

ALJ/ /

Decision 88 01 020 JAN 13 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's own )  
 Motion for purposes of amending the )  
 Commission's Conflict of Interest )  
 Code as set forth in 20 Cal. Adm. )  
 Code, Chapter 1, Subchapter 2, )  
Appendix. )

R.87-02-021  
 (Filed Feb. 11, 1987)

OPINION

In Order Instituting Rulemaking (R.) 86-10-024, the Commission proposed amendments to its Conflict of Interest Code, in order to update the list of "designated employees" who are required to comply with the financial disclosure requirements of the Political Reform Act (Government Code sections 8700 et seq.). We now adopt these amendments.

I. Contents of the Amendments

The Commission's Conflict of Interest Code contains lists of designated and nondesignated employees. Designated employees are required to comply with the financial disclosure requirements of the Political Reform Act, including the filing of the annual statement of economic interest.

These amendments add and delete job classifications from the lists of designated and non-designated employees, to reflect the positions which have been added or deleted at the Commission. These amendments also revise the description of job classifications and reporting categories to reflect the reorganization and renaming of two divisions of the Commission.

These amendments are exactly as proposed, except for the following:

1. The classification of "Legal Adviser" and "Technical Adviser" have been added to the list of designated employees. This is a nonsubstantive clarification. The current Conflict of Interest Code requires all Commission advisers, regardless of job classification, to meet the disclosure requirements. This

amendment now includes the recently created adviser classifications in the list of designated employees.

2. Since the proposed amendments were issued, three Commission divisions have been renamed. The amendments incorporate the new division titles.

## II. Rulemaking Requirements

The Regulations of the Fair Political Practices Commission require an agency proposing a Conflict of Interest Code pursuant to Government Code section 87306 to prepare a notice of intent to amend the code, file such notice with the Office of Administrative Law and the Fair Political Practices Commission, provide such notice to all employees who may be affected by the proposed amendment, accept written comments through a formal public comment period, and, if requested, provide a public hearing on the proposed changes.

Pursuant to R.87-02-021, in February 1987 the Executive Director (1) filed a copy of the notice of intent and a summary of the proposed changes with the Office of Administrative Law and Fair Political Practices Commission, (2) mailed a copy of the notice and summary to all affected employees and (3) mailed the notice and summary to all interested parties in R.84-12-028. The notice was published in the California Administrative Notice Register on February 27, 1987.

To accommodate comments from the public and employees, the notice invited comment on the proposed amendments, such comment to be filed by April 20, 1987. We have not received any comment on these amendments.

### Findings of Fact

1. On February 27, 1987, notice of the Commission's intent to adopt proposed amendments to its Conflict of Interest Code was published in the California Administrative Notice Register.

2. The Commission has not received any comments on these amendments.

3. The Code, as proposed to be amended, specifies the employee classifications which must comply with the disclosure requirements of the Political Reform Act.

Conclusions of Law

1. The Commission has provided due notice of, and opportunity for comment on, the consideration of amendments set forth in the Appendix to this decision.

2. The Commission should amend its Conflict of Interest Code by adopting the Amendments set forth in the Appendix to this decision.

ORDER

IT IS ORDERED that:

1. The Conflict of Interest Code is amended as set forth in the Appendix.

2. The Executive Director, in coordination with the Administrative Law Judge Division, shall file a certified copy of this order with the Fair Political Practices Commission in accordance with the regulations of the FPPC.

This order is effective today.

Dated JAN 13 1988, at San Francisco, California.

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

Commissioner Stanley W. Hulett  
being necessarily absent, did  
not participate.

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weisner*  
Victor Weisner, Executive Director

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APPENDIX

SUMMARY OF PROPOSED CHANGES TO THE CALIFORNIA  
PUBLIC UTILITIES COMMISSION CONFLICT OF INTEREST CODE  
(20 CAL.ADM.CODE, CHAPTER 1, SUBCHAPTER 2, APPENDIX)

A. CHANGES IN DESIGNATED AND NON-DESIGNATED EMPLOYEES.

1. Categories deleted from 1981 list:

(a) Designated employees:

- (7) Asst. Chief, Revenue Requirements Division
- (32) Principal, Utilities Engineer
- (66) Supervising Utilities Engineer

(b) Non-designated Employees:

- (21) Audio-Visual Assistant
- (37) Duplicating Machine Operator I
- (104) Staff Services Manager III

2. Categories Added since 1981 list:

(a) Designated Employees:

- (4) Legal Adviser
- (5) Technical Adviser
- (17) Environmental Program Manager I
- (25) Program & Project Supervisor PUC
- (26) Program Manager, PUC
- (27) PU Regulatory Specialist I, II, III  
(Economics/Policy/Finance)
- (34) Research Program Specialist III (Various)
- (45) Staff Services Manager III
- (50) Transportation Legislative Adviser to a Commission, PUC

