

COM/JLN/sid

Mailed

APR 11 1997

Decision 97-04-044 April 9, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on )  
the Commission's Proposed Policies )  
Governing Restructuring )  
California's Electric Services )  
Industry and Reforming Regulation. )

R.94-04-031  
(Filed April 20, 1994)

**ORIGINAL**

Order Instituting Investigation on )  
the Commission's Proposed Policies )  
Governing Restructuring )  
California's Electric Services )  
Industry and Reforming Regulation. )

I.94-04-032  
(Filed April 20, 1994)

(See Attachment 1 for appearances.)

INTERIM OPINION APPOINTING MEMBERS TO THE GOVERNING AND  
INDEPENDENT BOARDS FOR PUBLIC PURPOSE PROGRAMS

1.0 Summary

By today's decision, we make appointments to the Independent and Governing Boards established pursuant to Decision (D.) 97-02-014 to oversee the administration of energy efficiency and low-income programs. We also authorize start-up funding and provide guidance on other issues that affect Board operations.

In addition, we make minor corrections to D.97-02-014, including modifications to Conclusion of Law 2 and Ordering Paragraph 1 to bring them into conformance with the decision text. We also address Southern California Edison Company's (SCE) February 26, 1997 Petition for Modification of D.97-02-014.

2.0 Background

In D.97-02-014, we described our vision for the provision of public purpose programs in a restructured electric services industry. As part of that vision, we established Independent and Governing Boards to oversee energy efficiency and low-income programs, respectively. The Independent Board was structured to consist of regulatory representatives, two from this Commission and one from the California Energy Commission (CEC), and up to six members of the public to oversee contracts for the administration of market transformation programs. Among other things, this Board will be responsible for developing and issuing a request for proposal (RFP) articulating policy and programmatic guidelines for one or more administrators, subject to our approval.

We also created a Governing Board to oversee low-income programs, including rate assistance and low-income energy

efficiency services. This Governing Board will coordinate closely with the Independent Board, particularly with regard to weatherization and education programs, but will have the specific mission of assisting low-income ratepayers with managing their energy bills. The Governing Board was structured to include two representatives from this Commission and up to five members of the public. Among other things, the Governing Board will issue an RFP, subject to our approval, to hire an Administrator. The Administrator will be responsible for (1) collecting and disbursing funding for rate discounts, (2) verifying customer eligibility, and (3) making energy efficiency and education services available to eligible low-income ratepayers.

On March 11, 1997, the assigned Commissioner and assigned Administrative Law Judge (ALJ) held a workshop to develop a procedural roadmap for implementing D.97-02-014. The procedural roadmap was issued in an ALJ Ruling mailed on March 19, 1997 (Roadmap Ruling).

In response to our solicitation in D.97-02-014 for Board nominations, we received 30 nominees for Independent Board members and 21 nominees for Governing Board members. The nominees represented a broad range of experience and expertise, and we thank them all for their interest in serving on the Boards. We have had the difficult task of choosing among very fine candidates. Our selections are based on our best judgment of which candidates, individually and collectively, will bring the needed balance of skills to the specific responsibilities of these Boards. We encourage the Boards to consider those nominees not selected as potential candidates for Advisory Committee membership.

Because we received so many nominations of qualified individuals, we will reduce the number of PUC representatives

from two to one. This will allow one additional public member for each Board, with the same number of overall members.

### 3.0 Board Appointments

Board appointments will be as individuals, except for institutional slots filled from this Commission and the CEC. The Commission's Board appointments will not be employed in the Office of Ratepayer Advocates (ORA), which acts in the capacity of an independent consumer advocate. However, ORA staff may be appointed as public members to either Board. Our selections for Board members are as follows:

#### Independent Board For Energy Efficiency Programs

##### CPUC:

David Gamson, Commissioner Advisor

##### CEC:

Michael Messenger

##### Public:

1. Peter Miller, NRDC
2. Sara Steck Myers, CEERT
3. Professor Mark Thayer, San Diego State University
4. Ortensia Lopez, Greenlining Institute
5. Charles Goldman, Lawrence Berkeley Laboratory
6. Michael Shames, UCAN
7. Don Schultz, ORA

Governing Board For Low-Income Programs:

CPUC:

Geoff Meloche, Consumer Services Division

Public:

1. Diana Brooks, ORA
2. Susan Brown, Latino Issues Forum
3. Yole Whiting, San Diego Gas and Electric
4. Henry Knowls, LA County Community Action Agency
5. Maggie Cuadros, North Peninsula Neighborhood Services Center (San Mateo County)
6. Nancy Brockway, National Community Law Center (Boston)

Sara Steck Myers and Diana Brooks will serve as acting chairpersons for the Independent and Governing Boards, respectively, until such time as chairpersons are selected by the Boards.

4.0 Board Guidelines

Today's decision provides guidance to the Independent and Governing Boards. We draw upon our experiences with other boards authorized by this Commission, such as the Universal Lifeline Telephone Service Board and the Deaf and Disabled Telecommunications Program Administrative Committee, in providing the following guidance to the Boards. We also consider relevant parallels to the boards that are being created for consumer education purposes related to electric restructuring (the Consumer Education Advisory Panel and Electric Education Trust). Both the Independent Board and the Governing Board will be considered advisory boards to the Commission. We note that we use the names referenced here for convenience; one early task of each Board will be to determine its own official name.

The following guidelines are applicable to both Boards, unless otherwise noted.

#### 4.1 Conflict of Interest

While we expect the Boards to develop conflict-of-interest rules as part of their start-up filings, subject to Commission approval, we offer the following guidelines for the Boards' consideration. Board members should not have a pecuniary interest in any firm coming before the Board or Administrator seeking program funds. We will leave it to the Boards in the formation of their charters to establish specific rules for exclusion or recusal from specific matters before the Boards. The Boards should use the Political Reform Act (Government Code §§ 81000-91014) as a model in developing their conflict-of-interest rules; however, the Boards may choose to propose different disclosure rules for our consideration. The Commission's adopted disclosure and conflict of interest policy for the Deaf and Disabled Telecommunications Program may be suitable, in whole or in part. We have attached this policy, along with the associated disclosure and reporting form, for the Boards' consideration. (Attachment 2.)

By D.97-02-014, utilities and energy service companies (ESCOs) are specifically excluded from serving on the Independent Board but may serve on the Governing Board. However, we believe it is prudent, in advance of specific conflict-of-interest rules, to appoint Governing Board members without significant affiliations with likely potential recipients of Governing Board funds. Regulated utilities, ESCOs and other firms may bid for the administration of programs governed by the Boards. Our selections to the Governing Board reflect a cautious approach; we will select nominees (now and in the future) with such potential conflicts only if such conflicts are mitigated upfront, such as a

written pledge not to bid for Board-awarded projects. Specifically, our selection of Yole Whiting - a San Diego Gas and Electric employee - for the Governing Board is contingent upon SDG&E not bidding to be an administrator of low-income programs.

