

POLICY DEVELOPMENT AND IMPLEMENTATION
(As Amended November 15, 2006, November 16, 2009 and November 15, 2010)

A. STATEMENTS OF ASSOCIATION POLICY

Section 1. Policy Resolutions

- A. Policy resolutions adopted by either the NARUC in plenary session or its Board of Directors express the basic beliefs and objectives of the Association. Resolutions serve as the basis for legislative and regulatory advocacy and related activities of the Washington Staff. Resolutions also serve to define and revise the internal operations of the Association. As noted, policy resolutions take two forms: first, to define and revise the internal operations of the Association, and second, to express the Association's views on public policy issues affecting the regulation of carriers and utilities. Resolutions shall stand until revised or repealed.

- B. The General Counsel shall post each adopted resolution to the NARUC webpage within 10 days after each meeting where resolutions are adopted. Each resolution shall bear the date of adoption, and the name of the standing committee or committees originating or sponsoring the resolution.

Section 2: Other Statements of Policy

- A. Statements of principle and other policy guidelines recommended for consideration by NARUC member commissions shall be collegial in nature, reflecting the need for individual commissions to comply with their respective statutory and regulation obligations. Such statements and guidelines shall be adopted by resolution.

- B. Any model statutes, model regulations, white papers, or "best practices," whether prepared by staff or by contractors, shall represent the official policy of the Association only when adopted by resolution. NARUC shall disseminate new statutory or regulatory policies developed and implemented by its members through its website and newsletter.

- C. In general, testimony and other congressional statements, briefs, agency comments and legal pleadings on behalf of NARUC shall be based upon the Association's policy resolutions and reasonable inferences taken there from.

Section 3: Policy Development with Other Organizations

- A. With the approval of NARUC's officers and the chair of any relevant standing committee, the Association may join in policy statements with other appropriate organizations. The officers and committee chairs shall be vigilant to avoid associating NARUC with positions

and arguments that are inconsistent with the Association's positions or interests. NARUC Staff shall ensure that when the Association's name is on reports, white papers or similar documents developed with other organizations, each such document include a written disclaimer that it does not reflect the policy of the Association unless the Board of Directors has endorsed the document in question.

B. CONGRESSIONAL RELATIONS

Section 1: Association Witnesses

- A. The NARUC Washington Staff shall seek to place NARUC representatives as witnesses at all relevant Congressional hearings. In cases in which a NARUC representative is not requested or appropriate, the Washington Staff shall seek to facilitate the participation of representatives of individual State commissions testifying on behalf of their State or region.
- B. Official NARUC witnesses shall be chosen by the NARUC officers and relevant committee chair or chairs with the advice of the NARUC Washington Staff. The following factors shall be considered in choosing a NARUC witness:
 - 1. Knowledge of the issues;
 - 2. Affinity of State or region of NARUC witness and members of Congressional committee, particularly any personal relationship with the committee chairman or ranking member;
 - 3. Request of congressional committee for a specific witness or point of view;
 - 4. Political balance;
 - 5. Membership on NARUC standing committee;
 - 6. Need to provide opportunity for new witnesses.

Section 2: Congressional Testimony

- A. The NARUC Washington Staff shall draft Association testimony in cooperation with the NARUC witness and his or her staff. If possible, the Washington Staff shall provide the first draft of proposed testimony to the NARUC witness at least three days before the testimony is submitted to the congressional committee. Positions taken in official NARUC testimony shall be based upon the Association's policy resolutions and reasonable inferences taken therefrom. If NARUC has no position addressing an issue or issues raised by proposed Congressional action that directly affects the interests of NARUC's member Commissions, and it appears necessary or prudent to address that issue(s) prior to any meeting where a resolution can be considered, then NARUC staff may utilize the inter-meeting NARUC policy adoption process outlined in Section C. 1. B., *infra*, to supplement proposed testimony. However, that inter-meeting process shall not be used to support in testimony Congressional initiatives benefitting primarily third parties.

- B. On occasion, a NARUC witness may be invited to provide views of his or her individual State commission, either orally or in written testimony. In such cases, the NARUC witness shall clearly distinguish NARUC's positions from the views of his or her State commission or his or her personal views.
- C. Responses to post-hearing questions from congressional committees shall be prepared by the NARUC Washington Staff in consultation with the NARUC witness and as appropriate, the chair of the relevant committee or committees.
- D. The NARUC Washington Staff shall prepare a press release in conjunction with the appearance of a NARUC witness for distribution to relevant media and inclusion in the NARUC Bulletin.

