

Decision 00-01-020 January 6, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Intervenor Compensation
Program.

Rulemaking 97-01-009
(Filed January 12, 1997)

Order Instituting Investigation on the
Commission's Intervenor Compensation
Program.

Investigation 97-01-010
(Filed January 13, 1997)

**INTERIM OPINION ON PAYMENT OF
INTERVENOR COMPENSATION AWARDS**

Summary

We reject our April 1998 proposal for determining the responsibility of certain utilities for payment of intervenor compensation awards. Instead, in quasi-legislative rulemaking proceedings affecting an industry or multiple industries, we will require all energy, telecommunications and water utilities in affected industry to pay any compensation award, regardless of whether that utility participated in the proceeding. We will establish an intervenor compensation program fund from which awards in quasi-legislative rulemaking proceedings where no specific respondents are named will be paid. The program will be funded through the fees collected on an annual basis from regulated energy, telecommunications, and water utilities under our Public Utilities Code (Pub. Util. Code) § 401 et seq authority.¹ Also, we modify our prior order to remove the requirement that utilities file a revenue report with the Public

¹ All future citations are to the Public Utilities Code unless otherwise noted.

Advisor. This order is effective immediately and will be applied to future compensation awards in certain pending matters, as well as in future quasi-legislative proceedings.

Background

On April 28, 1998, the Commission issued Decision (D.) 98-04-059, *Interim Opinion Revising the Intervenor Compensation Program and Inviting Legislative Amendment Proposals*, which was subsequently modified after rehearing by D.99-02-039. In the primary order, we adopted a new approach for funding intervention in quasi-legislative or rulemaking proceedings. We recognized that the regulatory environment has changed for some of the industries to which the intervenor compensation program applies. As a result, an increasing number of utilities have a stake in our proceedings and may be the "subject of the hearing, investigation, or proceeding...." (Pub. Util. Code § 1807.) We determined that responsibility for the payment of awards of compensation should be more widely shared among regulated industry participants in quasi-legislative or rulemaking proceedings. For example, in the past, only the large, incumbent telephone utilities, like Pacific Bell, paid awards in rulemaking proceedings where telecommunications policy issues were addressed. Under the broader interpretation of § 1807 adopted in D.98-04-059, all California-jurisdictional telephone utilities participating in a quasi-legislative or rulemaking proceeding will now be responsible for sharing the costs of compensation awards. We stated that all energy, water, and telecommunications utilities participating in the proceeding will be required to pay the cost of any compensation awards unless the Commission names one or more utilities as respondent. One problem with implementing this broader interpretation of § 1807 was identified. Specifically, that problem is how to administer this requirement when participation by

utilities occurs through associations whose membership may change during the course of the proceeding.

We proposed to determine responsibility for payment by members of associations by requiring the association to file and serve a statement identifying its participating California-jurisdictional utility members, as of the date of filing. The statement would be filed and served in the proceeding at the time the association seeks party status, and would verify that a revenue report is on file with the Public Advisor. The association could defer filing and serving its statement until after the notices of intent to claim compensation (NOI) are due. We further proposed that any participating association with utility members that fails to timely submit the required statement could be deemed to have withdrawn from participation and would forfeit any rights it otherwise had associated with party status. The California Association of Competitive Telecommunications Companies (CALTEL) and The Utility Reform Network (TURN) commented on this proposal.

TURN neither supports nor opposes the proposal, but rather asks the Commission to clarify it. TURN suggests that the Commission require the association, and not the utility member of the association, to pay any compensation award. TURN argues that because of the administrative burden and the risk of non-payment, the commission should not require intervenors to collect scores of very small checks from all association members separately. TURN asserts that associations would have much less trouble contacting their members than would an intervenor. Finally, TURN argues that its approach would reduce the administrative burden on the Commission, especially in the event the members choose to allocate their combined payment responsibility through a member-agreed-upon variation in payment responsibilities. See D.98-04-059, mimeo. At 59.)