#### 4.2 Indemnification

Members of the Boards who are not members of the Commission staff are uncompensated servants of the Commission and the State of California within the meaning of Section 810.2 of the Government Code. The State will accordingly indemnify them as it indemnifies its compensated employees and will provide them representation for their acts done within the course and scope of the services they perform for the Boards, as provided in Government Code §§ 825-825.6 and §§ 995-996.6. The Boards may, in addition, use funds to purchase Errors and Omissions Insurance for its members and employees and for any members of Advisory Committees or task forces reporting to the Boards, for their acts done within the course and scope of the services they perform for the Boards, to the extent that such activities are held to be indemnified by the State under Government Code §§ 810.2, 825-825.6, or 995-996.6.

#### 4.3 Open Meetings

The Boards are required to comply with the Bagley-Keene Open Meeting Act as contained in the Government Code §§ 11120-11132. Importantly, this Act requires ten days public notice of meetings (including a brief, general description of the business to be transacted or discussed), and prohibits most deliberations of a quorum of Board members outside of such public meetings. Notice may be satisfied through the use of the Commission's Daily Calendar.

#### 4.4 State Procurement Rules

The Boards will comply with state procurement rules that govern the awarding of contracts and hiring of consultants. A copy of the States Procurement rules will be provided to each Board. The rules will provide guidelines to the Boards with regard to the timelines required in the procurement process. The Boards should pay particular attention to these requirements while developing their internal schedules necessary to achieve the milestones established by the assigned ALJ rulings and Commission orders.

#### 4.5 Term of Board Members

The term of Board members shall run through December 31, 1999. New Board member nominations shall be forwarded to the Commission by September 1, 1999 to allow the Commission to appoint new Board members with terms beginning January 1, 2000 running through December 31, 2001. Board vacancies shall be filled by the Board subject to approval by the Commission's Executive Director using procedures preferred by the Commission. Current Board members may be reappointed. Institutional members shall be replaced by persons nominated by the institution. The public members are named as individuals and may not be substituted for at meetings. Institutional members may be replaced by the institutions as may be required, however only one person can fill a slot at any time (i.e., no sharing or substitution without replacement).

#### 4.6 Time Commitment of Board Members

We wish to state clearly that these Board appointments are not full-time appointments, although the start-up phase will demand greater time from Board members than we envision for the regular administration of the Boards. We expect that the Boards will assign tasks to consultants and among themselves. The



Boards, through the Commission representatives, may also seek technical and legal advice from the Commission to help them, among other things, comply with applicable state laws and regulations.

Members are expected to attend all Board meetings. We will leave it to the Board to establish specific requirements for meeting attendance.

#### 4.7 Start-up Funds and Procedures

We recognize that there will be financial needs for the Boards prior to submission and approval of a proposed budget. We will authorize start-up funds in the amount of \$250,000 for each Board to allow the Boards to meet necessary expenses as they undertake their charge. These funds shall be provided by the utilities in the following amounts:

Pacific Gas and Electric	\$100,000
Southern California Edison	\$100,000
San Diego Gas & Electric	\$ 50,000

As stated in the ALJ's Roadmap Ruling, the Boards will file a proposed 1997 budget as part of their start-up filings within 40 days from the effective date of this decision.<sup>1</sup> The start-up funding levels authorized today are intended to be more than necessary for the pre-budget period. The funds left over when the budget is approved will be folded into the budget for the

---

<sup>1</sup> Our reference to the dates in the roadmap ruling in today's decision does not preclude the assigned ALJ, in consultation with the assigned Commissioner, from making necessary modifications to the roadmap schedule, as circumstances warrant.

rest of 1997 and, if appropriate, for 1998. As directed in the Roadmap Ruling, the utilities will file procedures for effectuating the transfer of these start-up funds within seven days from the date of this decision.

The start-up funds are considered an advance from the utilities from expected 1998 funds from the public goods surcharge. In their start-up filings, the Boards shall propose the method by which the utilities shall transfer the surcharge-collected funds (e.g., in equal monthly installments) once that surcharge is in place. The Boards shall take all steps necessary to establish bank accounts or trusts to receive and disburse funds, including the immediate establishment of accounts to receive the start-up funds.

As described in the Roadmap Ruling, the Boards will file proposed 1997 budgets, conflict-of-interest rules and other operating procedures for our consideration within 40 days from the effective date of today's decision. In order to avoid any disruption in Board operations during the comment period and our consideration of the Board's proposals, we will authorize the Boards to operate under the filed start-up procedures and budget until Commission action. The Boards' operations will, of course, be subject to audit at the Commission's discretion.

#### 4.8 Per Diem

At the March 11 workshop, one of the most-discussed issues was the question of per diem for Board members. We were concerned that the per diem be high enough to ensure a broad spectrum of available candidates. On the other hand, Board membership should be considered a public service. Therefore, we will not set levels so high as to substitute for all comparable

employment. Further, we do not intend the per diem to be open-ended, so that members could use Board membership to collect money for work not performed.

We will establish a per diem of \$300 for each day of meetings. The per diem will be \$200 if the meeting lasts less than approximately two hours. We will not provide per diem for preparation work, as proposed by some parties at the workshop. Employees of state governmental agencies and utilities will not receive per diem. Other government employees (including from academic institutions) may receive per-diem if appropriate arrangements are made with their employers. As part of its operating rules to be approved by the Commission, we expect the Boards to establish reasonable rules for reimbursing members' legitimate expenses incurred as a result of Board duties. The Boards should use the standards adopted in Resolution F-621, the Commission's Interim Advisory Committee Standard Of Expense Reimbursement, as their guidelines. (See Attachment 3.) Members with funding available to Support Board activities should use such funding to defray their expenses, as appropriate.

#### 4.9 Voting Procedures

We anticipate that much of the advisory work of the Boards will take place in a consensus-building environment. That is to say, votes will not be taken very often. We will leave it up to the Boards to develop voting procedures, for when needed, as part of their operating rules.

Each Board will have one PUC representative. We do not see any actual conflict in having this person be a voting member of a Board. However, some believe that a vote of the PUC representative could unduly influence the Commission's actions when considering the advice of the Board. Following the examples of other advisory boards to the Commission, we recommend that the

Boards consider making the PUC representative a non-voting member.

5.0 Corrections and Clarifications to D.97-02-014

Minor corrections to D.97-02-014 will be made in today's decision. We will delete Conclusion of Law 14 which was inadvertently retained from a prior draft. We also modify Conclusion of Law 13 as follows (additions in bold):

"Further consideration of program design options for **CARE** and low-income energy efficiency services."

