

Decision 00-03-026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and Programs
Governing Energy Efficiency, Low-Income
Assistance, Renewable Energy and Research
Development and Demonstration.

Rulemaking 98-07-037
(Filed July 23, 1998)

ORDER CORRECTING ERRORS IN DECISION (D.) 00-02-045

The Commission has been informed of certain errors in D.00-02-045 issued on February 23, 2000. Therefore, pursuant to Resolution A-4661,

IT IS ORDERED that on pages 39, 40, 42, 43, 46, and 47 of the original order, footnote numbers 24; 27-32; 35-51 shall be deleted, and all footnotes from page 39 on shall be renumbered. The attached copy reflects the corrected pages.

This order is effective today.

Dated March 6, 2000, at San Francisco, California

/s/ WESLEY M. FRANKLIN
WESLEY M. FRANKLIN
Executive Director

policies. Subsequently, the Commission should recover any reimbursed Board expenses from the utilities.

In addition to the Board expense reimbursement, the utilities shall reimburse the Commission for ten civil service positions authorized as of July 1, 1999.

The Final Change book prepared by the Department of Finance included 10 civil service positions dedicated to the low-income and energy efficiency programs. These positions are funded from the public purpose funds collected by the utilities. As per established procedures,²⁴ the utilities will reimburse the Commission for these costs in the following manner:

| | |
|-----------|-----|
| PG&E | 30% |
| Edison | 30% |
| SDG&E | 15% |
| SoCal Gas | 25% |

Also by established procedures, the low-income program dedicated positions shall be split between the utilities California Alternate Rates for Energy (CARE) and Low-Income Energy Efficiency (LIEE) programs in the following manner:

| | |
|------|-----|
| CARE | 70% |
| LIEE | 30% |

We authorize the Energy Division to review and process all Board expenses and to coordinate reimbursements from utility program funds for the ten civil servant positions as outlined above, including the role of the utilities as fiscal agents. The Energy Division shall advise the Board and the utilities of the new expense reimbursement procedures within sixty (60) days.

²⁴ See D.97-04-044, mimeo. P.9 Resolution E-3515 and E-3585.

L. Public Participation

To increase public participation, ORA recommends LIGB take comments from the public before a vote on any item, as required by Bagley-Keene. ORA requests a complaint procedure be set up so that any complaints about public participation can be resolved.

Discussion

The Board should solicit and consider public input before making recommendations to the Commission. Furthermore, Bagley-Keene states that:

"A state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item."²⁵

We feel that the bylaws of the Board adequately address the issue of public comment and are in compliance with Bagley-Keene.

Some workshop participants requested establishment of a public participation complaint procedure. While it is unnecessary to establish a formal complaint procedure at this time, we do encourage participants to notify the Energy Division if the Boards disregard the public participation requirements established in Bagley-Keene. If the Energy Division cannot resolve the issue, it should then be brought to the attention of the Assigned Commissioner.

M. Per diems

Per diem policies for either the Boards or their TACs was out of the official scope of the workshop process. However, LIGB requested that Board members appearing at Commission hearings and workshops be eligible for per diem and that the applicability of per diem be extended for official subcommittee meetings.

²⁵ Government Code, section 11125.7(a)

Discussion

As was stated previously, a formal discussion of Board per diem policies did not take place during the workshop process. However, LIGB commented on the subject. The Commission addressed this issue in D.99-03-056 and gave instructions to the Boards on how to initiate a change in current per diem policy. These same instructions still apply to LIGB.

If the Board believes a change in per diem policy is warranted, it should initiate this process separately or together at any time. In its comments, ORA suggests that interested parties be allowed 60 days to reply to Board requests for per diem increases, due to the controversy surrounding this issue. We leave the specific timing of such comments to the discretion of the assigned ALJ.

5. Other Issues

Board Participation under Commission Policies and Procedures

In the workshop, the Legal Division took a list of questions from the participants on the issue of "party" status, providing responses in the final published workshop report. It is helpful to partially reproduce two of these responses here.

1. How does the California Public Utilities Commission (Commission) define "party" for purposes of Commission proceedings?