CALTEL flatly opposes the "participant pays" rule, and specifically argues that requiring an industry association to disclose its membership to the Commission and possibly third parties may not be lawful. We found that CALTEL's arguments against the "participant pays" rule lack merit. (See D.99-02-039, mimeo. at 8.) With respect to arguments against disclosing its membership, CALTEL relies on *NAACP v. Alabama*, 357 U.S. 449 (1958). In that case, the Court held, in relevant part, that freedom to associate is an inseparable aspect of the liberty assured in the Fourteenth Amendment; that government-compelled disclosure of membership is likely to constitute an effective restraint on freedom of association because disclosure has led to reprisals; and that whatever interest the state had in compelling disclosure, it was not shown to be sufficient to overcome the constitutional objections.

In countering CALTEL's argument, TURN emphasizes the Court's linking of the disclosure of membership and fear of reprisal with discouraging discussion by a membership organization.² TURN asserts that CALTEL has not demonstrated that any negative repercussions would result from revealing its membership. TURN urges that the Commission not allow utilities, who have tremendous financial incentives to participate in Commission proceedings, to avoid paying their fair share of compensation awards by participating through an association.

CALTEL argues in its reply comments that the Commission lacks the authority to order an association to pay an intervenor compensation award. It points to the intervenor compensation governing statutes (Pub. Util. Code §§ 1801-1812), which state that any awards made under them are to be paid by

² TURN relies on *Talley v. California*, 362 U.S. 60 (1960), and *Brown v. Socialist Workers'74 Campaign Committee*, 459 U.S. 459 U.S. 87 (1982), in addition to *NAACP v. Alabama*.

public utilities. CALTEL also argues that a customer has better remedies in the event a utility does not pay its share of an award if it is the utility, and not the association, that was ordered to pay the award.

In this decision, we do not address the constitutional arguments raised by CALTEL because we adopt an approach to equitably fund intervenor compensation in quasi-legislative rulemaking proceedings that avoids the constitutional issues altogether. We will replace our determination to have only participating utilities pay with a new approach, and reject the proposal to require utilities that participate through associations to also pay a share of any compensation award.

Discussion

In April 1998, we considered and rejected relying on the user fee all utilities pay annually to fund the compensation program. (See D.98-04-059, mimeo at 57.) When we rejected this approach, we started down the road we now find ourselves on, assessing whether our interest in equitable application of § 1807 outweighs the constitutional objections raised by associations regarding disclosure of membership. We have an approach that achieves our interest in equitable application of § 1807 and avoids compelled disclosure altogether.

1. *All Utilities in Affected Industry Should Pay*

We agree with CALTEL that the statutes require that awards be paid by public utilities. We also agree with TURN that the adopted approach should minimize the administrative burden and the risk on non-payment borne by awarded customers.

We determine that in quasi-legislative rulemaking proceedings where we are setting policy applicable to an industry, like the Local Exchange Competition Rulemaking, or multiple industries, like the Rules Revision Proceeding, the "subject of the hearing, investigation, or proceeding" is all regulated utilities

in the affected industry or industries. Instead of requiring only utilities participating in a quasi-legislative rulemaking proceeding to pay any compensation awarded in that proceeding, we will require all regulated water, telecommunications, or energy utilities in the industry affected by the proceeding to pay compensation awarded in quasi-legislative rulemaking proceedings. We will allocate a portion of the annual user fees collected from all regulated water, telecommunications and energy utilities, to the intervenor compensation program fund. We will direct payment from that fund to pay any intervenor compensation awards in quasi-legislative rulemaking proceedings where no specific respondents are identified. We will separately account for those funds by contributing class of utility so that any award may be paid from the utilities in the affected industry. Through this approach, we will reduce the administrative burden and risk of non-payment placed on a customer participating in our proceedings that other proposed funding approaches presented. We will ensure equitable application of § 1807 in a manner that avoids constitutional objections. We note that by creating the intervenor compensation program fund, we eliminate the need for any member-agreed-upon allocation of payment responsibility. We adopt these changes for funding participation in quasi-legislative rulemaking proceedings in recognition of the increasing competitiveness in the industries we regulate, and in order to be more equitable to all service providers and their customers.