In addition, we will conform Conclusion of Law 2 to the text of the decision by adding the following language to the end of the paragraph:

"As we explore development of a gas surcharge, we will allow the gas utilities to continue to operate their own energy efficiency and low-income assistance programs with the option to transfer funding to the Board, and ultimately, to the selected administrators. If gas utilities choose not to transfer funding for these programs, the gas utility should work with the selected administrators to ensure coordination of delivery of services."

Similarly, Ordering Paragraph 1 will be conformed to the text by adding the following language to the end of the paragraph:

"As described in this decision, gas utilities have the option to transfer funding to the newly created boards and administrative entities or continue to operate their own programs as we explore development of a gas surcharge. If gas utilities choose not to transfer funding for these programs, the gas utility shall work with the selected administrators to ensure coordination of delivery of services."

We believe that these modifications address the concerns expressed by Southern California Gas Company (SoCal) in its March 20, 1997 Petition For Modification of D.97-02-014 (Petition). We do not agree with SoCal, however, that it is unnecessary to determine funding levels until the actual transfer of program functions to the new administrative structure occurs. (SoCal's Petition, p. 2.) Therefore, we do not adopt in today's decision the additional language changes suggested by SoCal, which represent more than a minor conformance of language. We may reconsider this aspect of SoCal's Petition after receiving parties' responses.

On February 26, 1997, SCE filed a Petition For Modification of D.97-02-014 requesting clarification of language that referred to research, development and demonstration (RD&D) funding.<sup>2</sup> SCE and other parties point out that the reference in D.95-12-063 to a 1997 cut-off date for ratepayer funding of generation-related RD&D is not consistent with our subsequent funding authorizations in SCE's general rate case decision (D.96-01-011), our subsequent roadmap decision (D.96-12-088), or Assembly Bill (AB) 1890, which initiates surcharge funding for public interest RD&D activities on January 1, 1998. We acknowledge this inconsistency, and modify page 37 in D.97-02-014 to reference January 1, 1998,

---

<sup>2</sup> Because of the potential effect of this language on current RD&D program activities, the assigned ALJ reduced the time for responses to this petition. (See ALJ ruling dated March 4, 1997.) SDG&E, CEC and the University of California filed timely responses, which we have considered in today's decision.

rather than January 1, 1997, as the cut-off date for ratepayer funding of generation-related RD&D.

In its Petition, SCE also requests us to clarify whether future regulated RD&D expenditures by the utilities, whether from existing authorization levels or from augmented authorizations, will be governed by prior "refund-if-not-spent" balancing account requirements or by the new performance-based ratemaking (PBR) treatment. We believe that this issue must be deferred to the respective PBR proceedings, e.g., as a petition to modify D.96-09-092. Each utility's PBR mechanism represents a unique balance of risks and rewards that may affect the resolution of this issue. We wish to clarify, however, that funding for public purpose RD&D should not be subject to PBR treatment but must remain in separate balancing accounts under the terms of the RD&D surcharge authorized by AB 1890.

Findings of Fact

1. Thirty nominees for the Independent Board and 21 nominees for the Governing Board were submitted for our consideration, pursuant to D.97-02-014.
2. Our appointments to the Independent and Governing Boards bring an appropriate balance of skills to the specific responsibilities of these Boards.
3. Although D.97-02-014 did not explicitly exclude utilities or ESCOs from Governing Board membership, prudence dictates that appointments to the Governing Board be without significant affiliations with likely potential recipients of low-income program funds, particularly in advance of specific conflict-of-interest rules, or that such conflicts be mitigated upfront.

4. The Independent and Governing Boards will serve as an advisory board to the Commission.

5. Inadvertent errors and the omission of conforming language in D.97-02-014 requires that we make minor modifications to that order.

6. A \$300 per meeting (\$200 for meetings lasting less than approximately two hours) per diem enables a broad spectrum of qualified individuals to participate on the Board while at the same time does not substitute for all comparable employment.

Conclusions of Law

1. Today's appointments to the Independent and Governing Boards are reasonable.

2. Board members should not have a pecuniary interest in any firm coming before the Board or Administrator seeking program funds.

3. The Boards should use the Political Reform Act (Government Code §§ 81000-91014) as a model in developing their conflict-of-interest rules; however, the Boards may choose to propose different disclosure rules for our consideration.

4. As described in this decision, members of the Boards who are not members of the Commission staff should be indemnified as the State indemnifies its compensated employees.

5. The Boards should comply with the Bagley-Keene Open Meeting Act as contained in the Government Code §§ 11120-11132.

6. The Boards should comply with state procurement rules that govern the awarding of contracts and hiring of consultants.

7. The term of Board members should run through December 31, 1999.

8. Board vacancies should be filled by the Board subject to approval by the Commission's Executive Director using procedures

preferred by the Commission. Institutional members should be replaced by persons nominated by the institution; public members should be replaced by persons nominated by the Board.

9. Public members should not be substituted for at meetings. Institutional members may be replaced by the institutions as may be required; however, only one person may fill a slot at any time (i.e., no sharing or substitution without replacement).

10. The Boards should establish specific requirements for meeting attendance consistent with our general expectation that members attend all Board meetings.

11. As described in this decision, the Boards should be authorized start-up funds to allow them to meet necessary expenses as they undertake their charge. These funds should be treated as an advance from the utilities from expected 1998 public surcharge funds.

12. As part of their start-up filing, the Boards should propose the method by which the utilities shall transfer the surcharge-collected funds once that surcharge is in place.

13. In order to avoid any disruption in Board operations during the comment period and our consideration of the Boards' proposals, the Boards should be authorized to operate under the filed start-up procedures and budget until Commission action.

14. The Boards' operations should be subject to audit at the Commission's discretion.

15. The per diem established in today's decision is reasonable.

16. SCE's February 26, 1997 Petition for Modification of D.97-02-014 should be granted, in part, as described in this decision. SCE's request that we clarify the ratemaking treatment



for regulated RD&D should be directed to each utility's respective performance-based ratemaking proceeding. Funding for public purpose RD&D should not be subject to PBR treatment but should remain in separate balancing accounts under the terms of the RD&D surcharge authorized by AB 1890.

17. So that the Boards may begin their operations as expeditiously as possible, this order should be effective today.

INTERIM ORDER

IT IS ORDERED that:

1. The following individuals are appointed to the Independent and Governing Boards established by Decision (D.)97-02-014:

Independent Board For Energy Efficiency Programs

CPUC:

David Gamson, Commissioner Advisor

CEC:

Michael Messenger

Public:

1. Peter Miller, NRDC
2. Sara Steck Myers, CEERT
3. Professor Mark Thayer, San Diego State University
4. Ortensia Lopez, Greenlining Institute
5. Charles Goldman, Lawrence Berkeley Laboratory
6. Michael Shames, UCAN
7. Don Schultz, ORA

Governing Board For Low-Income Programs:

CPUC:

Geoff Meloche, Consumer Services Division

Public:

1. Diana Brooks, ORA
2. Susan Brown, Latino Issues Forum
3. Yole Whiting, San Diego Gas and Electric
4. Henry Knawls, LA County Community Action Agency
5. Maggie Cuadros, North Peninsula Neighborhood Services Center (San Mateo County)
6. Nancy Brockway, National Community Law Center (Boston)

Sara Steck Myers and Diana Brooks shall serve as acting chairpersons for the Independent and Governing Boards, respectively, until such time as chairpersons are selected by the Boards.

