

<b>STATE</b>	<b>MEDIATION and SETTLEMENT PROCEDURES</b>
<b>Alabama</b>	No formal procedures. <b>Ala. Pub. Serv. Comm. R. of Prac. 15</b> authorizes prehearing conferences where settlement may be discussed.
<b>Alaska</b>	<p><b>Alaska Admin. Code tit. 3, § 48.121</b></p> <ul style="list-style-type: none"> <li>• A person may request alternative dispute resolution by petition if no adjudicatory proceeding is open, or by motion in an existing adjudicatory proceeding. If the Commission determines the matter is suitable for alternative dispute resolution, the Commission will issue an order directing that the alternative dispute resolution proceeding be held and establishing guidelines for the proceeding. Under this Section, alternative dispute resolution includes conciliation, facilitation, early neutral evaluation, fact finding, mini-trial, and mediation; and does not include arbitration.</li> </ul> <p><b>Alaska Admin. Code tit. 3, § 48.140</b></p> <ul style="list-style-type: none"> <li>• Informal conferences may be held at any time to provide opportunity for the settlement, adjustment, clarification or resolution of any issues or problems relating to any matter whatsoever. Informal conferences may be initiated by the parties or by the Commission or members of its staff. A pre-hearing conference may also be conducted to consider the possibility of settlement and the use of alternative dispute resolution and any other matter that may expedite the orderly conduct and disposition of the proceeding.</li> </ul>
<b>Arizona</b>	No formal procedures. <b>Ariz. Admin. Code § R14-3-108(A)</b> authorizes prehearing conferences where settlement may be discussed.
<b>Arkansas</b>	No formal procedures.

<b>California</b>	<p><b>Cal. Code Regs. tit. 20, §§ 12.1--12.7</b></p> <ul style="list-style-type: none"><li>• Parties may propose settlements on the resolution of any material issue of law or fact or on a mutually agreeable outcome to the proceeding. The motion must contain a statement adequate to advise the Commission of the scope of the settlement. When a settlement pertains to a proceeding under a Rate Case Plan, the motion must be supported by a comparison exhibit indicating the impact of the settlement in relation to the utility's application and to the issues that staff would have contested in a hearing. Prior to signing any settlement, the parties shall convene at least once. Parties may file comments contesting all or part of the settlement. The Commission may then choose to hold a hearing on the underlying issues or take various other steps it deems appropriate. The Commission will not approve settlement, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest.</li></ul> <p><b>Resolution ALJ-185 (Alternative Dispute Resolution Program)</b></p> <ul style="list-style-type: none"><li>• In 2005 the Commission approved Resolution ALJ-185, which adopts an alternative dispute resolution program. The Administrative Law Judge (ALJ) Division administers the program, with trained ALJs serving as neutrals. Facilitation, mediation, early neutral evaluation and settlement conferences are part of the program. The ADR Program applies to utility rate cases. Resolution ALJ-185, which sets forth procedures, can be found at the following link: <a href="http://docs.cpuc.ca.gov/word_pdf/FINAL_RESOLUTION/49129.pdf">http://docs.cpuc.ca.gov/word_pdf/FINAL_RESOLUTION/49129.pdf</a></li></ul>
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<p><b>Colorado</b></p>	<p><b>4 Code Colo. Regs. § 1301</b></p> <ul style="list-style-type: none"> <li>• Parties may file an informal complaint, which is an alternative dispute resolution tool used to avoid the costs associated with litigation. In responding to or managing an informal complaint, the Commission may, <i>inter alia</i>, offer mediation. The mediator shall attempt to resolve the informal complaint within 10 days of the mediation request.</li> </ul> <p><b>4 Code Colo. Regs. § 1408</b></p> <ul style="list-style-type: none"> <li>• The Commission encourages settlement of contested proceedings. Any settlement agreement shall be reduced to writing and filed with the Commission, which shall then enter a decision approving or disapproving it, or recommend a modification as a condition for approval. The Commission may hold a hearing on the settlement agreement prior to issuing its decision.</li> </ul>
<p><b>Connecticut</b></p>	<p><b>Conn. Agencies Regs. § 16-19jj</b></p> <ul style="list-style-type: none"> <li>• The Department of Public Utility Control shall, whenever it deems appropriate, encourage the use of proposed settlements produced by alternative dispute resolution mechanisms to resolve contested cases and proceedings.</li> </ul> <p><b>Alternate Dispute Resolution Service</b></p> <ul style="list-style-type: none"> <li>• The Department has an Alternative Dispute Resolution Unit which is available to assist consumers who have complaints, disputes or other issues that the Department determines it has the authority, a role and a responsibility to get involved in and help resolve. The Department encourages settlement and operates according to internal procedures; it is in the process of formalizing its procedures, which will be available on its website once complete.</li> </ul>

