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Decision 92-12-048 December 16, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own Motion to Revise General Order 156.

ORIGINAL

R.91-02-011 (Filed February 6, 1991)

Order Instituting Rulemaking into the Implementation of Public Utilities Code Sections 8281-8285 Relating to Women and Minority Business Enterprises (Petition to Modify D.90-12-027 to Include Disabled Veterans Business Enterprise).

R.87-02-026 (Filed February 11, 1987)

OPINION

On October 13, 1992, 12 of 16 utilities (Indicated Utilities)¹ subject to General Order 156 (GO-156) filed a Joint Petition seeking: (1) modification of Ordering Paragraph 11 of Interim Opinion (Decision (D.) 92-06-030), which requires those utilities subject to GO-156 to report to the Commission by December 31, 1992, certain information concerning designated persons responsible for Disabled Veterans Business Enterprise (DVBE) procurement, the number of DVBEs identified, and the total DVBE procurement purchased both by total dollars and number of transactions with verified DVBEs; and (2) that the report, at the option of the utilities, be included as part of the report required by Section 9 of GO-156 or provided as a separate section of the

1 AT&T Communications of California, Inc., Citizens Utilities Company of California, ConTel of California, Inc., MCI Communications Corporation, Pacific Bell, Pacific Gas and Electric Company, Roseville Telephone Company, San Diego Gas & Electric Company, Sierra Power Company, Southern California Edison Company, Southern California Gas Company, and Southwest Gas Corporation.

annual report. In addition, D.92-06-030 provided the utilities an opportunity to provide a list of product and service categories in which DVBE procurement occurred and any other information deemed pertinent.

Notice of the filing of the petition was published in the Commission's Daily Calendar on October 21, 1992. No protests have been filed, and the protest period has expired. No hearing is deemed necessary.

The Indicated Utilities do not object to the filing obligation imposed nor to the terms and conditions presented by the Commission order. Their petition to modify is limited to seeking to change the date by which the designated report is required to be submitted, and to obtain limited flexibility in the manner of reporting the required information.

Discussion

We are committed to implement GO-156 fully as amended by D.92-06-030 to include DVBEs. Ordering Paragraph 11.a. of that decision requires the utilities to report to us by December 31 the name and title, if any, of the individual designated as the responsible person within the utility organization for implementation of DVBE participation into the existing program. Since the Indicated Utilities believe that DVBEs are now incorporated into the GO-156 program, we presume that they can readily, with minimal burden, provide us with the data required by Ordering Paragraph 11.a. and we see no need to defer the date for compliance.

With respect to the remainder of the information required by Ordering Paragraph 11, we grant the Indicated Utilities' petition to defer the reporting date. GO-156, Section 9, Annual Report, provides that utilities serve copies of their annual reports on the Commission's Executive Director by March 1 of each year. The March 1 date accommodates the utilities' accounting requirement to allow the utilities to report calendar year-end

results. The December 31 filing requirement for the DVBE report specified in Ordering Paragraph 11 of D.92-06-030 would, by necessity, only include information available from June, when D.92-06-030 was issued, to November 1, 1992, or possibly slightly later.

We believe the purposes of GO-156 would not be impaired by granting the requested change in reporting date, and to the contrary, would best be served by the Commission having the benefit of the utilities' WDVBE procurement efforts measured through the end of the calendar year, and that the results be furnished as part of the utilities' annual GO-156, Section 9 filing. We think that in order to facilitate a review of accomplishments under the GO-156 program, the DVBE procurement accomplishments should be designated in the annual report by the DVBE classification in a manner similar to other classifications for which information is reported.

Findings of Fact

1. D.92-06-030 brought disabled veterans under GO-156, and Ordering Paragraph 11 of that decision requires utilities subject to GO-156 to report the name and title, if any, of the individual designated as the responsible person for implementation of DVBE participation, as well as DVBE procurement results for 1992, to the Commission not later than December 31, 1992.

2. The GO-156 annual reports of utilities' procurement accomplishments in other categories or classifications are required to be filed with the Commission not later than March 1 of each year.

3. Petitioners request that the date for complying with Ordering Paragraph 11 of D.92-06-030 be changed from December 31, 1992 to March 1 of 1993, and each year thereafter.

4. Since the Indicated Utilities believe that DVBEs are now incorporated into the GO-156 program, we presume that they can readily, with minimal burden, provide us by December 31, 1992 with the name and title, if any, of the individual designated as the

responsible person for implementation of DVBE participation in the program.

5. Changing the reporting date for utilities' DVBE procurement accomplishments from December 31, 1992 to March 1 of 1993, and to March 1 of each year thereafter, would not disrupt the GO-156 program, and would aid in the comparison of DVBE procurement accomplishments with other classifications reported under GO-156.

6. For ease of comparison, DVBE procurement results should be included in each utilities' GO-156 annual report, and designated in the report by the DVBE classification in a manner similar to that of other classifications for which information is reported.

Conclusions of Law

1. The utilities have not shown good cause for deferring beyond December 31, 1992 the date for reporting the name and title, if any, of the individual within their organizations designated as the responsible person for implementation of DVBE participation.

2. Changing the reporting date for utilities' DVBE procurement accomplishments from December 31, 1992 to March 1, 1993, and to March 1 of each year thereafter, would not disrupt the GO-156 program, and would aid in the comparison of DVBE procurement accomplishments with other classifications reported under GO-156, and should be allowed.

3. For ease of comparison, DVBE procurement accomplishments should be included in each utilities' GO-156 annual report, and designated in the report by the DVBE classification in a manner similar to that of other classifications for which information is reported.

4. Because the end of the year is upon us, this decision should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The information required by Ordering Paragraph 11.a. of Decision 92-06-030 shall be reported by December 31, 1992, as previously ordered in that decision.

2. Ordering Paragraph 11 of Decision 92-06-030 is modified to change the reporting date for the Utilities' Disabled Veterans Business Enterprise (DVBE) procurement accomplishments (i.e. the information required by Ordering Paragraph 11.b. and 11.c.) from December 31, 1992 to March 1, 1993, and to March 1 of each year thereafter.

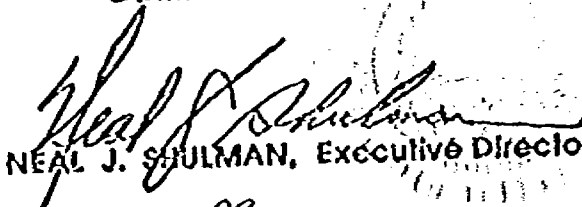
3. DVBE procurement accomplishments are to be included in each utilities' General Order 156 annual report, and designated in that report by the DVBE classification in a manner similar to that of other classifications for which information is reported

This order is effective today.

Dated December 16, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director