A party to a Commission proceeding is any applicant, protestant, respondent, petitioner, complainant, defendant, interested party who has made a formal appearance in the proceeding, or Commission staff of record. (See California Public Utilities Commission Rules of Practice and Procedure (RP&P), Rule 1.1(h).) Commission staff of record includes staff from the Office of Ratepayer Advocates assigned to the proceeding, staff from the Consumer Services Division assigned to an adjudicatory or other complaint proceeding, and any other staff assigned to an adjudicatory proceeding in an **advocacy** capacity (See *Id.*, rules 1.1(b) and 5(j).) Commission staff of record does not include staff

from any of the industry divisions and the CSD when and to the extent they are acting in an **advisory** capacity to the Commission.

2. Is the LIGB a "party" in Commission proceedings?

No, the Board is not a party in Commission proceedings. The Board fits in none of the "party" categories of RP&P, Rule 1.1(h). They are not applicants, protestants, respondents, petitioners, complainants, or defendants nor do they make formal appearances in Commission proceedings. The Board is not Commission staff of record assigned to advocate in proceedings. The only role the Board has is that of advisors to the Commission.

The Board may provide the Commission with reports or comments, but may not testify, file briefs, submit evidence, or otherwise actively participate in a proceeding, unless specifically requested to do so by the Assigned Commissioner or the ALJ. However, there is nothing to prohibit an individual board member from participating in a proceeding, so long as that participation is qualified as representing the individual or a separate organization, not the Board. Consistent with previous rulings, such board members shall not be eligible to receive intervenor compensation.

The Board should follow the direction of R.98-07-037, to meet the Board administrative responsibilities to submit an annual budget and to provide the Commission with membership nominations. If no rulemaking docket is open, the Board should submit these materials with the Commission's Executive Director, providing copies to the Commissioners and the appropriate service list. If there is no open rulemaking, and thus, no service list, the Board should send these materials to the Board's interested participant list.

Board Documents

With regard to the Board members obtaining pertinent materials, the Board should take primary responsibility for ensuring that they receive a copy of relevant filings and Commission decisions. The Board can add the organization

to the service list of any Commission proceeding by either attending a pre-hearing conference and filling out an appearance form (requesting to be added to the state service list), or 2) putting that request in writing to our Process Office. Of course, nothing prohibits individual Board members from doing the same, but that should be the responsibility of each individual member.

Because the utilities may not be using service lists that include the Board in their original filing (i.e., advice letters or applications), we can foresee circumstances where the Board may not obtain timely notice that a proceeding related to low-income energy efficiency or low-income assistance programs has been initiated. Therefore, we will require that the utilities serve the Board and each Board member with all advice letters and applications that address low-income energy efficiency and low-income assistance programs, earnings, measurement and evaluation or other related matters.

Industry Scope

We wish to clarify that LIGB should address both natural gas and electricity when providing the Commission advice. It would be inefficient to have separate Boards for natural gas and electricity. We have called for coordination of the public purpose programs for the gas and electricity industries since issuance of D.97-02-014, which established the Boards.²⁶ In their workshop comments, LIGB requests permission to replace "electricity" with "energy", where appropriate. We believe this change is reasonable.

Board Name

We believe it is appropriate to change the names of the Board to better reflect its advisory nature. LIGB's name should be changed to the "Low-Income Advisory Board" (LIAB). The LIGB comments it would prefer to change its name to "Low-Income Board" using the acronym of LIB to reduce confusion

²⁶ See D.97-02-014, pages 68-70.

from distinguishing the Board itself from its Advisory Committee and to take advantage of the common name already in use.

We have considered LIGB's request, but are not persuaded to eliminate "Advisory" from the Board's name. We realize this name-change will represent some administrative effort on the part of the Board, but we feel the new name is more accurate and will clarify the role of the Board within the larger community. This name change is not intended to downplay the advisory role of the Board in any way. We have given appropriate weight to the advice given to us by the Board and intend to continue to do so in the future. Therefore, on or before April 1, 2000, the Board should begin using the new name designated above.