<p><b>Delaware</b></p>	<p><b>26 Del. C. § 512</b></p> <ul style="list-style-type: none"> <li>• Insofar as practicable, the Commission shall encourage the resolution of matters brought before it through the use of stipulations and settlements. The Commission may upon hearing approve the resolution of matters brought before it by stipulations or settlements whether or not such stipulations or settlements are agreed to or approved by all parties where the Commission finds such resolution to be in the public interest.</li> </ul> <p><b>26-1000 Del. Code Regs. § 2.2.1</b> generally provides for an investigation and mediation process for informal complaint.</p> <p><b>26-1000 Del. Code Regs. § 2.10.1</b> authorizes prehearing conferences where settlement may be discussed.</p>
<p><b>District Of Columbia</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>
<p><b>Florida</b></p>	<p>No formal procedures. Nevertheless, the Commission encourages settlement and mediation of utility rate cases and each are administered on a case-by-case basis.</p>
<p><b>Georgia</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>
<p><b>Hawaii</b></p>	<p><b>Haw. Code R. § 6-61-35</b></p> <ul style="list-style-type: none"> <li>• With the approval of the Commission, any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.</li> </ul> <p><b>Haw. Code R. § 6-61-36</b> authorizes prehearing conferences where settlement may be discussed.</p>