When we rejected this approach in April 1998, we stated four reasons. First, we stated that we believed it would constitute a hidden tax. This is still true, but this fact alone does not cause us to abandon the approach.

Second, we stated that we believed it may communicate a greater permanence to compensated intervention in quasi-legislative rulemaking proceedings than the Commission was prepared to state. We note, however, that

with this approach we would annually review user fee funding of the intervenor compensation program for quasi-legislative rulemaking proceedings.

Third, we were concerned that user fee funding of compensation effectively places a cap on the amount of compensation that will be awarded in a budget year since the annual fee is set based on the estimated, rather than realized, budget. We expressed concern that, to the extent the Commission were to underestimate the amount of user fees that should be allocated to fund intervenor compensation, and looked to its remaining user-fee collected funds, it would be place in the untenable position of choosing between funding Commission staff and funding intervention by third parties.³ We belief that, given over a decade of experience in funding compensation, we can minimize the risk of fund shortfalls by allocating sufficient users fees toward the intervenor compensation program fund to avoid undercollection. We also have the Business Plan process established which will help us anticipate the number of quasi-legislative rulemaking proceedings to be conducted in a given year, and thereby better estimate the likely intervenor compensation budget. We agree with TURN that, in the event we do find ourselves with a fund shortfall, we may revert to our current funding approach to ensure we meet our statutory responsibility to eligible customers who make a substantial contribution.

TURN and Utility Consumers' Action Network (TURN/UCAN) were the only party to state that it does not support user fee funding, and to state why. In Joint Reply Comments, filed May 7, 1997, TURN/UCAN state that in broad-based, quasi-legislative rulemaking proceeding involving a number of regulated entities, equitable allocation of fee awards might be appropriate in theory, and

³ In actuality, we do not have the discretion to reallocate funds appropriated to a Commission-staffed program to fund intervention mid-fiscal year.

has the benefit of being competitively neutral, but has serious problems. Specifically, TURN/UCAN state that the inequity is not a particularly urgent problem given the limited extent of competition. Also, that it is unclear how the Commission would divide the cost of the program among the various utilities, and that given the small size of the program, the cost and complexity of administering a user fee funding method may not be worth it.

We agree with TURN/UCAN that a user fee funding approach has the benefit of being competitively neutral. It also eliminates the free-rider problem associated with non-participating utilities benefiting from the participation- and related expenditures – of others. Like TURN/UCAN, we do not regard the problem as particularly urgent, but we do regard it an inequity that can and should be addressed. As for the appropriate method for dividing the cost of the compensation program fund among the various utilities, we find that § 432 provides considerable guidance, and will look to prior-years funding in rulemaking proceedings to set the total level of the fund in a given year, and the appropriate allocation among classes of utilities.⁴

When we rejected the user fee funding approach, we envisioned seeking Legislative authority to rely on the user fee to fund intervention in quasi-legislative rulemaking proceedings. We have reviewed again the comments from parties, and see no argument that user fee funding would require statutory changes, although a large and diverse group of parties stated support for user fee

⁴ We note, for example, that although we are authorized to award intervenor compensation in water rulemaking proceedings, we have never directed an award in such a case. Such historical information will be taken into account when calculating the appropriate amount of the annual user fee to be used in the intervenor compensation program fund, consistent with § 432.

funding of intervention in quasi-legislative rulemaking proceedings.⁵ We recognize that expenditure of user fees is subject to the review and approval of the Legislative and Executive Branches. We have also reviewed again the portion of the Pub. Util. Code that govern user fee collection and disbursement.