Board Audits²⁷

The subject of Energy Division audits of the Boards was also not discussed within the workshop process. The Commission previously directed the Energy Division to perform yearly audits on the financial and administrative functioning of the Boards through 1999. Given that the Energy Division has gained experience from previous audits and is not required to conduct audits beyond the current year, it makes sense to take a step back and reevaluate the need and procedures for future audits. Furthermore, given that the Energy Division will be working more closely with the Board going forward, it may not be necessary to perform audits of the same scope.

LIGB states that although it believes that Board activities do not need frequent audits, the Board "strongly believes that there is value to periodic administrative and fiscal audits. Such audits of the Board's activities are necessary to ensure that ratepayer funds are being well spent, and can serve as a

²⁷ This decision does not address the findings of either the recent Energy Division investigation or annual audit, but rather the procedure and requirement for future Energy Division audits.

useful tool to improve the Board's performance of their advisory functions. The LIGB recommends that the Commission require the Energy Division to perform a fiscal and administrative audit on a scheduled basis, either annually or biannually."

ORA comments that "if, as stated, the Energy Division is going to take a more active role in overseeing the Boards and their technical consultants, then the Energy Division would appear to have a conflict of interest as the entity designated to perform the audit." ORA recommends Board audits be performed annually and by an entity independent of the Energy Division, which has a potential conflict of interest, since the Boards' have the authority to spend ratepayer dollars.

The Energy Division has established internal controls to address any perceived conflict of interest. Energy Division personnel performing the audits are not funded by public purpose funds, and as such, are not actively involved with the operations of the Boards.

At this time, we will not require the Energy Division to conduct annual audits of the Board. Any future audits (including the one previously ordered for the 1999 program year) will be performed at the discretion of the Executive Director, including their frequency and scope and the time period for which they cover.

Board Bylaws

We will continue to rely on our staff to oversee the Board's activities to assure they are lawful and fair. In conjunction with the Energy Division workshop addressing the Boards' operating procedures, the Legal Division developed operating guidelines for the Boards.²⁸ Energy and Legal Division

²⁸ Attachment D of the Structure and Operating Procedures of the California Board for Energy Efficiency and the Low-Income Governing Board Workshop Report, dated June 30, 1999.

should revise LIGB's bylaws to address Board operating processes. The bylaws should also be revised to reflect the Board's advisory nature and to comply with Commission policy and state law. The LIGB and parties should have an opportunity to comment on the revised bylaws before we adopt them. The final authorization of revised bylaws is ministerial in nature and as such may be authorized by the Assigned Commissioner.

The procedures contained in the July 1, 1999 and December 13, 1999 Assigned Commissioner's Rulings should be followed by the LIGB and the Energy Division, within the staffing constraints of the Energy Division. In instances where the Energy Division lacks administrative or technical support to facilitate all of the issues proposed by LIGB, the Energy Division should work with the Board to prioritize issues. If outside consultants are required, the Energy Division should issue any request for proposal(s), pursuant to state contracting laws.

6. Comments on Proposed Decision

The draft decision of the Assigned Commissioner Josiah Neeper 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 to the draft decision were filed September 27, 1999 by SEMPRA, NRDC, REECH, ORA, CBEE and LIGB. Reply comments were filed by ORA on October 4, 1999. CBEE submitted an amended (corrected) set of comments on October 7, 1999. Comments filed comporting with Rule 77.3 are incorporated into this decision.

Findings of Fact

1. D.99-03-056 and a subsequent Assigned Commissioner's Ruling in this proceeding dated March 26, 1999 extended interim administration of the public purpose programs by investor-owned utilities through 2001 and suspended until

further notice the Boards' efforts to usher in independent administration or investigate other administrative options beyond 2001.

2. On October 6, 1999, the Governor signed AB 1393 into law, requiring that low-income programs continue to be administered by the utilities.

3. There are important aspects of the public purpose programs, beyond independent administration, on which the Boards have advised the Commission.

4. The Boards have acted solely in an advisory capacity and are subject to the oversight of the Commission and the Energy Division.

5. The utilities' energy efficiency programs have now incorporated policy changes to address the Commission's market transformation goals.