<b>Idaho</b>	<p><b>Idaho Admin. Code r. 31.01.01.211</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>Idaho Admin. Code r. 31.01.01.271--277</b></p> <ul style="list-style-type: none"><li>• The Commission authorizes passive and active settlements. The Commission may issue an invitation for settlement, indicate acceptable ranges for settlement, preclude certain issues from settlement, or otherwise inform the parties of its views on settlement in aid of securing a just, speedy and economical determination of the issues presented to the Commission. All settlements must be reviewed under these rules. Specifically, the Commission must prescribe procedures appropriate to the nature of the settlement to consider it, including evidentiary hearings to consider the reasonableness of the settlement and whether acceptance of the settlement is just, fair, and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. The Commission is not bound by settlements. It may accept, reject, or state additional conditions under which the settlement will be accepted.</li></ul>
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<b>Illinois</b>	<p><b>220 ILCS 5, § 10-101.1</b></p> <ul style="list-style-type: none"><li>• It is the intent of the General Assembly that proceedings before the Commission shall be concluded as expeditiously as is possible consistent with the right of the parties to the due process of law and protection of the public interest. It is further the intent of the General Assembly to permit and encourage voluntary mediation and voluntary binding arbitration of disputes arising under the Public Utilities Act. Nothing in the Act prevents parties from resolving cases by agreement of all parties, by compromise and settlement, or by voluntary mediation, provided, however, that nothing in this Section limits the Commission's authority to conduct investigations and enter such orders as it shall deem necessary to enforce the provisions of this Act or otherwise protect the public interest. The Commission may hold a case management conference at any time and order all parties to file a case management memorandum addressing, <i>inter alia</i>, the advisability of alternative dispute resolution.</li></ul> <p><b>Ill. Admin. Code tit. 83 §§ 201.10---201.400</b></p> <ul style="list-style-type: none"><li>• The Commission shall appoint a neutral mediator, and Commission staff shall have the same rights to participate in a mediation as any other person. Persons with disputes are encouraged to request mediation prior to initiating a docket to resolve a contested matter. The mediation process shall be completed no later than 45 days after a request for mediation is made. If an agreement is reached, it shall be reduced to writing and contain mutual conditions, payment arrangements, or other terms that resolve the dispute in part or in its entirety.</li></ul>
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<p><b>Indiana</b></p>	<p><b>Ind. Admin. Code tit. 170 § 1-1.1-15</b> authorizes prehearing conferences (preliminary hearings) where settlement may be discussed.</p> <p><b>Ind. Admin. Code tit. 170 § 1-1.1-17</b></p> <ul style="list-style-type: none"> <li>• It is the policy of the Commission to review and accept appropriate settlements. Parties may request a hearing for the purpose of presenting a settlement proposal, and settlement agreements may be filed with the Commission and received into evidence as part of the record of the proceeding. The Commission may reject, in whole or in part, any proposed settlement if the Commission determines that the settlement is not in the public interest.</li> </ul> <p><b>Ind. Admin. Code tit. 170 §§ 1-4-1—4-18</b></p> <ul style="list-style-type: none"> <li>• Mediation is encouraged as an informal and nonadversarial process in which a neutral third person acts to encourage and to assist in the resolution of a dispute between parties. The mediator must define and describe the process of mediation. Prior to a mediation conference, the parties may submit a confidential statement of the proceeding to the mediator, including the legal and factual contentions of the parties, any factors considered in arriving at the current settlement posture and the status of the settlement negotiations to date.</li> </ul>
<p><b>Iowa</b></p>	<p><b>Iowa Admin. Code r. 199-7.18</b></p> <ul style="list-style-type: none"> <li>• Parties to a contested case may propose to settle all or some of the issues. The Iowa Utilities Board will not approve settlements unless it is reasonable in light of the whole record, consistent with law, and in the public interest. The parties shall convene at least 1 conference for the purpose of discussing the settlement proposal. If a party does not join in a proposed settlement, the party may file comments contesting the settlement with the Board. If a proposed settlement is contested, the Board may hold a hearing on the contested issues.</li> </ul> <p><b>Iowa Admin. Code r. 199-26.3</b></p> <ul style="list-style-type: none"> <li>• In proposed settlements which concern revenue requirement issues in a rate case proceeding, parties shall file revenue requirement calculations reflecting the adjustments proposed to be settled and any issues remaining to be litigated, or shall file schedules reflecting the specific adjustments for which the parties reached agreement.</li> </ul>

<b>Kansas</b>	<p><b>Kan. Admin. Regs. § 82-1-230a</b></p> <ul style="list-style-type: none"> <li>• Unanimous and nonunanimous settlement agreements shall be filed as pleadings and may be approved, rejected, or modified by the Commission. A settlement agreement may contain or refer to explanatory material or information in support of the justness and reasonableness of the settlement agreement. A hearing may be conducted by the Commission for the purpose of receiving evidence or argument concerning the settlement agreement. Each party objecting to the settlement agreement shall file a written objection within 10 days after the filing of the settlement agreement.</li> </ul>
<b>Kentucky</b>	<p><b>807 Ky. Admin. Regs. 5:001, § 4</b></p> <ul style="list-style-type: none"> <li>• In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with staff of the Commission may be arranged through the Secretary of the Commission either prior to, or during the course of hearings in any proceeding, at the request of any party</li> </ul>
<b>Louisiana</b>	<p><b>La. Rules of Practice and Procedure, Rule 6A—I</b></p> <ul style="list-style-type: none"> <li>• This rule applies to the stipulated settlement of all issues in any ratemaking or adjudicatory proceeding before the Commission. A hearing is generally held for both contested and uncontested proposed stipulated settlements. Where proposed settlements are contested, parties may evaluate confidential information and submit comments regarding contested issues. In the event the Commission does not approve a stipulated settlement, the ALJ shall schedule a status conference to establish a procedural schedule leading to a hearing on the merits. The Commission may, on its own motion, vote to waive any or all of the requirements of this Rule and ratify and/or approve a settlement if it finds it to be in the public interest.</li> </ul>
<b>Maine</b>	<p><b>65-407-110 Me. Code R. § 810</b> authorizes prehearing conferences where settlement may be discussed. Commission staff is only involved in settlements if all parties agree.</p>
<b>Maryland</b>	<p>No formal procedures. Settlement of a utility rate case is within the discretion of the Commission and is administered on a case-by-case basis and according to informal procedures.</p>