In § 401, the Legislature

... finds and declares that the public interest is best served by a commission that is appropriately funded and staffed, that can thoroughly examine the issues before it, and that can take timely and well-considered action on matters before it.

The intervenor compensation program is designed to compensate intervention that assists the Commission in thoroughly examining the issues before it, and in taking timely and well-considered action. In fact, the program only provides for compensation when the customer's intervention

... has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the party.

(Section 1802(h).) We believe that intervention that meets this statutory substantial contribution standard also meets the § 401 objective behind the user fee.

In comments on the draft decision, associations allude to the economic burden that broadening payment responsibility places on utilities, and potentially associations (under the proposed approach). A similar argument may be made about this approach. It is useful to keep in perspective the amount of

⁵ The Utility Members called for legislation in this area for the purpose of expanding fee collection to include unregulated energy providers.

awards the Commission has directed in the past in order to judge whether the burden is undue. We note that from 1993 through 1998, we awarded, on average, \$749,363 per year to eligible intervenors in quasi-legislative rulemaking proceedings involving telecommunications, energy, and water utilities, which amounts to approximately 1.25% of the total fees collected annually from the customers of these utilities.

2. No Revenue Report to Public Advisor Is Needed

In D.98-04-059, we also required California-jurisdictional utilities that participate in our proceedings to have on file with our Public Advisor in San Francisco a letter reporting their California-jurisdictional revenues for the most recent calendar year. We believed that we needed this information to allocate payment responsibility among participating utilities. (See D.98-04-059, mimeo. at 56, 59, Finding of Fact 32, Conclusion of Law 15, and Ordering Paragraph 4.) However, since we will not be holding only participating utilities responsible for payment of awards, we do not need the additional filing. Therefore, we will remove this requirement.

3. The Adopted Approach

To summarize, in quasi-legislative rulemaking proceedings where no specific respondents are named, we determine under § 1807 that the "subject of the hearing, investigation, or proceeding" is all utilities in the affected industry. We will establish an intervenor compensation program fund from which awards in proceedings where the Commission is establishing policy affecting an industry or all regulated industries (generally quasi-legislative rulemakings) where no specific respondents are named will be paid. We will seek authority to fund the program from the fees collected on an annual basis from regulated energy, telecommunications, and water utilities under the authority granted us in § 401 et seq.

4. Implementation

The schedule for payment by utilities of annual user fees is established in § 433. The Commission can not spend the collected fees without authorization from the Legislature and Governor through the annual State budget process. Each Summer, the Commission prepares a proposed budget which is reviewed by the Department of Finance before the Governor's budget is announced in January. Legislative hearings on the budget are generally held in the Spring with the intention to adopt a new State budget, including the Commission budget, by the start of the new fiscal year.

With the adoption of this decision, the Commission's next proposed budget will include the intervenor compensation program fund. We intend to provide for user fee funding for intervenors who are otherwise eligible in quasi-legislative, rulemaking proceedings beginning July 1, 2001.

In the interim, we will continue our practice of requiring those larger utilities participating in a rulemaking proceeding to pay any compensation awards. To be clear, those utilities must have entered an appearance in the proceeding. Membership in an association that entered an appearance will not constitute "participation" that will obligate a utility to pay any compensation awards.⁶

We have pending a number of rulemaking and quasi-legislative proceedings in which no specific utility is named as respondent, and where at least one NOI has been filed. We also have rulemakings where NOIs have been

⁶ See, for example, D.98-11-045, where we directed four energy utilities and two telecommunications utilities to pay an award in the Rules Revision docket, R.84-12-028, a proceeding that affected multiple industries. Also, see D.98-12-054, where we directed four telecommunications utilities to pay an award in the Local Exchange Competition docket, R.95-04-043, a proceeding that affected an industry.

