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Decision No. 87739 August 16, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
 motion into the regulation of employment )  
 practices of PACIFIC TELEPHONE AND )  
 TELEGRAPH COMPANY, PACIFIC GAS AND )  
 ELECTRIC COMPANY, GENERAL TELEPHONE )  
 COMPANY, SOUTHERN CALIFORNIA GAS COMPANY, )  
 SAN DIEGO GAS AND ELECTRIC COMPANY, )  
 SOUTHERN CALIFORNIA EDISON, CALIFORNIA )  
 WATER SERVICE COMPANY, SOUTHERN CALIFORNIA )  
 WATER COMPANY, SIERRA PACIFIC POWER )  
 COMPANY, SOUTHERN PACIFIC TRANSPORTATION )  
 COMPANY, WESTERN PACIFIC RAILROAD COMPANY, )  
 THE ATCHISON, TOPEKA AND SANTA FE RAILWAY )  
 COMPANY, PACIFIC SOUTHWEST AIRLINES, INC. )  
 and AIR CALIFORNIA, INC., respondents. )

Case No. 10308

ORDER DENYING REHEARING AND RECONSIDERATION

On April 12, 1977, we issued an Order Instituting Investigation in this proceeding and ordered the named respondents to submit comprehensive reports as described within 60 days. During the period of May 9, 1977 to May 12, 1977, Petitions for Rehearing or Reconsideration of the April 12 order were filed by the Atchison, Topeka and Santa Fe Railway Company, San Diego Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, Pacific Gas and Electric Company, Sierra Pacific Power Company, General Telephone Company of California and The Pacific Telephone and Telegraph Company. On May 24, 1977, by Decision No. 87392 we granted a partial stay, suspending that part of the April 12 Order which required reports within 60 days, pending further order of this Commission. We did so specifically disclaiming any decision thereby on the merits of any issue raised in the various filings.

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We have carefully considered each and every allegation in the petitions filed by the eight respondents referred to above and are of the opinion that good cause for rehearing or reconsideration has not been made to appear. The stay granted by Decision No. 87392 should therefore be terminated and a new time set for presenting the required reports.

However, we believe it appropriate that in so doing we clarify the intended scope of the inquiry. In the April 12, 1977 Order, we noted that the U. S. Supreme Court, in its decision in NAACP et al. v. Federal Power Commission, (1976) 425 U.S. 662, 48 L. Ed. 2d 284, held that the FPC had jurisdiction to consider certain issues relating to employment practices of its regulatees and that we believed our authority to investigate such practices by utilities regulated by us, as they relate to efficiency of operation and level of rates, was similar to that of the FPC. In the decision referred to the Court specifically held that . . . "[T]he Federal Power Commission is authorized to consider the consequences of discriminatory employment practices on the part of its regulatees only insofar as such consequences are directly related to the Commission's establishment of just and reasonable rates in the public interest." (at Page 292).

We believe that our authority in this area to be similar to that described above and to be based on clear constitutional and statutory provisions.

Several petitioners pointed out two misstatements in the part of the April 12 Order requiring reports and also expressed concern that some material required might be confidential in nature. We shall correct the misstatements for clarity. Also, in order to lay at rest fears of the exposure of confidential material as well as to further clarify the scope of inquiry, we shall replace the general wording in the April 12 Order for ". . . copies of all correspondence. . .," with more specific requirements of the material to be filed by the respondents. If a respondent believes that any

such material is required by law to be kept confidential, it may inform us by the customary motions on an item by item basis.

Therefore;

IT IS ORDERED that rehearing or reconsideration of the Order of April 12, 1977 Instituting an Investigation as described in the above caption in Case No. 10308 is hereby denied.

IT IS FURTHER ORDERED that the partial stay granted by Decision No. 87392 is hereby terminated as of the effective date of this order and that the paragraph of the April 12 order which was stayed by Decision No. 87392 be modified to read as follows:

IT IS FURTHER ORDERED that each respondent utility shall, within 45 days of the effective date of this order, present to this Commission a comprehensive report concerning its efforts with respect to the hiring or promotion of women and minority employees designated by relevant state and federal regulations.

IT IS FURTHER ORDERED that each respondent utility shall include in its report what efforts and procedural devices have been developed to ensure the goals of equal employment opportunity with respect to the contracts and agreements each respondent may enter into with other parties for the provision of goods and services.

IT IS FURTHER ORDERED that each respondent utility shall, within 45 days of the effective date of this order, provide one complete set of the following documents:

(1) All written affirmative action plans, programs and policy guidelines.

(2) All EEO 1 reports submitted to the Equal Employment Opportunity Commission during the last three (3) years.

(3) All reports submitted to the California Fair Employment Practices Commission with respect to Section 1421 (California Labor

Code) actions, during the last three (3) years.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of AUGUST, 1977.

*Robert Batimnich*

President

I dissent.  
*William Brown Jr.*

I dissent

*Vernon L. Sturgeon*

*Robert D. ...*  
*... ..*  
Commissioners