2. The Independent and Governing Boards shall comply with the guidelines set forth in this decision.

3. By September 1, 1999, the Independent and Governing Boards shall submit new board member nominations to the Commission to allow the Commission to appoint new Board members with terms beginning January 1, 2000. These nominations shall be filed at the Commission's Docket Office and served on all appearances and the state service list on the Special Public Purpose service list in this proceeding. Should this proceeding be closed at the time this filing is due, nominations should be served on the Chief Administrative Law Judge.

4. Start-up funds in the amount of \$250,000 for each Board shall be provided by the utilities in the following amounts:

Pacific Gas and Electric Company:	\$100,000
Southern California Edison Company:	\$100,000
San Diego Gas & Electric Company:	\$ 50,000

The utilities shall file procedures for effectuating the transfer of these start-up funds within seven days from the date of this decision. The Independent and Governing Boards shall take all steps necessary to establish bank accounts or trusts to receive and disburse these funds.

5. Decision 97-02-014 is modified to read as follows:

- a) Conclusion of Law 14 is deleted.
- b) The first sentence of Conclusion of Law 13 is modified to read as follows:

"Further consideration of program design options for CARE and low-income energy efficiency services, including education, should be undertaken by the new Governing Board with assistance from the Low-Income Advisory Committee"

- c) The following language is added to the end of Conclusion of Law 2:

"As we explore development of a gas surcharge, we will allow the gas utilities to continue to operate their own energy efficiency and low-income assistance programs with the option to transfer funding to the Board, and ultimately, to the selected administrators. If gas utilities choose not to transfer funding for these programs, the gas utility should work with the selected administrators to ensure coordination of delivery of services."

- d) The following language is added to the end of Ordering Paragraph 1:

"As described in this decision, gas utilities have the option to transfer

funding to the newly created boards and administrative entities or continue to operate their own programs as we explore development of a gas surcharge. If gas utilities choose not to transfer funding for these programs, the gas utility shall work with the selected administrators to ensure coordination of delivery of services."

- e) The following language is added to the end of the first paragraph of Section 5.0 (RD&D), page 37:

"The January 1, 1997 cut-of date for generation-related research has been effectively extended by subsequent RD&D funding decisions that authorize expenditures through 1997 and by our Roadmap Decision (D.96-12-088), which modified the restructuring schedule for the creation of separate business segments (generation, transmission and distribution). Accordingly, the effective cut-off date for ratepayer funding of this research is January 1, 1998."

This order is effective today.

Dated April 9, 1997, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, Jr.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners

\*\*\*\*\*

\*APPEARANCES\*

\* e-mail \*

\*\*\*\*\*

Nancy Rader  
AMERICAN WIND ENERGY ASSOCIATION  
nrader@igc.apc.org  
1198 Keith Avenue  
Berkeley, CA 94708

Dan Kirshner, Senior Economic Analyst  
ENVIRONMENTAL DEFENSE FUND  
dank@edf.org  
5655 College Ave - Suite 304  
Oakland, CA 94618

Bryan Griess  
RESOURCE MANAGEMENT INTERNATIONAL  
Bryan.Griess@rmiinc.com  
3100 Zinfandel Drive, Suite 600  
Sacramento, CA 95670

Dan Meek, Atty at Law  
SESOC INC./RESCUE  
danmeek@teleport.com  
10949 S.W. 4th Avenue  
Portland, Oregon 97219

Richard Esteves  
SESOC, INC  
sesoc-if@worldnet.att.net  
77 Yacht Club Drive, #1000  
Lake Forest, New Jersey 07849

\*\*\*\*\*

\*APPEARANCES\*

\*\*\*\*\*

Glynnis Jones  
APPLIANCE RECYCLING CNTRS OF AMERICA  
1823 Eleventh Street  
Sacramento, CA 95814

Evelyn K. Elsesser, Atty at Law  
ATER, WYNNE, HEWITT, DODSON & SKERRITT  
One Embarcadero Center, Suite 2420  
San Francisco, CA 94111

Michael P. Alcantar  
ATER WYNNE HEWITT DODSON & SKERRITT  
222 S.W. Columbia, Suite 1800  
Portland, Oregon 97201

Barbara R. Barkovich  
BARKOVICH AND YAP, INC  
31 Eucalyptus Lane  
San Rafael, CA 94901-2304

William F. Parker, President  
BAY AREA POVERTY RESOURCE COUNCIL  
930 Brittan Avenue  
San Carlos, CA 94070

Maurice Brubaker  
BRUBAKER & ASSOCIATES, INC.  
P.O. Box 412000  
St. Louis, MO 63141-2000

Tim Tutt  
CALIFORNIA ENERGY COMMISSION  
1516 9th Street, Ms-22  
Sacramento, CA 95814

Sharon Haynes-Creswell/Ellen Conaway  
CALIFORNIA/NEVADA COMMUNITY  
ACTION ASSOCIATION  
926 "J" Street  
Sacramento, CA 95814

Eileen A. Koch  
CALPINE CORPORATION  
50 W. San Fernando Street  
San Jose, CA 95113

Neal A. Johnson  
CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD  
8800 Cal Center Drive  
Sacramento, CA 95826-3268

Christopher S. Taylor  
CALIFORNIA/NEVADA COMMUNITY ACTION ASSOC  
926 "J" Street, Suite 408  
Sacramento, Ca 95814

Richard Shaw  
CHASE SHANNON  
P.O. BOX 469  
Fillmore, CA 91305

Michael Yamada  
CITY OF L.A., DEPT OF WATER AND POWER  
Room 1534 GOB  
PO Box 111  
Los Angeles, CA 90051

Ron Knecht  
CONSUMERS FOR THE PUBLIC INTEREST  
3419 Scott Street  
San Francisco, CA 94123

Mark J. Berman  
Director of Business Development  
DAVIS ENERGY GROUP  
123 C Street  
Davis, CA 95616

Michael J. Micciche, Director  
DEPARTMENT OF COMMUNITY SERVICES  
AND DEVELOPMENT  
700 North Tenth Street, Room 258  
Sacramento, Ca 95814

Doug Grandy  
DEPARTMENT OF GENERAL SERVICES  
717 K street, Suite 409  
Sacramento, CA 95814

Norman J. Furuta, Associate Counsel  
DEPARTMENT OF THE NAVY  
900 Commodore Drive  
San Bruno, CA 94066-5006