Section 3: Congressional Correspondence

- A. The NARUC Washington Staff shall prepare and deliver correspondence to Congress before committee mark-ups or floor action in all cases in which the Association has taken a position. Such correspondence shall be prepared in consultation with the chairs of relevant NARUC committees. If time permits, draft correspondence shall be circulated to all members of relevant NARUC committees via email. In all cases, congressional correspondence shall be summarized in the NARUC Bulletin. If NARUC has no position addressing an issue or issues raised by proposed Congressional action that directly affects the interests of NARUC's member Commissions, and it appears necessary or prudent to address that issue(s) prior to any meeting where a resolution can be considered, then NARUC staff may utilize the inter-meeting NARUC policy adoption process outlined in Section C. 1. B., infra, to draft correspondence. However, that inter-meeting process shall not be used to draft correspondence to support Congressional initiatives benefitting primarily third parties.
- B. Congressional correspondence shall be transmitted over the signature of the NARUC President and/or relevant committee chair or chairs if time permits. Congressional correspondence may be signed by the NARUC Executive Director or General Counsel as necessary in cases where time is short.
- C. The NARUC Washington Staff shall notify the NARUC membership of committee markups or floor action by the most expeditious means available.

Section 4: Congressional Meetings

- A. The NARUC Washington Staff shall arrange meetings between NARUC members and relevant members of Congress and their staffs as necessary to meet the strategic needs of the Association.

- B. The Association shall seek to maximize participation of its members in congressional meetings. In designating attendees at congressional meetings, the Association shall consider the factors described in part I.B. The President, after consultation with the chairs of relevant committees, shall determine the makeup of NARUC delegations in cases where attendance is limited.
- C. The NARUC Washington Staff shall assist the chair of Washington Action in planning congressional activities held in conjunction with the NARUC Winter Committee Meetings.

C. POLICY ON LITIGATION

Section 1: Briefs, Comments and other Pleadings

- A. In general, briefs, agency comments and legal pleadings shall be based upon the Association's policy resolutions and reasonable inferences taken therefrom. The NARUC attorney preparing a legal pleading shall consult with the chair of the relevant committee or committees prior to submitting the pleading. If time permits, the NARUC attorney shall provide draft pleadings to the chair before filing. Copies of all briefs, comments and legal pleadings (other than those involving procedural matters) shall be circulated electronically to the members of the relevant committee after filing.
- B. Where the anticipated action is directed by, or the expected response to, a NARUC resolution, NARUC attorneys will file an appropriate pleading in accordance with part A, above. Often cases arise where NARUC attorneys believe that the Association should consider instituting litigation or intervening in pending litigation to address an issue of importance to the Association's membership but the schedule of NARUC triennial meetings do not permit the Association to respond with a targeted resolution. If NARUC has an outstanding policy position addressing the issue or issues, NARUC attorneys shall file appropriate pleadings after consultation with the chair of the relevant committee or committees and notice to the NARUC Executive Committee. If NARUC has no outstanding policy position addressing the issue or issues, NARUC attorneys shall file appropriate pleadings after consultation with and approval by the chair of the relevant standing committee or committees and notice to the NARUC Executive Committee. In addition, if the case has a direct impact on individual NARUC member State commissions, NARUC attorneys shall consult with the chair of each affected commission before contacting the relevant committee chair or Executive Committee members. The specified notices to the NARUC Executive Committee may be by phone or electronic message. Such notices must indicate the issue, proposed action, timeframe for action, and a notation that NARUC is consulting directly with the chair of the relevant committee(s) and the NARUC President [or if the President is unavailable another member of the Executive Committee] before taking action.

- C. As required by court rules or for strategic purposes, NARUC may be required to join in joint pleadings with other parties, both individual State commissions and other parties deemed to have similar interests. In such cases, NARUC attorneys shall consult with the chair of the relevant committee or committees concerning the decision to file joint pleadings. In addition, NARUC attorneys shall be vigilant to avoid associating NARUC with positions and arguments that are inconsistent with the Association's positions or interests.

Section 2: NARUC Representation

- A. NARUC's attorneys shall represent the Association in judicial proceedings and agency hearings and conferences. In cases of joint party participation in a case or proceeding, the NARUC Executive Committee, after consultation with the chair of the relevant standing committee, shall determine the appropriate attorney to represent State commission interests in oral arguments and similar proceedings. The Executive Committee shall base its decision on the attorney's familiarity with the case or proceeding, previous experience in similar cases or proceedings, and reputation for skill and preparation.
- B. The NARUC Washington Staff will arrange meetings between NARUC members and relevant members of Federal agencies and commissions as necessary to meet the strategic goals of the Association. NARUC shall seek to maximize participation by its members in such meetings.
- C. The NARUC Washington Staff will prepare correspondence to Federal agencies and commissions as directed by NARUC officers or relevant committee chairs. Such correspondence shall be transmitted over the signature of the NARUC President and/or relevant committee chair or chairs if time permits. Correspondence may be signed by the NARUC Executive Director, General Counsel or other staff member as directed by NARUC officers or relevant committee chairs.

Adopted by the Board of Directors on January 14, 2000