6. The CBEE has provided useful advice to the Commission in many areas.

7. The legal structure of the Boards has become cumbersome.

8. There is a continuing need for substantial regulatory oversight of utility administrators to protect ratepayer interests and consumer interests.

9. The Commission can achieve its procedural and substantive goals for energy efficiency without the CBEE through formal proceedings and as the Energy Division takes on tasks related to gathering public input.

10. While the Commission can achieve its procedural and substantive goals for low-income issues without the LIGB, there are fewer opportunities for low-income consumers and advocates to reach the Commission than for energy efficiency advocates.

11. LIGB should file an annual Board budget and Board membership nominations with the Commission.

12. Energy Division can monitor existing energy efficiency programs and policies and recommend strategies to address market barriers encountered in program implementation.

13. Energy Division can monitor changes in the marketplace and recommend policy milestones and benchmarks to signal recognition of the Commission's policy objectives.

14. LIGB membership consists of representatives from community service organizations, action groups, and educational institutions.

15. LIGB's mandate is to be a consensus-building forum to provide unbiased advice, considering the interests of all stakeholders, including ratepayers, while ensuring that proposed low-income programs are consistent with Commission policy.

16. LIGB's task is to advise the Commission on mechanisms to standardize program design and delivery processes across utilities.

17. The issues addressed by LIGB incorporate energy education, weatherization, and the service needs of California low-income residents.

18. LIGB can track and monitor the expenditure of funds and penetration rates for the CARE program.

19. LIGB can make policy recommendations on how to achieve wider contact with low-income groups, recommendations on weatherization programs.

20. The required coordination between the Board and the Energy Division, detailed in the July 1, 1999 Assigned Commissioner's Ruling in this proceeding, is an effective way for the Board to secure administrative and technical support going forward.

21. The procedures contained in the July 1, 1999 Assigned Commissioner's Ruling should be followed by the Board and the Energy Division. Accordingly, the Board should meet regularly with the Energy Division to determine their appropriate administrative and technical support requirements.

22. The use of subcommittees is an effective way for the Board to move forward on business in between Board meetings. Subcommittees are useful for

researching issues and preparing materials that will subsequently presented to the entire Board.

23. Commission deadlines may sometimes necessitate the preparation of Board filings through the use of a committee or subcommittee, without enough time allowed for the Board to meet again to ratify the specific document produced for filing.

24. The Bagley-Keene Open Meeting Act does not require that the full Board review work it has delegated to a committee before that committee makes any filings.

25. The Commission would benefit from receiving the contextual information around which majority-supported Board recommendations to the Commission are reached.

26. It is reasonable to expand the recorded vote to include a record of the Board's first preference, and second, any alternatives.

27. It is appropriate for the voting record of individual Board members to become part of the public record.

28. Continued use of Board advisory committees is not necessarily the best or only way to solicit input from technical experts and other members of the community.

29. Working groups convened by the Board with no set membership, no compensation and no participation by Board members would not be state bodies and, therefore, not be subject to the Bagley-Keene Open Meeting Act.

30. Utility participation within the Board's advisory committees or working groups does not necessarily represent a conflict of interest.

31. Limiting Board meetings could inhibit the Board from fulfilling the Commission's advisory needs.

32. There is a significant cost associated with producing Board meeting transcripts and the benefits of transcription are uncertain.

33. The tape recordings made during Board meetings are not currently comprehensible.

34. Holding Board meetings in utility facilities does not bias the Board or inhibit public attendance, or freedom of expression.

35. Restricting or mandating Board meeting locations would place undue administrative and financial burden on the Board.

36. Requiring a quorum to be a majority of designated Board members would be problematic since Board seats could potentially be vacant for periods of time.

37. It would be unproductive to completely disallow the Board from meeting when they fail to meet their quorum requirement at a properly noticed Board meeting.

38. It is unnecessary to remove existing institutional seats or add new ones to either Board.

39. It is useful to make materials to be addressed in Board meetings available to the public prior to the meetings, to enable interested parties to provide meaningful input to the Board.

40. Storage at the Commission is the best way to ensure convenient public access and security of the Board's records.

41. A system for identifying and organizing Board documents distributed at future meetings will help in the organization and efficient retrieval of these document to ensure timely public access.

