

**Reviewing the CEP  
CCWG – Accountability  
Work Stream 2**

**Interviews conducted by Anna Loup and Edward Morris**

**Interview number: 9**

**Board / Staff     Community Member**

**Observations:**

- CEP has some value but it is quite limited
- Most essential: make the CEP flexible. Each case is different and has different needs
- Keep goals, purpose as broad as possible, in keeping
- Having a third party in the room: possibility in bylaws, probably doesn't matter much but
  - if there is a third party in the room that person MUST know the issues involved.
  - getting a subject matter novice up to speed would be both costly and time consuming.
  - the individuals involved in IRP/CEP's are sophisticated individuals; they don't need a lot of rules or hand holding
  - opposed to having third party render any sort of decision or end of cep advice on strengths/merits of positions
  - if third party needs to be a mediator, not arbitrator
- need to ensure this remains pre-irp, pre-litigation. We don't need to create an arbitration before an arbitration procedure
- third parties should not have right of access: would create an entirely different type of procedure
- if both parties agree, though, that a third party can be invited in then that is OK
- Deadlines have value in that they can defeat delaying tactics. Sometimes delay is good, sometimes bad.
- Have deadlines, can shift if both parties agree

- CEP has utility as a turning point, where dispute is formalized, trajectory takes shape. This is one of its principle values.

- Other principle value is it gets issues on the table

- "small claims" non lawyer: as an option perhaps, but:

-IRP's are extremely expensive, lawyers are going to be involved

- Too much transparency would defeat the purpose: informality, openness key as a pre-litigation device.

- if we can't keep it flexible, low cost, pre-litigation: OK to blow it up.