<p><b>Massachusetts</b></p>	<ul style="list-style-type: none"> <li>In 1990, the Massachusetts Department of Public Utilities issued an internal memorandum establishing the procedures to be used in the settlement process for water company rate filings. The purpose of the “staff settlement negotiation process” is to assign a separate settlement intervention staff to each case whose role will be to attempt to negotiate a settlement with the company and other intervenors. The Commission assigns an Advisory Staff and a Settlement Intervention Staff for each water rate case. The Settlement Intervention Staff’s primary purpose is to attempt to enter into negotiated settlement on some or all issues presented in a case. It may issue written Information Requests regarding cost-of-service and rate design matters and participate as a full party to a case. If the Commission finds that a proposed settlement is complete, acceptable, and results in just and reasonable rates, the Commission shall issue an Order that approves the proposed settlement. The Commission may also convene a hearing in order to obtain further information or clarification.</li> </ul>
<p><b>Michigan</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>
<p><b>Minnesota</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>
<p><b>Mississippi</b></p>	<p><b>Miss. Pub. Serv. Comm. R. of Prac. and Proc. 13.102--103</b></p> <ul style="list-style-type: none"> <li>The Commission may hold prehearing conferences which shall be conducted in an informal manner so as to facilitate and promote agreement of all parties. In order to encourage agreement, settlements and stipulations between the parties at the prehearing conference and in order to expedite Commission proceedings, it is a policy of the Commission that if any agreement provides, by its terms, that any provisions thereof are nonseverable, such provisions shall only be adopted in their entirety, if at all, by the Commission</li> </ul>

<b>Missouri</b>	<p><b>Mo. Code Regs. tit. 4, § 240-2.115</b></p> <ul style="list-style-type: none"><li>• This rule prescribes the procedure when a non-unanimous stipulation and agreement is presented to the Commission. The parties may file a stipulation and agreement at any time, and it shall be filed as a pleading. The Commission may resolve all or any part of a contested case on the basis of a stipulation and agreement. Each party has 7 days to file an objection to the stipulation and agreement. All issues shall remain for determination after hearing. If no party files a timely objection, the Commission may treat it as a unanimous stipulation and agreement.</li></ul> <p><b>Mo. Code Regs. tit. 4, § 240-2.125</b></p> <ul style="list-style-type: none"><li>• This rule establishes procedures which will allow parties to utilize alternative dispute resolution methods in order to resolve issues or the entire matter in dispute. When parties agree that the participation of a presiding officer in the settlement process would be beneficial, those parties shall file a motion for appointment of a settlement officer for that case. If the Commission grants the motion, it shall issue an order scheduling a settlement conference and shall appoint a presiding officer to participate in settlement negotiations. The Commission may also order parties to engage in alternative dispute resolution with a commission authorized mediator before any further proceeding in such case. Failure to appear and participate in good faith shall be grounds for sanctions including dismissal or default of the noncompliant party. As the Commission deems appropriate, or upon the filing of a request for mediation by any party, mediation services may be provided by a presiding officer or by a neutral third party for the purpose of identifying the issues and attempting a resolution.</li></ul>
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<p><b>Montana</b></p>	<p><b>Mont. Admin. R. 38.2.2701</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>Mont. Admin. R. 38.2.3001</b></p> <ul style="list-style-type: none"> <li>• Where the matter in controversy affects only the parties involved, and the period for intervention is closed, the parties to the proceedings may, with the approval of the Commission, enter into a voluntary settlement of the subject matter of the proceeding or any issues contained therein prior or subsequent to the formal hearing. In furtherance of a voluntary settlement, the Commission may, in its discretion, invite the parties to confer with it or with an examiner designated by it.</li> </ul>
<p><b>Nebraska</b></p>	<p><b>Neb. Rev. Stat. § 66-1831(3)</b></p> <ul style="list-style-type: none"> <li>• Authorizes the public advocate to enter into stipulations with other parties to balance the interests of the public with those of the jurisdictional utilities to improve the quality of resulting decisions and minimize the cost of regulation.</li> <li>• No formal procedures for settlement or mediation in utility rate cases. If a case is appropriate for settlement or mediation, the process is administered on a case-by-case basis and is within the discretion of the Commission.</li> </ul>
<p><b>Nevada</b></p>	<p><b>Nev. Admin. Code § 703.845</b></p> <ul style="list-style-type: none"> <li>• In any proceeding before the Commission, the parties to the proceeding may enter into a stipulation for the settlement of some or all outstanding issues in the proceeding.</li> </ul> <p><b>Nev. Admin. Code § 703.2209</b></p> <ul style="list-style-type: none"> <li>• A public utility that furnishes electricity, gas or water which has an annual gross revenue of more than \$1,000,000 from intrastate operations in this State and which intends to file an application for adjustments in rates must meet with the Consumer's Advocate and the staff of the Commission assigned to regulatory operations at least 20 days before the anticipated date for filing the application for adjustments in rates. At the meeting, those persons in attendance shall discuss the need for and timing of a mandatory settlement conference between all interests to the proceeding.</li> </ul>