42. Teleconferencing affords members of the public the opportunity to participate in and keep informed of Board business without undue hardship.

43. It is always preferable for Board members to attend meetings in person.

44. The arrangement of having utilities directly approve and reimburse Board member expenses was intended to be temporary.

45. The Commission is in the best position to ensure that expense reimbursement of the Board is consistent with Commission authorizations.

46. The Final Change book prepared by the Department of Finance included ten civil service positions dedicated to the low-income and energy efficiency programs. These positions are funded from the public purpose funds collected by the utilities.

47. Per the Bagley-Keene Open Meeting Act, the Board is required to take public input on each agenda item before the Board discusses or considers the item.

48. The Commission does not have enough information to determine if the Board's per diem policies should be amended.

49. Many of the positions put forth in this decision require amendments to Board Bylaws.

50. The LIGB is not a party in Commission proceedings.

51. LIGB can provide recommendations and comments through filings in proceedings classified as "Rulemaking" or "Quasi-legislative".

52. Improved methods are needed to ensure that individual Board members receive pertinent Commission materials before their Board meetings.

53. Because the utilities may not be using service lists that include the Board in their original filing (i.e., advice letters or applications), the Board may not always obtain timely notice that a proceeding related to energy efficiency or low-income assistance programs has been initiated.

54. The Commission has encouraged coordination of the public purpose programs for the gas and electricity industries since issuance of D.97-02-014.

55: The name of the Low-Income Governing Board does not reflect its advisory capacity and may cause confusion regarding their role or authority within the larger community.

Conclusions of Law

1. The CBEE should be abolished no later than March 31, 2000 in favor of formal proceedings and Energy Division efforts.
2. Throughout interim utility administration, the LIGB should continue to provide the Commission advice on development and review of program designs, budgets, implementation plans, measurement, program specific milestones and policies.
3. The LIGB should act solely in an advisory capacity to the Commission. In instances where the Board lacks administrative or technical support to take on all actions, the Energy Division should work with them to prioritize issues on which the Board should provide advice to the Commission.
4. LIGB should make policy recommendations on how to achieve wider contact with low-income groups and recommendations on weatherization programs.
5. The LIGB should carefully select and prioritize agendas commensurate with finite staff resources.
6. It is the responsibility of the LIGB to ensure that the organization obtains pertinent Commission materials by ensuring that their organization's name is on the State service list of proceedings related to energy efficiency and low-income assistance programs.
7. The Energy Division is empowered with the authority to direct and set priorities for staff resources provided to the LIGB. For certain tasks that require specialized expertise or one-time studies, the Energy Division should pursue if it is appropriate to contract with outside consultants. If outside consultants are

required, the Energy Division should issue an RFP or RFPs, pursuant to State contracting laws.

8. The Energy Division and Legal Division should provide personnel at LIGB meetings and should address Board needs consistent with the availability of resources.

9. LIGB subcommittees and advisory committees are state bodies and therefore subject to the Bagley-Keene Open Meeting Act.

10. The utilities should serve the LIGB and each Board member with all advice letters and applications that address energy efficiency and low-income assistance programs, earnings, measurement and evaluation and other related matters.

11. It is reasonable to 1) keep the instances of committees filing LIGB comments without Board review and ratification of the final document as the exception, rather than the rule, and 2) require that the Board provide specific direction to the committee or subcommittee prior to drafting recommendations.

12. LIGB subcommittee work products should be voted on by the full Board for final approval before such products are submitted to the Commission.

13. When three or more members of a LIGB subcommittee or advisory committee meet, the meeting must comply with the Bagley-Keene Open Meeting Act.

14. Whenever appropriate and possible, the LIGB should supply the Commission with contextual information around which majority-supported Board recommendations are reached, including foregone options and the pros and cons of options not selected.