Sam DeFrawi, Director  
DEPARTMENT OF THE NAVY  
901 M st. SE, Bldg.212, 4th Fl.  
Washington, DC 20374-5018

Ray Czahar  
ECONOMIC & TECHNICAL ANALYSIS GROUP  
5650 Gravenstein Highway, Rte 116 North  
Forestville, CA 95436

Carolyn A. Baker  
EDSON & MODISETTE  
925 L Street, Suite 1490  
Sacramento, CA 95814

Marvin Lieberman  
ELECTRIC POWER RESEARCH INSTITUTE  
3412 Hillview Avenue  
Palo Alto, CA 94304

William L. Nelson  
ENVIRONMENTAL MARKETING GROUP  
1926 Contra Costa Blvd., Suite 176  
Pleasant Hill, CA 94523

Lynn M Haug, Attorney at Law  
ELLISON & SCHNEIDER  
2015 H Street  
Sacramento, CA 95814

Dian M. Grueneich Atty at Law  
GRUENICH RESOURCE ADVOCATES  
582 Market Street, Suite 407  
San Francisco, CA 94104

Jan Smutny-Jones  
INDEPENDENT ENERGY PRODUCERS  
ASSOCIATION  
1112 "I" Street, Ste 380  
Sacramento, CA 95814-2896

Robert E. Burt  
INSULATION CONTRACTORS ASSOCIATION  
2210 K Street  
Sacramento, CA 95816

Carl R. Aron, Exec Vice President  
ITRON  
2818 N. Sullivan Rd POBox 15288  
Spokane, Washington 99215

William H. Booth, Atty at Law  
JACKSON TUFTS COLE & BLACK, LLP  
650 California Street, 32nd Floor  
San Francisco, CA 94108-2613

Norman Pedersen, Atty at Law  
JONES, DAY, REAVIS & POGUE  
555 West Fifth St. Suite 4600  
Los Angeles, CA 90013-1025

Luis Arteaga/Roxanne Figueroa  
LATINO ISSUES FORUM  
785 Market Street, 3rd Floor  
San Francisco, Ca 94103

Susan E. Brown  
LATINO ISSUES FORUM/  
GREENLINING INSTITUTE  
785 Market Street, 3rd Floor  
San Francisco, CA 94103

Edward B Lozowicki  
Attorney at Law  
Ten Almaden Blvd Suite 1250  
San Jose CA 95113

Robert Mowris  
ROBERT MOWRIS & ASSOCIATES  
10 Ridge Lane  
Orinda CA 94563

Emilio E Varanini III  
Attorney at Law  
MARRON REID & SHEEHY  
980 9TH Street Suite 1800  
Sacramento CA 95814

Sara Steck Myers, Atty at Law  
122 - 28th Avenue  
San Francisco, CA 94121

Terry Singer

NATIONAL ASSOCIATION OF  
ENERGY SERVICE COMPANIES  
1615 M Street, N.W.  
Washington, DC 20036-3203

Sheryl Carter

NATURAL RESOURCES DEFENSE COUNCIL  
71 Stevenson Street, Suite 1825  
San Francisco, CA 94131

Thomas J. O'Rourke

O'Rourke & Company  
44 Montgomery Street, #1705  
San Francisco, CA 94104

Richard T. Sperberg

ONSITE ENERGY CORPORATION  
701 Palomar Airport Road, Suite 200  
Carlsbad, CA 92009

Robert Mc Lennan/Roger Peters

PACIFIC GAS AND ELECTRIC COMPANY  
77 Beale Street, Room 3131  
San Francisco, CA 94106

Stanley I. Anderson

POWER VALUE, INC.,  
877 Ygnacio Valley Road, Suite 105  
Walnut Creek, CA 94596

Thomas G. Adams

PROVEN ALTERNATIVES, INC.,  
1740 Army Street  
San Francisco, CA 94124

Dennis Dobkowski

RESIDENTIAL ENERGY EFFICIENCY  
CLEARING HOUSE, INC.  
19896 Felicia Drive  
Yorba Linda, CA 92886

Bill Hunt

RICHARD HEATH & ASSOCIATES  
2055 San Joaquin  
Fresno, CA 93721

Lynn G Van Wagenen, Atty at Law

SAN DIEGO GAS & ELECTRIC COMPANY  
101 Ash Street, Room 10A  
San Diego, CA 92109, replace Michael C.  
Tierney per ltr 2/21/97

Steven Schiller

SCHILLER ASSOCIATES  
1333 Broadway, Suite 1015  
Oakland, CA 94612

Rick Breeze-Martin

SIERRA BUSINESS CONSULTING  
19625 Cedar Road  
Sonoma, CA 95370

Rich Ferguson

SIERRA CLUB  
1100 11th Street, Suite 311  
Sacramento, CA 95814

Frank J. Cooley/Bruce A. Reed

Sumner J. Koch  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

Steven D. Patrick, Atty at Law

SOUTHERN CALIFORNIA GAS COMPANY  
633 West Fifth Street, Suite 5200  
Los Angeles, CA 90071

Catherine George, Atty at Law

SUTHERLAND ASBILL & BRENNAN  
358 Frederick Street #4  
San Francisco, CA 94117

Keith Mc Crea, Atty at Law

SUTHERLAND ASBILL & BRENNAN  
1275 Pennsylvania Avenue, N.W.  
Washington, D. C. 20004

Robert Finkelstein, Atty at Law

THE UTILITY REFORM NETWORK  
625 Polk Street, Suite 403  
San Francisco, CA 94102

Donald W. Aitken

UNION OF CONCERNED SCIENTISTS  
20100 Skyline Boulevard  
Woodside, CA 94062

Robert Ellery

UNITED AMERICAN ENERGY  
2420 Camino Ramon, Suite 229  
San Ramon, CA 94583

Carl Blumstein

UNIVERSITY OF CALIFORNIA BERKELEY  
Energy Institute  
2539 Channing Way  
Berkeley, CA 94720

Linda Williams

UTILITY REFORM PROJECT  
10266 S.W. Lancaster Road  
Portland, Oregon 97219

Jeffrey C. Sprecher  
WESTERN POWER GROUP, INC.  
660 Newport Center Dr., Ste. 470  
Newport Beach, CA 92660

Wallis J Winegard  
WINEGARD ENERGY  
1806 Flower Avenue  
Duarte CA 91010

\*\*\*\*\*  
\* STATE SERVICE \*  
R94-04-031/I94-04-032  
Special Public Purpose  
\*\*\*\*\*

ALJ MEG GOTTSTEIN  
Room 5041A  
CPUC

ALJ MEG GOTTSTEIN  
P. O. Box 210  
Volcano, CA 95689-0210

Robert C Cagen  
Room 5030  
CPUC

Diana Brooks  
Room 4102  
CPUC

James E. Scarff, Legal Div.  
RM. 5022  
CPUC

Stuart Chaitkin  
Energy, 3-B  
CPUC

Laura Martin  
Energy 3-B  
CPUC

Tom Thompson  
Energy 3-B  
CPUC

ENERGY DIVISION  
Room 3102  
CPUC

Barbara Ortega  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
107 S. Broadway, Room 5109  
Los Angeles, CA 90012