<p><b>New Hampshire</b></p>	<p><b>N.H. Code Admin. R. Puc. 203.15</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>N.H. Code Admin. R. Puc. 203.20</b></p> <ul style="list-style-type: none"> <li>• The Commission shall approve a disposition of any contested case by stipulation, settlement, consent order or default, if it determines that the result is just and reasonable and serves the public interest. If a stipulation is filed and is not contested by any party, the stipulation shall bind the Commission as to the facts in question, and the Commission shall consider the stipulation as evidence in the decision of the matter.</li> </ul>
<p><b>New Jersey</b></p>	<p><b>N.J. Admin. Code §§ 14:1-7.1—7.4</b></p> <ul style="list-style-type: none"> <li>• The purpose of this subchapter (Conferences) is to foster early settlement of cases pending before the New Jersey Board of Public Utilities prior to the case being transmitted to the Office of Administrative Law and to provide a vehicle for the parties to file pre-transmittal motions with the Board for retention and disposition of certain issues. Pre-transmittal settlement conferences may be held to provide opportunity for a settlement, subject to approval of the Board, of a proceeding or any of the issues therein, and for the submission and consideration of facts, argument, offers of settlement or proposals of adjustments, as time, the nature of the proceeding and the public interest may permit. The Board, with or without motion, may direct that a conference be held at any stage prior to transmittal to the Office of Administrative Law.</li> </ul>