filed and, although the order initiating the proceeding may have specifically identified respondents, the issues being addressed in the proceeding may make a broader group of utilities the subject of the proceeding. Under these circumstances, the Commission will consider broadening the responsibility for paying any future compensation awards in pending proceedings, reconsidering any prior determination of the "subject of the ... proceedings." That consideration will occur when a request for compensation in that proceeding is under consideration by the Commission after July 1, 2001. Pending proceedings which fit this description are identified in Ordering Paragraph 2.⁷

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. Comments were filed on August 16, 1999, and reply comments were filed on August 23, 1999. The Alternate Order of Commissioner Neeper was filed to the parties in accordance with Pub. Util. Code § 311 (e) and (g) and Rule 77.6 of the Rules of Practice and Procedure. Comments on the Alternate were filed on October 1999.

Some of these comments reargue positions taken and rejected during earlier phases of this proceeding in D.98-04-059 and D.99-02-039, and so these positions are not given further consideration here. Other comments that focus on factual, legal or technical errors, pursuant to Rule 77.3, have been considered and the decision we adopt has been revised to reflect that consideration. Specifically, extraneous discussion of constitutional issues has been removed.

⁷ Contrary to the fear TURN expressed in its Comments on the Alternate, it is not our intention to withhold consideration of pending requests in the identified proceedings until July 1, 2001.

Findings of Fact

1. In D.98-04-059, Ordering Paragraph 5, the Commission invited parties to comment on the proposal for allocating responsibility for the payment of any compensation awards by utilities participating in quasi-legislative or rulemaking proceedings through an association. Specifically, we invited comment on the proposal appearing on pages 59-60, Finding of Fact 33 and Conclusions of Law 15 and 16.

2. Our goal in proposing changes to allocating responsibility for the payment of any compensation awards is to ensure equitable application of Pub. Util. Code § 1807.

3. Timely comments and reply comments were filed by two parties, CALTEL and TURN.

4. We reject the proposed approach of having utilities that participate through associations, pay any compensation awards in quasi-legislative, rulemaking proceedings because we have another means of achieving our goal that does not present constitutional objections.

5. The adopted approach should minimize the administrative burden and the risk of non-payment borne by awarded customers, and minimize any constitutional objections.

6. A user fee funding approach is competitively neutral and eliminates the free-rider problem associated with non-participating utilities benefiting from the participation – and related expenditures -- of others.

7. We expect that a user fee funding approach can reasonably be implemented no later than July 1, 2001. In the interim, it is reasonable to continue to require utilities participating in a rulemaking proceeding to pay any compensation awards, where participation means that the utility entered an appearance in the proceeding.

8. Under the adopted approach, we do not need California-jurisdictional utilities that participate in our proceedings to file with our Public Advisor a letter reporting their California-jurisdictional revenues.

Conclusions of Law

1. The intervenor compensation governing statutes (Pub. Util. Code §§ 1801-1812) apply to proceedings of the Commission involving electric, gas, water, and telephone utilities, and any awards made under these statutes are to be paid by public utilities.

2. We determine that in quasi-legislative rulemaking proceeding where we are setting policy applicable to an industry or multiple industries, the "subject of the hearing, investigation, or proceeding," as that phrase is used in Pub. Util. Code § 1807, is all regulated utilities in the affected industry or industries.

3. We should require all regulated water, telecommunications, and energy utilities affected by a proceeding to pay compensation awarded in quasi-legislative rulemaking proceedings.

4. Intervention that meets the substantial contribution standard defined in Pub. Util. Code § 1807 also meets the objective behind the user fee, described in Pub. Util. Code § 401.

5. We should refer to Pub. Util. Code § 432 for guidance on the appropriate method for sharing the costs of any awards among the various utilities. In addition, we will look to prior-years funding in rulemaking proceedings to set the total level of the intervenor compensation program fund in a given year, and the appropriate allocation among classes of utilities.

6. Because it is unfair to assess the costs of compensation awards on some, but not all, of the subject utilities, we should apply our broader interpretation of § 1807 to both pending and future quasi-legislative or rulemaking proceedings.