Monica Rudman  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street MS 42  
Sacramento, CA 95814-5512

Michael Messenger  
CALIFORNIA ENERGY COMMISSION  
1516 9th Street, MS-22  
Sacramento, CA 95814

David F. Abelson, Atty at Law  
CALIFORNIA ENERGY COMMISSION  
1516 9th Street, MS 14  
Sacramento, CA 95814

Don Shultz  
CALIFORNIA PUBLIC UTILITIES COM  
Office of Ratepayer Advocates  
1207 O Street  
Sacramento, CA 95662

John P. Rozsa  
Senate Energy Advisor  
STATE CAPITOL  
Room 408  
Sacramento, CA 95814

\*\*\*\*\*  
INFORMATION ONLY List  
R94-04-031/I94-04-032  
\*PUBLIC PURPOSE\*  
\*\*\*\*\*

DECISION NO. \_\_\_\_\_  
BILLING CODE \_\_\_\_\_  
NO. OF PAGES \_\_\_\_\_  
DECISION MAILED \_\_\_\_\_  
DECISION SIGNED \_\_\_\_\_

Ted Jones  
THE ALLIANCE TO SAVE ENERGY  
1200 18th Street, N.W. #900  
Washington, D.C. 20036

Steven Kelly  
INDEPENDENT ENERGY PRODUCERS  
ASSOCIATION  
1112 "I" Street, Ste 380  
Sacramento, CA 95814-2823

Georganne Ross  
MARRON, REID & SHEEHY LLP.  
601 California St., Suite 1200  
San Francisco, CA 94108-2896

H. I. Bud Beebe  
SACRAMENTO MUNICIPAL UTILITY  
DISTRICT  
6301 S Street  
Sacramento, CA 95817-1899



Thomas G. Eckhart  
UONS, LLC  
8055 112th N.E., Ste. 225  
Bellevue, WA 98004

John Wiley Gould  
IANE, POWELL, SPEARS & IUBERSKY  
520 S.W. Yamhill, Ste. 800  
Portland, OR 97204

Philip Vermeulen  
1335 Ridgedale Ct.  
Roseville, CA 95661

B. Michael Kahl/  
Frederick M. Pownall  
KAHL, POWNALL COMPANY  
1115 11th Street, Suite 100  
Sacramento, CA 95814

(END OF ATTACHMENT 1)

## Charter Attachment 1

## Deaf and Disabled Telecommunications Program

Disclosure and Conflict of Interest Policy  
(Approved by the CPUC December 18, 1991)

The Deaf and Disabled Telecommunications Program was established by the California Public Utilities Commission (CPUC) to administer and oversee California's legislated programs that provide telecommunications services and equipment to deaf and disabled individuals in California. The CPUC established three committees to provide the oversight function and to recommend program and policy changes to the Commission. The three committees are the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC), the California Relay Service Advisory Committee (CRSAC), and the Equipment Program Advisory Committee (EPAC). The CRSAC and the EPAC are advisory committees to the DDTPAC.

Each of the three committees has four consumer members who represent the deaf and disabled constituents statewide whom the program serves. Each consumer member is appointed to represent a particular constituency (eg. statewide deaf organization, speech impaired). Consumer members are nominated to the DDTPAC by the constituency or organization they represent. After reviewing the qualifications of the nominees, the DDTPAC recommends a nominee for appointment to the committee to the CPUC. The Commission's Executive Director makes the ultimate appointment to the committee.

Since consumer members are all appointed to represent a designated constituency, the interests and opinions of the consumer members should not be intentionally controlled or influenced by any of the companies who provide goods and services to the program on an ongoing or regular basis. Some of these companies are already represented by positions on the three committees. In addition, the appearance of any conflict of interest caused by relationships between consumer members and vendors to the program needs to be avoided. For this reason, consumer members on the three committees and nominees for consumer member positions must disclose any relationships with vendors to the program which might tend to influence a consumer member's opinions or position.

The requirements must be met before a consumer member nominee's name for any of the program's three committees is forwarded to the CPUC for approval and for continued eligibility, once approved.

## Disclosure and Conflict of Interest Policy

Page 2

## I. Disclosure

Consumer members on DDTP committees must annually report any relationships that exist (employment, consultant, or otherwise) between the consumer member and a company that provides goods or services to the program. Such relationships that exist between a consumer member's affiliated organization or employer and a company that provides goods or services to the program must also be disclosed. This disclosure shall include the reporting of any ownership of stock or other equities issued by a company that provides goods or services to the program.

Consumer members must annually report their membership in or employment by any organization or participation on any boards, committees, or other groups that represent the deaf and disabled consumers served by the program. Consumer members must also report the name and general business purpose of any business entity in which the consumer member is a director, officer, partner, trustee, employee or holds any position of management.

Consumer members may not accept gifts of \$250 or more in value from any single vendor of goods or services to the program. Consumer members must also annually report any gifts, honoraria, or awards amounting to \$50 or more received either directly or through another organization from any vendor of goods or services to the program.

"Honorarium" means a payment for speaking at any event, participating in a panel or seminar, or engaging in any similar activity. For the purposes of this section, free admission, food, beverages, and other similar nominal benefits provided to a committee member at an event at which he or she speaks, participates in a panel or seminar, or performs a similar service, and reimbursement or advance for actual travel and for necessary accommodations provided directly in connection with the event are not payments and need not be reported. However, reimbursement for travel outside of California must be reported as an honorarium. A prize or award shall be disclosed as a gift unless the prize or award is received on the basis of a bona fide competition not related to the committee member's official status.

All of these reports must be renewed annually.

If, in the judgement of the DDTPAC, any of the disclosed relationships would create a conflict of interest that would constitute reason to disqualify a consumer member from membership on any of the DDTP committees, the DDTPAC may recommend removal of the committee member to the CPUC.

## Disclosure and Conflict of Interest Policy

## Page 3

## II. Prohibition of Relationships

During their term of service on the committee, consumer members of DOTP committees shall not be employed by or represent the interests of any vendors or potential vendors of goods or services to the program, such that the consumer member receives either individually or through another organization \$250 or more annually for any type of service performed. Business arrangements with or services provided by the consumer member or his or her affiliated organization to the program that are routine and in the ordinary course of the program's activities (eg. providing interpreter services) are not subject to the prohibition section. Any relationship with a vendor to this program that would under normal circumstances be customary and ordinary considering the nature of the consumer member's employment and/or expertise shall also not be regarded as subject to this prohibition section, but may be subject to the Prohibition of Participation section following. Examples of such relationships might include:

- a) A consumer member who is employed by a disability services organization, such as an independent living center, provides disability awareness training to a program vendor.
- b) A consumer member who is deaf provides information or training concerning deaf culture to a program vendor.
- c) A consumer member who is a heavy relay service user provides training or orientation regarding relay service usage to a program vendor.