<b>New Mexico</b>	<p><b>N.M. Admin. Code § 1.2.2.13(C)</b></p> <ul style="list-style-type: none"><li>• The Commission may order the following mechanisms to resolve complaints or streamline matters before the commission: settlement conferences; mediation; arbitration; other dispute resolution means, including consent calendars; and the use of staff decisions.</li></ul> <p><b>N.M. Admin. Code §§ 1.2.2.16—17 (Settlement Conferences and Mediation)</b></p> <ul style="list-style-type: none"><li>• The purposes of a settlement conference are to provide a forum for the parties and staff to work together to informally resolve complaints and other matters in dispute, expedite the public hearing process, and assist parties and staff in reaching a settlement at the earliest possible stage. Nothing in this rule shall be construed to limit or discourage voluntary settlement negotiations among staff and the parties to any proceeding. When deemed appropriate, the Commission may order a settlement conference. The parties and staff may also at any time move for an order designating a mediator to assist in the resolution of issues in controversy, or if the Commission deems it appropriate, the Commission may on its own motion designate a mediator. Parties must send a mediator their settlement positions and other necessary information that could facilitate the settlement conference.</li></ul> <p><b>N.M. Admin. Code §§ 1.2.2.18—19 (Arbitration)</b></p> <ul style="list-style-type: none"><li>• A complainant may request arbitration of any dispute. Once designated and approved by the parties, an arbitrator shall proceed to render a decision in the arbitration proceeding within a reasonable period of time, not to exceed 90 days, unless otherwise ordered by the commission or presiding officer. If the arbitrator at any time determines that it is unlikely that the dispute can be resolved without substantially affecting the interests of other ratepayers or the public, the arbitrator may so inform the parties and staff and terminate the proceeding without prejudice to the complainant’s right to file a formal complaint.</li></ul>
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<p><b>New York</b></p>	<p><b>16 N.Y. Comp. Codes R. &amp; Regs. § 3.9</b></p> <ul style="list-style-type: none"> <li>As soon as it appears, based upon exploratory discussion with another party or potential party, that settlement of an issue or issues in a pending proceeding is possible, the utility shall file (with the Secretary, if a large utility, and with the director of the appropriate division, if a small utility) a notice of impending negotiation. No discussion, admission, concession or offer to stipulate or settle made during any negotiation session concerning a stipulation or settlement shall be subject to discovery, or admissible in any evidentiary hearing against any participant who objects to its admission. The confidentiality provisions shall also apply to a neutral and any agent or employee of the New York Department of Public Service participating in a mediated proceeding. A mediated proceeding is any process in which an alternative dispute resolution technique is used to resolve an issue in controversy, where a neutral may be appointed and specific parties participate.</li> </ul>
<p><b>North Carolina</b></p>	<p><b>N.C. Gen. Stat. § 62-69</b></p> <ul style="list-style-type: none"> <li>In all contested proceedings the Commission, by prehearing conferences and in such other manner as it may deem expedient and in the public interest, shall encourage the parties and their counsel to make and enter stipulations of record. The Commission may make informal disposition of any contested proceeding by stipulation, agreed settlement, consent order or default. Unless otherwise provided in the Commission's rules of practice and procedure, such prehearing conferences may be ordered by the Commission or requested by any party to a proceeding in substantially the same manner and with substantially the same subsequent procedure.</li> </ul>
<p><b>North Dakota</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>

<p><b>Ohio</b></p>	<p><b>Ohio Admin. Code 4901-1-26</b></p> <ul style="list-style-type: none"> <li>• Authorizes prehearing conferences where settlement may be discussed. If a conference is scheduled to discuss settlement of the issues in a complaint case, the representatives of the public utility shall investigate prior to the settlement conference the issues raised in the complaint and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.</li> </ul>
<p><b>Oklahoma</b></p>	<p><b>17 Okla. Stat. Ann. § 282</b></p> <ul style="list-style-type: none"> <li>• In any contested public utility rate proceeding, the Commission shall at the request of any of the parties, order a settlement conference among the parties, to be held at a time and place to be fixed by the Commission. The Commission may terminate any settlement conference upon a motion by any party if it finds that any party is failing to participate in the process in good faith or that there is no probability of settlement. An individual designated by the Commission with the concurrence of the utility and the Attorney General will preside as settlement judge at the settlement conference. The settlement judge may make such other and additional requirements of the parties as shall be deemed proper in order to expedite an amicable resolution of the case. Any settlement reached by the parties shall be subject to the approval of the Commission.</li> </ul>
<p><b>Oregon</b></p>	<p><b>Or. Admin. R. 860-014-0085</b></p> <ul style="list-style-type: none"> <li>• In all Commission proceedings, some or all of the parties may enter into a voluntary settlement of issues, or enter into a stipulation upon any matter in controversy, at any time during the proceeding. Any party may attend any settlement conference in which the Commission staff participates. A settlement conference is any meeting called for the purpose of discussing resolution of issues in a proceeding. A stipulation or settlement shall not be binding on the Commission or Administrative Law Judge (ALJ). Settlements and stipulations shall be reduced to writing, served on the parties to the case, and filed for review by the Commission or the ALJ. Any party may file written objections to the settlement or stipulation or request a hearing. The Commission or ALJ may hold a hearing to receive testimony and evidence regarding the settlement or stipulation.</li> </ul>