7. The Commission should consider broadening the responsibility for paying any compensation awards in pending rulemaking proceedings where NOIs have been filed and, although the order initiating the proceeding may have specifically identified respondents, the issues being addressed in the proceeding may make a broader group of utilities the subject of the proceeding.

8. Because of the importance and broad relevance of the proposal adopted today, this decision should be effective immediately.

9. California-jurisdictional utilities that participate in our proceedings should not have to file with our Public Advisor a letter reporting their California-jurisdictional revenues.

10. These dockets should remain open for the purpose of addressing pending Requests for Compensation.

O R D E R

IT IS ORDERED that:

1. In quasi-legislative rulemaking proceedings where no specific respondents are named, the "subject of the hearing, investigation, or proceeding" (under Pub. Util. Code § 1807) is all affected utilities. We shall seek authority to establish an intervenor compensation program fund beginning no later than July 1, 2001, from which awards in proceedings where the Commission is establishing policy affecting an industry or all regulated industries (generally quasi-legislative rulemakings), where no specific respondents are named, will be paid. The program shall be funded from the fees collected on an annual basis from regulated energy, telecommunications, and water utilities under the authority granted us in § 401 et seq.

2. Until the intervenor compensation program fund is established, we shall continue to require utilities participating in a rulemaking proceeding to pay any

compensation awards, where participation means that the utility entered an appearance in the proceeding.

3. The Commission will consider broadening the responsibility for paying any compensation awards in pending rulemaking proceedings where NOIs have been filed and, although the order initiating the proceeding may have specifically identified respondents, the issues being addressed in the proceeding may make a broader group of utilities the subject of the proceeding. This consideration shall occur when a request for compensation in that proceeding is under consideration by the Commission after July 1, 2001. Pending proceedings which fit this description are Rulemaking (R.) 98-09-005, R.98-06-029, R.97-08-001, R.95-04-043, R.95-01-020, R.93-04-003, R.94-02-003, R.98-07-037, R.96-11-004, R.98-07-038, R.97-01-009, R.99-02-001, and R.92-03-050.

4. The requirement, adopted in D.98-04-059, Ordering Paragraph 4, that California-jurisdictional utilities that participate in our proceedings file with our Public Advisor a letter reporting their California-jurisdictional revenues is removed.

5. The Executive Director shall cause a copy of this order to be served on all parties to the proceedings identified in Ordering Paragraph 3, in addition to service on the parties to this proceeding.

6. R.97-01-009 and Investigation 97-01-010 remain open for the purpose of addressing pending Requests for Compensation.

This order is effective today.

Dated January 6, 2000, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

CARL W. WOOD

Commissioners

R.97-01-009, I.97-01-010 COM/JLN/ccv

OPEN RULEMAKINGS

Proceeding	Filed Date	Closed Date	Status	Subject	Util Type	Description	Comm. Design.	Filer Name	Commissioner	ALJ
R9809005	09/03/1998		ACTIVE RULEMAKING	Communications	Commission	Order Instituting Quasi- Rulemaking, on the legislative Commission's own motion to consider modifications to the Universal Lifeline Telephone Service program and General Order 153	LIFELINE TELEPHONE SERVICE	PUC-UNIVERSAL	Neeper	Kenney
R9806029	06/18/1998		ACTIVE RULEMAKING	Communications	Commission	Instituting Quasi- Rulemaking into the service quality standards for all telecommunications carriers and revisions to General Order 133-B	legislative 133-B	PUC - GENERAL ORDER	Bilas	O'Donnell
R9708001	08/01/1997		ACTIVE RULEMAKING	Communications	Commission	Order Instituting Quasi- Rulemaking, on the legislative Commission's own motion to consider adoption of rules applicable to Interexchange Carriers for the transfer of customers including establishing penalties for unauthorized transfer	CARRIER RULES	PUC - INTEREXCHANGE	Neeper	Bushey
R9504043	04/26/1995		ACTIVE RULEMAKING	Communications	ON THE COMMISSION'S OWN MOTION INTO COMPETITION FOR LOCAL EXCHANGE SERVICE.		SERVICE	PUC-LOCAL EXCHANGE	Duque	Reed
								Neeper Kenney	Legal Div.	
							Effective 8/9/96, ruling of			Pulsifer
						Cmmr Fessler consolidates 195-04-044/R95-04-043, & R93-04-003/193-04-002				