## III. Prohibition of Participation

No committee member shall make, participate in making, or in any way attempt to use his or her position on the committee to influence the making of any committee decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the committee member or a member of his or her immediate family, or on 1) any investment, business entity or real property in which the committee member has a direct or indirect investment worth at least \$1,000, 2) any source of income aggregating \$250 or more within the preceding 12 months, 3) any business entity or other organization in which the committee member is a director, officer, partner, trustee, employee or holds any position of management, or 4) any donor of a \$250 or more gift to the committee member within the preceding 12 months.

Disclosure and Conflict of Interest Policy  
Page 4

When a committee member determines that he or she should not participate in a decision-making process because he or she has a disqualifying interest in it, the committee member must 1) immediately disclose the interest that creates the conflict, 2) withdraw from participation, 3) refrain from attempting to influence any other member, and 4) refrain from voting during any votes relating to the issue that creates the conflict. The member only needs to disclose the fact of a disqualifying interest and not its details.

Deaf and Disabled Telecommunications Program  
Disclosure and Reporting Form For Consumer Members

NAME \_\_\_\_\_ DATE \_\_\_\_\_

**I. Disclosure of Relationships with Program Vendors**

- A. Do you currently, or have you in the past 12 months, served as an employee (full-time, part-time, or hourly) of or consultant to any company providing goods or services to the DDTP? (Examples of companies providing goods and services: AT&T, Sprint, Pacific Bell, Ultratec, Bank of America, Amerivest Company)  
If yes, please explain.

---

---

---

---

- B. Are you currently, or have you in the past 12 months, served on any boards, committees, task forces, or other groups (either paid or volunteer) in an advisory or other capacity to any company providing goods or services to the DDTP?  
If yes, please explain.

---

---

---

---

- C. Is your employer currently (or has your employer in the past 12 months) served (either paid or volunteer) in a consultant or other advisory or input capacity to any company providing goods or services to the DDTP?  
If yes, please explain.

---

---

---

---

Disclosure and Reporting Form for Consumer Members  
Page 2

- D. Is any organization with which you are affiliated currently (or has it in the past 12 months) been involved in a consultant, advisory, or other capacity with any company providing goods or services to the DDTP? (Examples of organizations: disability-related organizations, consumer groups, social service organizations)  
If yes, please explain.

---

---

---

---

- E. Do you currently own shares of stock or other equities issued by any company that provides goods or services to the DDTP?  
If yes, please describe and state issuer and amount.

---

---

---

II. Disclosure of Relationships with Organizations Representing Program Consumers

- A. Are you currently (or have you in the past 12 months been) employed by any organization that represents deaf and disabled consumers served by the DDTP?  
If yes, please explain.

---

---

---

- B. Are you currently (or have you in the past 12 months been) a member of any organization that represents deaf and disabled consumers served by the DDTP?  
If yes, please explain.

---

---

---

Disclosure and Reporting Form for Consumer Members  
Page 3

- C. Are you currently serving (or have you in the past 12 months served) on any boards, committees, or other groups that represent the deaf and disabled consumers served by the DDTP?

If so, please explain.

---

---

---

---

- D. Please list the name and general business purpose of any business entity in which you are (or have been in the past 12 months) a director, officer, partner, trustee, employee, or hold any position of management.

---

---

---

### III. Disclosure of Gifts and Honoraria

- A. Have you within the past 12 months accepted a gift of \$250 or more in value from any single vendor of goods or services to the program? \_\_\_\_\_  
If yes, please list gift and its value and name of program vendor.

---

---

- B. Please list any gifts, honoraria, or awards amounting to \$50 or more which you have received in the past 12 months either directly or through another organization from any vendor of goods or services to the program. ("Honorarium" is defined on page 2 of the attached Disclosure and Conflict of Interest Policy.)

---

---

---

(END OF ATTACHMENT 2)



F-1

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND  
COMPLIANCE DIVISION  
Accounting & Finance Branch

RESOLUTION F-621  
November 9, 1988

## R E S O L U T I O N

RESOLUTION F-621, COMMISSION RESOLUTION TO  
ADOPT AN INTERIM ADVISORY COMMITTEE STANDARD OF  
EXPENSE REIMBURSEMENT FOR COMMISSION ESTABLISHED  
ADVISORY COMMITTEES CREATED TO PROVIDE ADVICE OR  
ADMINISTRATIVE OVERSIGHT OF TRUST FUNDS AND OTHER  
PROGRAMS.

SUMMARY

By several recent decisions the Commission has ordered the formation of various Advisory Committees responsible for the administration of certain trust funds and other programs funded by either ratepayer contributions or shareholder funds. These committees have emerged from issues identified in Commission proceedings, or are in response to specific legislative action by the California State Legislature. In order to receive the benefit of public input or specific expert knowledge, the Commission had directed that these Advisory Committees include non-utility members selected from consumer groups for which the trust or program was instituted. While the utility members are reimbursed for their expenses by their respective employers, consumer representatives are possibly self-employed or employed by a third party and are not always reimbursed for their expenses. To assure the continued participation by non-utility representatives to the Advisory Committees, this Resolution establishes an interim Advisory Committee Standard of Expense reimbursement which henceforth shall apply to certain Advisory Committees.

The interim Advisory Committee Standard of Expense Reimbursement for attending scheduled meetings or Commission ordered workshops or formal hearings directly related to the Advisory Committee's duties shall be: actual expenses up to the current limits in effect for such items as travel, meals, parking and other incidentals as are applicable for Commission staff on official duty allowable under Government Code Section 19820. At some subsequent time, the Commission may review expense reimbursement standards and adopt a final standard applicable to all Advisory Committees.

## BACKGROUND

The Commission has currently established the following Advisory Committees whose members are not reimbursed for their expenses:

1. Customer Notification Advisory Committee - Pacific Bell; created by Decision 87-12-067. This advisory Committee performs the following duty:

Prepare a customer notification of marketing abuses in order to attempt to make customer refunds to appropriate customers.

Membership is composed of Pacific Bell, Commission Staff, and 3 public members not affiliated with the utilities or the Commission. None of the public members are reimbursed for expenses.

There is no Commission authorized funding for this Advisory Committee.

2. Customer Marketing Oversight Advisory Committee - Pacific Bell; created by Decision 87-12-067 and 86-05-072. This Advisory Committee performs the following duties:

Prepare studies on the marketing issues involved in Lifeline service, telemarketing practices, and the issue of sales quotas.

Membership is composed of Pacific Bell employees, 1 GTE of California employee, Commission Staff, and 4 public members not affiliated with the utilities or the Commission. None of the public members are reimbursed for expenses.

