

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 2. FINANCIAL OPERATIONS
CHAPTER 2.5. COMMISSION ON STATE MANDATES

Article 1. General

§ 1181.3. Certification, Filing, and Service of Written Materials and New Filings.

(a) Certification. All new filings and written materials filed with the Commission shall be signed at the end of the document, under penalty of perjury, with the declaration that the filing is true and correct to the best of the declarant's personal knowledge, information, or belief. The date of signing, the declarant's title, address, telephone number, and email address, if applicable, shall be included.

(b) Documents filed with the Commission shall not contain personal identifying information that violates state or federal privacy laws, including, but not limited to California Civil Code section 1798 et seq.

(c) Filing and Service. New filings and written materials may be filed as described in this subdivision.

(1) E-Filing. Except as provided in subdivision (c)(2) of this section, all new filings and written materials shall be electronically filed (or e-filed) with the Commission.

(A) All new filings and written materials shall be filed by filing the signed original document in an unlocked PDF file via the Commission's e-filing system, available on the Commission's website. Documents e-filed with the Commission shall be in a legible and searchable format using a "true PDF" (i.e., documents digitally created in PDF, converted to PDF or printed to PDF) or optical character recognition (OCR) function, as necessary, that allows Commission staff to electronically date stamp the document and append additional pages for posting on the Commission's web site with a proof of service for e-service by the Commission, in lieu of the filer serving the document to the entire mailing list for the matter.

(B) Any new filing required to be filed on a form prescribed by the Commission shall be digitally signed, using the digital signature technology and authentication process contained within the Commission forms. The completed form shall be e-filed separately from any accompanying documents. Accompanying documents shall be e-filed together in a single file in accordance with subdivision (c)(1)(C) of this section, and shall not exceed 500 megabytes. Accompanying documents exceeding 500 megabytes shall also comply with subdivision (c)(1)(D) of this section.

(C) All e-filed documents, other than forms prescribed by the Commission, shall:

(i) be in unlocked PDF file format, to allow Commission staff to electronically date stamp the document and append additional pages for posting on the Commission's website with a proof of service for e-service by the Commission, in lieu of the filer serving the document to the entire mailing list for the matter; and saved, converted, or printed to PDF and filed in their original, searchable form,

(ii) include a scanned copy of but the signed signature page shall be replaced with a scanned

1 ~~copy~~, rather than a digitally signed document. The scanned copy shall be in black and white (not
2 gray scale or color).

3 ~~(D)~~ E-filed documents ~~shall not exceed 500 megabytes. Documents larger than 500 megabytes~~
4 shall be e-filed in multiple volumes and labeled as such (i.e., "Volume I, Volume II" etc.) and
5 shall, in that case, include a table of contents. Filing of color documents is strongly discouraged.
6 However, if a color image(s) is necessary for readability or comprehension, the color image(s)
7 shall be e-filed in a separate and final volume of exhibits. E-filed documents shall include
8 electronic bookmarks to each heading, subheading, and component (including but not limited to
9 the table of contents, declarations, exhibits, proof of service) of the document. Documents not
10 available or obtainable in electronic form may be scanned and OCR'd and e-filed in a separate
11 volume, however it is prohibited to e-file scanned documents that are available or obtainable
12 electronically. E-filed documents that must be scanned, shall be scanned in black and white (not
13 gray scale or color).

14 ~~(E)~~ The filer is responsible for maintaining the signed original new filing or written material for
15 the duration of the process for the matter, including any period of appeal (this may be an
16 electronic document, depending on how the filer creates and maintains its records). ~~If a new~~
17 ~~filing or written material is e-filed, no additional copies shall be filed with the Commission. The~~
18 ~~following shall apply to new filings and written materials e-filed with the Commission:~~

19 ~~(A)~~ An automated notice that the document was successfully sent is immediately available to
20 the filer using the Commission's e-filing system and should be saved or printed for the filer's
21 records. Commission staff shall also reply by e-mail confirming actual receipt of the legible,
22 searchable document by the Commission within two business days of receipt. In the absence of a
23 confirmation e-mail from Commission staff, it is the responsibility of the filer to obtain
24 confirmation that the Commission actually received the filing.

