by requiring that members of the public addressing the Commission or a commission body on behalf of another person or entity identify on whose behalf they are providing comment. This will serve to promote candor at commission meetings as well as aid both the Commission and members of the public with respect to the relevance and weight of the comments provided.

Section 5. Required open and public meetings

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(b) Nothing in this policy shall be construed to prohibit the Commission or a Commission body from holding an open or closed meeting using telecommunication, subject to all of the following:

(1) Whether the meeting is conducted entirely by telecommunication or by telecommunication in connection with an in-person meeting —

(A) The meeting must comply with all requirements of this policy applicable to other meetings.

(B) The senior member of the Commission or Commission body or Commission staff who is participating may use telecommunication features and controls to ensure the orderly conduct of the meeting.

(2) If the meeting is being conducted by telecommunications in connection with an in-person meeting —

(A) The portion of the in-person meeting that is required to be open to the public will be audible to those joining by telecommunication.

(B) The public will be provided with telecommunication access information in addition to location information in the notice of the meeting.

(C) At least one member of the Commission or Commission body or an employee of the Commission or a member State will be physically present at a location specified in the notice of the meeting.

(3) If the meeting is being conducted entirely by telecommunications —

(A) The public will be provided with telecommunication access information for the portion of the meeting that is required to be open to the public in the notice of the meeting.

(B) All votes taken during the meeting shall be by roll call.

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Section 14. Opportunity for public to address the Commission

(a) Except as otherwise provided in this section, the Commission or a Commission body shall provide an opportunity for members of the public to address directly the Commission or a Commission body on each agenda item before or during the discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the Commission or the Commission body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Commission or the Commission body.

(b) Members of the public addressing the Commission or a Commission body must identify themselves. A member of the public who is addressing the Commission or a Commission body on behalf of another person or entity must identify that person or entity. If the entity for which a member of the public is addressing the Commission or a Commission body is composed of more than one individual member, the members of the entity must be identified. This identification can be made during the address by a member of public or in writing before, or contemporaneous with, addressing the Commission or a Commission body.

(c) The Commission may adopt reasonable policies and procedures to ensure that the intent of subdivision (a) is carried out, including, but not limited to, policies and procedures limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(d) This section is not applicable to closed sessions held pursuant to Section 15.

Section 5. Required open and public meetings

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(b)(4) Nothing in this policy shall be construed to prohibit the Commission or a Commission body from holding an open or closed meeting ~~by teleconference if the convening at one location of a quorum of the Commission or the Commission body is difficult or impossible~~ using telecommunication, subject to all of the following:

~~(A) The teleconferencing~~ (1) Whether the meeting shall be conducted entirely by telecommunication or by telecommunication in connection with an in-person meeting —

(A) The meeting must comply with all requirements of this policy applicable to other meetings.

(B) The senior member of the Commission or Commission body or Commission staff who is participating may use telecommunication features and controls to ensure the orderly conduct of the meeting.

(2) If the meeting is being conducted by telecommunications in connection with an in-person meeting —

(A) The portion of the teleconferenced in-person meeting that is required to be open to the public shall be audible to those joining by telecommunication.

(B) The public at the will be provided with telecommunication access information in addition to location specified information in the notice of the meeting.

~~(C) Each teleconference location shall be identified in the notice of the meeting and shall be accessible to the public.~~

~~(D) All votes taken during a teleconferenced meeting shall be by roll call.~~

~~(E)~~ (C) At least one member of the Commission or Commission body or ~~of~~ an employee of the Commission or a member State shall be physically present at ~~the~~ location specified in the notice of the meeting.

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~~———— (2) For the purposes of this section, “teleconference” means a conference of individuals in different locations, connected by electronic means, through either audio or video, or both.~~

~~(3) If the meeting is being conducted entirely by telecommunications —~~

~~(A) The public will be provided with telecommunication access information for the portion of the meeting that is required to be open to the public in the notice of the meeting.~~

~~(B) All votes taken during the meeting shall be by roll call.~~

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~~(b)~~ Members of the public addressing the Commission or a Commission body must identify themselves. A member of the public who is addressing the Commission or a Commission body on behalf of another person or entity must identify that person or entity. If the entity for which a member of the public is addressing the Commission or a Commission body is composed of more than one individual member, the members of the entity must be identified. This identification can be made during the address by a member of public or in writing before, or contemporaneous with, addressing the Commission or a Commission body.

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