There is no Commission authorized funding for this Advisory Committee.

3. Women & Minority Business Enterprises Advisory Board; created by Decision 88-04-057 and subsequently modified by Decision 89-09-024. This Advisory Committee performs the following duties: select an operator for a Clearinghouse of Women & Minority Owned Business Enterprises. The Clearinghouse will verify that the businesses are in compliance with the requirements of General Order 156.

Membership is composed of 10 utility representatives, 1 Commission Staff, and 5 public members not affiliated with the utilities or the Commission. There is no expense reimbursement.

This Advisory Committee is financed by charges in customer rates authorized by the Commission.

There are other Advisory committees currently authorized by the Commission which do allow for various levels of recovery of fees and expenses. They are not subject to this Resolution.

#### Eligibility

To be eligible for expense reimbursement, an Advisory Committee must be specifically established by an Order of the Commission. Such an Advisory Committee must be created for the expressed purpose of providing specific service to the regulated utility or its ratepayers in an ongoing fashion not suited to the conventional rate case and testimony process for adoption of a public policy by the Commission. The Advisory Committee must have an ongoing role rather than a single analytical role which would be better suited by a single contract for consultant analysis and testimony. To qualify for reimbursement, Advisory Committee members must attend scheduled meetings of the Advisory Committee, Commission ordered workshops or formal hearings directly related to the Advisory Committee's duties.

It is further recommended that no participant who is reimbursed for participating in a specific Commission proceeding under Public Utilities Code (Code) Sections 1801 - 1808 should be allowed to include subsequent service on a resulting Advisory Committee in the request for expense reimbursement. Any such intervenor who is appointed to an Advisory Committee should only receive expenses for Advisory Committee service. To be eligible for intervenor expense reimbursement while litigating an Advisory Committee related issue, an Advisory Committee member must withdraw from Committee membership. After resigning, the former Advisory Committee member is eligible to apply for funding under the Commission's intervenor expense reimbursement standards. An Advisory Committee member may file for intervenor compensation in unrelated proceeding while still serving on an Advisory Committee and receiving their expenses.

#### Standard of Expense Reimbursement

The Commission has the authority to set its own level of payment for service on committees in general. There are specific legal guidelines for State Funded committees, committees which in effect are paid for by the state out of its general funds. Most if not all of the Advisory or Management Committees authorized by the Commission are discretionary, funded by either specific charges included in utility rates and collected from customers or charged to the stockholders of the utilities.

In establishing a Standard of Expense Reimbursement the Commission should consider the reasonable guidelines available to it. These include the rules for compensating its own employees

for business related expenses (Government Code Section 19820, under which the Department of Personnel Administration (DPA) established rules and regulations published on the California Administrative Code, Title 2, Division 1, Chapter 3, Article 2). The Commission may also consider the rules for statutory authorized Advisory Boards (Government Code Section 11364.5).. Normally these Advisory Boards only recover expenses, but an exception is allowed for a per diem salary of \$100. In Decision 88-07-071, dated July 22, 1988 the Commission authorized an exceptional Committee for San Diego Gas & Electric Company, the third such Exceptional Committee authorized for nuclear decommissioning. Reference for such fees can be found in the fees and per diem typically paid to outside members of the Board of Directors of the regulated utility(ies) which may be affected by such committees performing similar duties.

The Commission Advisory & Compliance Division's Accounting & Finance Branch has reviewed the possible interim Standard of Expense Reimbursement and recommends the adoption of the following:

Advisory Committees.

The Standard of Expense Reimbursement for Advisory Committee members for attending scheduled committee meetings or Commission ordered workshops or formal hearings directly related to the Advisory committee's duties shall be that reasonable expenses are reimbursed in accordance with DPA regulations for Exempt Employees (Government Code Section 19820). This expense reimbursement shall be up-dated as Section 19820 of the Government Code is up-dated from time to time.

Unique Expenses, if authorized by the Commission at the time of formation of the Advisory Committee, may be recovered for such items as assistance to the disabled (Readers for the sight-impaired, Signers for the hearing-impaired, etc.) to the extent that such Committee members provide a unique or special contribution to the Advisory Committee. Otherwise such costs are the personal costs of the Committee Member.

Method of Funding Advisory Committees.

The Advisory Committees discussed above must be the subject of an Order authorizing expense reimbursement. The CACD recommends that the public members of the Advisory Committees should be reimbursed in the following fashion:

1. Customer Notification Advisory Committee - Pacific Bell; This Advisory Committee should be reimbursed by Pacific Bell. Pacific Bell should be

allowed to maintain a memorandum account and seek recovery of its costs in appropriate rate case or attrition proceedings.

2. Customer Marketing Oversight Advisory Committee - Pacific Bell; This Advisory Committee should be reimbursed by Pacific Bell. Pacific Bell should be allowed to maintain a memorandum account and seek recovery of its costs in appropriate rate case or attrition proceedings.

3. Women & Minority Business Enterprises Advisory Board; This Advisory Committee should be reimbursed by adding the costs of the Advisory Committee to the costs of the Clearinghouse which are then allocated in total to participating utilities.

The CACD recommends that at some subsequent time the Commission should reexamine the policy for compensating both these Advisory Committees under this Interim Standard of Advisory Committee Expense Reimbursement with a view to establishing a uniform policy for all Advisory Committees currently in existence or which may be authorized in the future.

#### FINDINGS

1. It is reasonable that public members of Commission authorized Advisory Committees receive a fair expense reimbursement for their services.

2. The fair Advisory Committee Standard of Expense Reimbursement shall be reasonable expenses as defined by the current government Codes and Regulations as discussed earlier.

3. Discretionary exceptions to the Advisory Committee Standard of Expense Reimbursement may be granted by the Commission on a case by case basis.

4. Intervenor reimbursed under Code Sections 1801 - 1808 should only receive the Advisory Committee Standard of Expense Reimbursement for any service on Advisory Committees.

5. Employees, officers or agents of regulated public utilities are not eligible for expense reimbursement.

6. It is reasonable to reimburse the public members of the Advisory Committees and to charge the costs as recommended by the CACD.

IT IS ORDERED, that:

1. It is reasonable that public members of certain Advisory Committees are reimbursed for their expenses.

November 9, 1988

2. Certain Commission authorized Advisory Committees shall be reimbursed at the Interim Advisory Committee Standard of Expense Reimbursement contained in this Resolution.

3. The affected Advisory Committees shall be reimbursed as discussed in the Resolution and the costs charged against the utilities or the Trust Funds as described in the Resolution.

4. Code Sections 1801 - 1808, Intervenor's Fees and Expenses, do not apply to these Advisory Committees.

This Resolution is effective today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting of November 9, 1988. The following Commissioners approved it:

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK A. DUDA  
G. MITCHELL WILK  
JOHN A. OHANIAN  
Commissioners

  
Executive Director