R.97-01-009, I.97-01-010 COM/JLN/ccv

OPEN RULEMAKINGS

Proceeding	Filed Date	Closed Date	Status	Subject	Util Type	Description	Comm. Design.	Filer Name	Commissioner	ALJ
R9501020	01/24/1995		ACTIVE RULEMAKING	Communications	Commission	Order Instituting Rulemaking to Address the Requirements of Assembly Bill 3643 and to Develop New Rules Regarding Universal Service		PUC-BILL 3643 Kenney	Neeper	Legal Div.
R9304003	04/07/1993		ACTIVE RULEMAKING	Communications	Commission	order instituting rulemaking on Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.	SERVICES	Bilas Reed McKenzie	Duque	Walwyn Legal Div.
										Effective 8/9/96, ruling of Cmmr Fessler consolidates I95-04-044/R95-04-043, & R93-04-003/I93-04-002
R9402003	03/02/1994		CLOSED RULEMAKING	Communications	Commission	order instituting rulemaking to establish a simplified registration process for non-dominant telecommunications firms	PROCESS	PUC-REGISTRATION	Knight	Bushey
R9807037	07/23/1998		ACTIVE RULEMAKING	Electric	Order Instituting	Rulemaking Quasi- on the Commission's proposed legislative policies and programs governing energy efficiency, low-income assistance, renewable energy and research	EFFICIENCY	OIR-ENERGY	Neeper	Gottstein
										development and demonstration

OPEN RULEMAKINGS

Proceeding	Filed Date	Closed Date	Status	Subject	Util Type	Description	Comm. Design.	Filer Name	Commissioner	ALJ
R9611004	11/06/1996		ACTIVE	RULEMAKING	Electric	Commission Order Instituting Rulemaking, to develop standards for electric system reliability and safety pursuant to D96-09-073. Consolidated with 195-02-015		PUC/RULEMAKING Legal Div.	Neeper	Malcolm
R9807038	07/23/1998		ACTIVE	RULEMAKING	Miscellaneous	Commission Instituting Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission	Quasi-legislative 96-A	OIR-GENERAL ORDER	Duque	Kotz
R9701009	01/13/1997		ACTIVE	RULEMAKING	Miscellaneous	Commission Order Instituting Rulemaking on the Commission's own motion to evaluate the intervenor compensation program, and to modify the existing program or develop new rules to promote participation of all categories of consumers and their representatives in Commission proceedings to better insure that the consumer interests are more effectively represented and compensated	COMPENSATION PROGRAMS	PUC-INTERVENOR Legal Div.	Neeper	Hale

R.97-01-009, I.97-01-010 COM/JLN/ccv

OPEN RULEMAKINGS

Proceeding	Filed Date	Closed Date	Status	Subject	Util Type	Description	Comm. Design.	Filer Name	Commissioner	ALJ
R9902001	02/04/1999		ACTIVE RULEMAKING	Multiple Types	Commission Order	Instituting Quasi- Rulemaking, for purposes of legislative implementing certain statutory requirements regarding public review and comment for specific Commission decisions	COMMENT	PUC-PUBLIC REVIEW/	Neeper	Kotz
R9203050	03/31/1992		ACTIVE COMMISSION	Multiple Types	Commission Rulemaking to	Consider the Line Extension Rules of Electric and Gas Utilities; Gas & electric Utilities Listed in Appendix A Are Named Respondents	Rules	PUC-Line Extension Legal Div.	Duque	Patrick

(END OF APPENDIX A)