<b>Pennsylvania</b>	<p><b>52 Pa. Code §§ 5.231—234</b></p> <ul style="list-style-type: none"><li>• It is the policy of the Commission to encourage settlements. Nothing contained in this chapter shall preclude a party in a proceeding from submitting, at any time, offers of settlement or proposals of adjustment, or from requesting conferences for that purpose. Parties may request that the presiding officer participate in the settlement conferences or that an additional presiding officer or mediator be designated to participate in the settlement conferences. A settlement petition, which may contain stipulations of fact by all or some of the parties, shall be filed with the Secretary. The presiding officer will determine if the settlement is in the public interest. When no presiding officer has been assigned, the Commission will review the settlement.</li></ul> <p><b>52 Pa. Code §§ 69.391—397</b></p> <ul style="list-style-type: none"><li>• The Commission encourages parties to seek negotiated settlements of contested proceedings in lieu of incurring the time, expense and uncertainty of litigation. To further promote the goal of obtaining negotiated settlements in the public interest, the Commission has adopted guidelines that offer the parties, in certain contested proceedings, the option of mediation. Parties may request mediation, or the Commission may assign a case to an ALJ for mediation. To ensure maximum flexibility, the rules and procedures used in mediation are subject to modification as deemed appropriate to facilitate a resolution of a dispute.</li></ul> <p><b>52 Pa. Code §§ 69.401—406</b></p> <ul style="list-style-type: none"><li>• This Section establishes guidelines and procedures designed to encourage full and partial settlements as well as stipulations in major rate increase cases. At least one public input session will be held prior to the date the settlement is filed. The ALJ is encouraged to be assertive in the settlement process in cases which he believes should settle. Objections to a settlement of the issues in a general rate increase proceeding should be filed within 10 days of the date the settlement is filed with the ALJ.</li></ul>
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<p><b>Rhode Island</b></p>	<p><b>90-060-001 R.I. Code R. § 1.16</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>90-060-001 R.I. Code R. § 1.24</b></p> <ul style="list-style-type: none"> <li>• The parties may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Any party to a proceeding may submit an offer of settlement at any time. The offer must be filed with the Clerk, who will transmit the offer to the Commission. The Commission is not bound by settlement agreements, and it will independently review any settlement proposed to it to determine whether the settlement is just, fair and reasonable, in the public interest, or otherwise in accord with law and regulatory policy. When a settlement agreement is presented for decision, the Commission may accept the settlement, reject the settlement, or state additional conditions under which the settlement will be accepted. The Commission has discretion to conduct a public hearing on any settlement it accepts.</li> </ul>
<p><b>South Carolina</b></p>	<p><b>S.C. Code Regs. § 103-839</b> authorizes prehearing conferences where settlement may be discussed.</p>
<p><b>South Dakota</b></p>	<p><i>PRIVATE WATER SYSTEMS NOT REGULATED</i></p>

<p><b>Tennessee</b></p>	<p><b>Tenn. Comp. R. &amp; Regs. 1220-1-2-.12</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>Tenn. Comp. R. &amp; Regs. 1220-1-3-.01--.05</b></p> <ul style="list-style-type: none"> <li>• The Authority may use an administrative dispute resolution procedure for the resolution of all or part of the issues in any contested case provided all parties agree to such procedure. The limitations on the uses of administrative dispute resolution procedures do not apply to settlements of issues pursuant to a pre-hearing conference or during the course of the hearing of a contested case. The procedures utilized in this chapter supplement, rather than limit, other available dispute resolution methods. Even though the parties agree to the use of administrative dispute resolution procedures, the Authority may refuse to follow such procedures and proceed under contested case procedures if the Authority determines that such use would be contrary to the public interest or the statutory policies governing the Authority. Upon motion of any party, or on its own motion, the Authority may serve all parties to the contested case with a notice of proposed administrative dispute resolution procedure. Such notice shall state the type of proceeding proposed, which includes mediation, arbitration, and administrative settlement conferences.</li> </ul>
<p><b>Texas</b></p>	<p><b>30 Tex. Admin. Code §§ 40.1--40.9</b></p> <ul style="list-style-type: none"> <li>• It is the policy of the Texas Commission on Environmental Quality to encourage the resolution and early settlement of all contested matters through voluntary settlement procedures. The Commission or the ADR director may seek to resolve a contested matter through any ADR procedure. For each matter referred for ADR procedures, the ADR director shall assign a mediator, unless the participants agree upon the use of a private mediator. The Commission encourages the resolution of disputes at any time.</li> </ul>