(b) Non-Designated Employees:

- (7) Assistant R/R Equip. Inspector, PUC
- (8) Assistant R/R Track Inspector, PUC
- (9) Associate R/R Equip. Inspector, PUC
- (10) Associate R/R Track Inspector, PUC
- (20) Associate System Software Specialist
- (73) PU Reg Analyst I, II
- (80) Senior Accounting Officer (Spec/Supv)
- (101) Program Technician I, II, III
- (102) Supervising Account Clerk I, II
- (103) Supervising Calculating Machine Operator
- (104) Supervising Hearing Transcriber Typist, PUC
- (105) Supervising Legal Stenographer
- (106) Supervising Stenographer I

- (107) Training Officer II
- (108) Transportation Analyst
- (109) Volunteer Student Assistant
- (110) Warehouse Worker
- (111) Word Processing Technician

3. Categories which have either (a) been expanded by inclusion of additional grades for existing classifications, or (b) change of title of existing classification:

<u>1981 Category</u>	<u>New Category</u>
(a) <u>Designated Employee:</u>	
(1) Accounting Officer II	(1) Accounting Officer (Specialist/Supervisor)
(10) Assistant Director (Eng.) PUC	Assistant Director, PUC
(17) Chief, Utilities Division	(11) Chief, Division of Ratepayer Advocates
(21) Data Processing Manager II	(15) Data Processing Manager II, III
(25) Fiscal Officer I	(19) Fiscal Officer I, II
(33-35) PU Counsel I, II, III	(28) P.U. Counsel I, II, III, IV
(38-39,41-42) Research Manager (Economics/Financial) & (Economics/Resources)	(31) Research Manager (Economics)

(b) Non-designated employees:

(67) Office Services Supervisor I (Typing)	Office Services Supervisor I, II (Cashiering)
(76) programmer	(72) Programmer I, II

B. CHANGES IN DISCLOSURE CATEGORIES

Para. 1. 1981 version refers to "Designated employees in the Communications Division..."

New version refers to "Designated employees in the Telecommunications Branch of the Commission Advisory and Compliance Division, the Telecommunications-Operational Cost Branch, Telecommunications-Rate Design Branch, and Rate of Return, Tax and LA Auditing of the Division of Ratepayer Advocates..."

There is no change in the reporting requirements

Para. 2. This section referes to designated employees of the Transportation Division. There has been no change since the 1981 version.

Para. 3. 1981 version refers to "Designated employees of the Utilities Division or the Energy Conservation Team..."

New version refers to "Designated employces in the Service and Safety Branch, Water Utilities Branch and Energy Branch of the Commission Advisory and Compliance Division, The Fuels Branch, Energy Rate Design and Economics Branch, Energy Resources Branch, Energy-Operational Costs Branch, Energy Branch-Auditing, and Water Operational Costs Branch of the Division of Ratepayer Advocates..."

Para. 4. 1981 version refers in pertinent part to "designated employees in the...Revenue Requirements Division...shall disclose all interects made disclosable in Categories 1, 2, and 3 above."

New version is idential except that the language above is changed to refer to "Directors and Assistant Directors of the Commission Advsoxy and Compliance Divsion and Division of Ratepayer Advocates...[and] designated employees in the Advisory & Research Branch, Accounting & Financial Branch and Auditing & Compliance Branch of the Commission Advisory and Compliance Division, Division of Strategic Planning...shall disclose all interests made disclosable in Categories 1, 2, and 3."

Para. 5. Reference to Accounting Officer II is deleted.

Para. 2. This section refers to designated employees of the Transportation Division. There has been no change since the 1981 version.

Para. 3. 1981 version refers to "Designated employees of the Utilities Division or the Energy Conservation Team..."

New version refers to "Designated employees in the Service and Safety Branch, Water Utilities Branch and Energy Branch of the Commission Advisory and Compliance Division, The Fuels Branch, Energy Rate Design and Economics Branch, Energy Resources Branch, Energy-Operational Costs Branch, Energy Branch-Auditing, and Water Operational Costs Branch of the Division of Ratepayer Advocates..."

Para. 4. 1981 version refers in pertinent part to "designated employees in the...Revenue Requirements Division...shall disclose all interests made disclosable in Categories 1, 2, and 3 above."

New version is identical except that the language above is changed to refer to "Directors and Assistant Directors of the Commission Advisory and Compliance Division and Division of Ratepayer Advocates...[and] designated employees in the Advisory Evaluation & Research Branch, Accounting & Financial Branch and Auditing & Compliance Branch of the Commission Advisory and Compliance Division, Division of Strategic Planning...shall disclose all interests made disclosable in Categories 1, 2, and 3."

Para. 5. Reference to Accounting Officer II is deleted.