25 ~~(B)~~ By using e-filing, the filer agrees, in the event of failure of e-filing, to re-file the document
26 no later than the business day after the business day on which notice of the failure of e-filing is
27 received by the filer. The filer may re-file by any means authorized by these rules, in order to
28 maintain the original filing date. "Failure of e-filing" occurs when the filer receives notification,
29 in any manner, of non-receipt of an e-filed document or of any other inability of Commission
30 staff to access the document.

31 ~~(C)~~ Documents e-filed with the Commission are served by Commission staff to persons who
32 have provided an e-mail address for the mailing list for the matter in accordance with section
33 1181.4 of these regulations. E-filed documents do not need to be served by the filer and proof of
34 service does not need to be provided by the filer for persons who have provided an e-mail
35 address for the mailing list in accordance with section 1181.4. Nothing in this regulation excuses
36 a filer from serving hard copies of written material on persons who appear on the mailing list and
37 have not provided an e-mail address for the mailing list, or from providing a proof of service
38 with the e-filing to the Commission for the service of the document on those persons.

39 ~~(D)~~ Upon confirmation of actual receipt of the e-filed document, Commission staff shall notify
40 all persons on the mailing list for the matter that written material may be viewed on the
41 Commission's website. For "new filings" as defined by section 1181.2(k) of these regulations,
42 Commission staff shall notify all persons on the mailing list prepared pursuant to section 1181.4
43 of these regulations, of the availability of those filings on the Commission's website when
44 Commission staff issues its notice of complete filing to the filer.

1 (~~EJ~~) The Commission may serve any document by e-mail service, or by making it available at a
2 particular URL, unless doing so would be contrary to state or federal law.

3 (~~EK~~) The executive director may issue any order consistent with these rules to govern e-mail
4 service for a particular matter.

5 (2) Hard Copy Filing and Service in Cases of Undue Hardship or Significant Prejudice. If e-
6 filing legible and searchable PDF documents, as described in subdivision (c)(1) of this section,
7 would cause the filer undue hardship or significant prejudice, filing may occur by first class mail,
8 overnight delivery or personal service only upon approval of a written request to the executive
9 director.

10 (A) Filing. If the executive director authorizes filing by first class mail, overnight delivery, or
11 personal service, the filer shall file the unbound original document with the Commission.

12 (B) Service. If written materials are filed in hard copy, the filing shall simultaneously be served
13 on everyone on the mailing list using the same method used for the filing. Unless otherwise
14 provided in this section, a proof of service shall be included with any written material filed with
15 the Commission. Proof of personal service requires a declaration of the messenger of the time
16 and place that the written material was served. Service is not required for new filings because
17 mailing lists for matters are only prepared, pursuant to section 1181.4 of these regulations, after a
18 new filing is deemed complete. Completed new filings will be served on the mailing list by
19 Commission staff with the Notice of Complete Filing.

20 (3) Time of Filing. New filings or written materials filed with the Commission no later than 5
21 p.m. on a business day (i.e., Monday through Friday, except state holidays) are deemed filed on
22 that business day. New filings or written materials filed with the Commission after 5 p.m. on a
23 business day, or on a Saturday, Sunday, or state holiday, are deemed filed on the following
24 business day.

25 Note: Authority cited: Sections 16.5, 17527(g), 17553(a), 17570(d) and 11104.5, Government
26 Code. Reference: Sections 1633.1 et seq., 1798 et seq., Civil Code; and Sections 11020(a),
27 17530, 17551, 17557(d), 17558.7, 17570, 17573(b), 17574(c) and 17573(g), Government Code.