<p><b>Utah</b></p>	<p><b>Utah Admin. Code r. 746-100-9</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>Utah Admin. Code r. 746-100-10</b></p> <ul style="list-style-type: none"> <li>• Cases may be resolved by a settlement of the parties if approved by the Commission. Parties not adhering to settlement agreements shall be entitled to oppose the agreements in a manner directed by the Commission.</li> </ul> <p><b>Utah Code Ann. § 54-7-1</b></p> <ul style="list-style-type: none"> <li>• Informal resolution, by agreement of the parties, is encouraged as a means to resolve disputes while minimizing time and expense. The Commission may approve any agreement after considering the interests of the public and other affected persons to use a settlement proposal to resolve a disputed matter. At any time before or during an adjudicative proceeding before the Commission, the parties, between themselves or with the commission or a commissioner, may engage in settlement conferences and negotiations.</li> </ul>
<p><b>Vermont</b></p>	<p><b>Vt. Pub. Serv. Bd. R. 2.212</b></p> <ul style="list-style-type: none"> <li>• In any proceeding, the Vermont Public Service Board may, and in any rate case, the Board shall direct the parties to appear before it for a conference to consider, <i>inter alia</i>, matters that may aid in the disposition of the case.</li> </ul>
<p><b>Virginia</b></p>	<p>No formal procedures for settlement or mediation in utility rate cases. Whether parties enter into settlement agreements or stipulations is a matter for the parties to decide; however, the adoption of any settlement agreement is within the discretion of the Commission.</p>

<p><b>Washington</b></p>	<p><b>Wash. Admin. Code 480-07-430</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>Wash. Admin. Code 480-07-700—750</b></p> <p>The Commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest, and subject to approval by commission order. Alternative dispute resolution (ADR) includes any mechanism to resolve disagreements, in whole or in part, without contested hearings. The Commission retains and will exercise its authority in every adjudicative proceeding to consider any proposed settlement or agreement for approval. Parties may agree to negotiate without Commission oversight, or the Commission may direct parties to engage in settlement conferences (informal discussions), collaboratives (Commission-sanctioned negotiations), mediation, or arbitration. The parties to a negotiation may also ask the Commission to mediate any differences that arise during the negotiation. The Commission must determine whether a proposed settlement meets all pertinent legal and policy standards. The Commission must have a reasonable opportunity to hear parties' views on why the settlement should be approved and adopted, to ask questions of the parties, and to conduct its processes in an orderly fashion. The Commission will approve settlements when doing so is lawful, when the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest.</p>
<p><b>West Virginia</b></p>	<p><b>W. Va. Code R. § 150-1-11</b></p> <ul style="list-style-type: none"> <li>• The Commission may, on its own motion or upon petition by any party, with reasonable written notice, require all interested parties to attend a prehearing conference, teleconference, or mediation.</li> </ul>
<p><b>Wisconsin</b></p>	<p>No formal procedures for settlement or mediation in utility rate cases.</p>

<b>Wyoming</b>	<p><b>WY Rules and Regs. PSC UA, Ch. 1, § 118</b> authorizes prehearing conferences where settlement may be discussed.</p> <p><b>WY Rules and Regs. PSC UA, Ch. 1, § 119</b></p> <ul style="list-style-type: none"><li>• Informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default, upon approval of the Commission.</li></ul>
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