

ORIGINAL

Decision No. 92926 APR 21 1981

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 & ELECTRIC COMPANY,
 CALIFORNIA WATER SERVICE COMPANY,
 SOUTHERN CALIFORNIA WATER COMPANY,
 SIERRA PACIFIC POWER COMPANY, CP
 NATIONAL CORPORATION, SOUTHWEST
 GAS CORPORATION, CITIZENS UTILITIES
 COMPANY OF CALIFORNIA, and
 CONTINENTAL TELEPHONE COMPANY OF
 CALIFORNIA,

Case No. 10308
(Filed April 12, 1977)

Respondents.

INTERIM ORDER DENYING THE REQUEST FOR
 MODIFICATION (OR CLARIFICATION) OF
 DECISION NO. 92578 DATED JANUARY 6, 1981

On January 26, 1981 the Hispanic/Chinese Coalition (represented by Public Advocates, Inc.) filed a document captioned "Hispanic/Chinese Appeal of Administrative Law Judge Ruling in Pacific Telephone & Telegraph Company Rate Case (#59849) of January 22, 1981 and request for Rehearing and/or Modification (or Clarification) of January 6th Decisions in Proceedings #9976 (Bilingual) and #10308 (Employment Contract)". Since the three matters referred to in the caption are not consolidated, the document was modified to refer to only one of the three proceedings, Case No. 10308, and was accepted for filing.

Decision No. 92578 dated January 6, 1981 denied a motion by the Minority Coalition Against Public Utility Abuses (also represented by Public Advocates, Inc.) for a moratorium on rate increases

for large California utilities pending completion of Case No. 10308. The Hispanic/Chinese Coalition now seeks to have this decision reversed for reasons set forth in an offer of proof made on January 22, 1981, before Administrative Law Judge (ALJ) Porter in Application No. 59849, or in the alternative that the decision be modified or clarified to reflect that although the proceedings in the three interrelated cases are not to be consolidated or integrated, the testimony as sought pursuant to the offer of proof should be admitted into the record of Application No. 59849.

The offer of proof alleges that as a result of the Hispanic/Chinese Coalition's inability to participate in Application No. 59849 as a result of ALJ Porter's ruling, it will be denied the opportunity to show that (1) Pacific Telephone and Telegraph Company (Pacific) has failed and will fail to employ and promote the most qualified persons thereby increasing costs to ratepayers and jeopardizing the health and safety of ratepayers, disadvantaging a substantial group of ratepayers, and affecting the ability of Pacific to tap a multibillion dollar Hispanic market; (2) Pacific has failed and will fail to do business or subcontract to the most qualified businesses thereby unnecessarily increasing costs to ratepayers; and (3) Pacific has failed and will fail to develop accurate bilingual services resulting in failure to tap the lucrative multi-billion dollar Hispanic market that could reduce the need for the rate increase, jeopardizing the health and safety of ratepayers, and causing disadvantage to certain groups of ratepayers.

The Hispanic/Chinese Coalition goes on to state that it believes that the Commission did not, in its Decisions Nos. 92574 and 92578 dated January 6, 1981, decide to exclude from the rate proceeding all testimony relating to the efficiency of Pacific and the impact of its employment and bilingual policies on the proposed rate increase.

The pleading before us is confusing, since it seeks additional, alternative, or supplemental relief in three separate proceedings which have not been consolidated for hearing and which presently relate to each other chiefly by virtue of having some parties in common, most notably, Pacific and the Hispanic/Chinese Coalition. The basic thrust of the pleading is that either (a) ALJ Porter's ruling in Pacific's rate case should be overturned to permit access to employment data furnished in response to a staff data request in Case No. 10308 and to permit testimony thereon by two Hispanic/Chinese Coalition witnesses and two Pacific witnesses and to admit studies, testimony, and cross-examination from Case No. 9976 into the rate proceeding; or (b) Decisions Nos. 92574 and 92578 should be modified or clarified to permit inclusion of these items in the rate proceeding.

It is inappropriate to modify decisions in the bilingual investigation and the employment/contracting practices investigation to effect a result in a general rate proceeding with which the investigations are not consolidated, and accordingly, we will deny the request for modification. Since the pleading was docketed in Case No. 10308, it is inappropriate for us to dispose of the matter of any appeal to ALJ Porter's ruling in Application No. 59849 in this decision. We note, however, that ALJ Porter's ruling denying the motion of the Hispanic/Chinese Coalition was without prejudice to renewal of the motion after decisions had been reached in Cases Nos. 9976 and 10308.

Finding of Fact

No good cause has been shown for modification of Decision No. 92578 in Case No. 10308.

Conclusion of Law

The request for modification should be denied.

IT IS ORDERED that the request of the Hispanic/Chinese Coalition for an order modifying or clarifying Decision No. 92578 in Case No. 10308 is hereby denied.

The effective date of this order shall be thirty days after the date hereof.

Dated APR 21 1981, at San Francisco, California.

John S. Byron
President
Richard D. Powell
Francis J. ...
Walter ...
Priscilla C. ...
Commissioners