15. The LIGB should track the votes of individual Board members in the minutes.

16. The LIGB should consider making use of working groups as an alternative or complement to existing advisory committees.
17. The LIGB should not prohibit utility participation within their advisory committees or working groups.
18. The LIGB should not be subject to any meeting frequency or duration restrictions.
19. Neither the LIGB, nor any party, should be required to produce transcripts of Board meetings.
20. The LIGB, working with the Energy Division, should ensure that the tapes of their meetings are comprehensible.
21. The LIGB should make a good faith effort to meet in public facilities and in geographic locations reflecting the State's population, but should not be held to any specific requirements regarding Board meeting location.
22. Membership for LIGB should be retained at nine (9) members.
23. LIGB staggered terms of office, as currently described in the bylaws, should be maintained.
24. LIGB Board members should be eligible for reappointment.
25. A quorum should consist of a majority of LIGB members in office.
26. Decisions should be made by a majority of voting LIGB members present, but no measure should pass unless a minimum of four Board members vote in support of a measure.
27. When a quorum is not present and there is a properly noticed meeting, the remaining LIGB members should be allowed to meet as a subcommittee to discuss the issues on the Agenda and what recommendations the subcommittee will take to the full Board with respect to those issues.
28. The existing institutional seat should be preserved for the LIGB.

29. Documents distributed to a majority of LIGB members should be available to the public by request, in compliance with the Bagley-Keene Open Meeting Act, as well as through the Board's web site.

30. The LIGB should endeavor to make all pertinent materials publicly available a week prior to meetings.

31. The Energy Division and the LIGB should discuss methods of better ensuring that individual Board members receive the Commission documents they need, as long as the methods considered are reasonable by the Energy Division in light of limited staff resources.

32. The LIGB should offer a teleconferencing option to the public.

33. Per D.97-09-117, as modified by D.98-04-057, we continue to require that if a quorum is physically present, no teleconferencing by other Board members may occur until the Legislature expressly allows it.

34. If there is no quorum physically present, the Board may not teleconference.

35. The Energy Division, at its discretion, may work with the LIGB to ensure the Board is soliciting public input in accordance with the Bagley-Keene Open Meeting Act.

36. If the LIGB believe a change in per diem policies is warranted, the Board should provide the Commission with supporting information, as described within this decision.

37. Energy and Legal Divisions should jointly revise the LIGB's bylaws to reflect the Board's advisory nature, operating process as Commission policy and applicable state law.

38. In order to proceed with implementation of today's decision as expeditiously as possible, this order should be effective today.

39. As an advisory Board, LIGB may not be a party to a proceeding.

40. LIGB members may participate in a proceeding as an individual or as representing an organization, but may not receive intervenor compensation for such participation.

41. The LIGB should change its name to better reflect their advisory capacity and clarify their role within the larger community. LIGB should change its name to the "Low-Income Advisory Board" (LIAB). This change should occur on or before April 1, 2000.

42. The LIGB should address both natural gas and electricity when providing the Commission advice.

INTERIM ORDER

IT IS ORDERED that:

1. All comments, notifications or other filings referred to in this decision shall be filed at the Commission's Docket Office and served on all appearances and the state service list in this proceeding, or successor proceeding. The filings and any comment, protest or reply, shall also be available in electronic format for posting on the Board web sites, as appropriate.

2. The California Board For Energy Efficiency (CBEE) and its technical consultant's contract shall be abolished no later than March 31, 2000.

3. Within sixty (60) days from the effective date of this decision, the Energy Division and Legal Division shall develop amended bylaws consistent with this decision for the Low-Income Governing Board. Interested parties may file comments on the Board's filings within thirty (30) days thereafter.

4. On or before April 1, 2000, the LIGB shall change its name to the Low Income Advisory Board (LIAB).

5. The LIGB shall meet with the Energy Division to devise a system or affirm the existing system of identifying and organizing documents distributed at

future Board meetings. This meeting shall take place within thirty (30) days of the effective date of this order.

6. The LIGB shall offer a teleconferencing option to the public.

7. The Energy Division shall store the LIGB's public records and allow for members of the public to access them at the Commission.

8. The Energy Division shall assume LIGB expense approval and reimbursement by the Commission. The Energy Division shall communicate the new reimbursement procedure to the Board at least two weeks before it becomes effective.

9. The utilities shall reimburse the Commission for the costs of the ten new civil service positions in the following manner: PG&E - 30%, Edison - 30%, SDG&E - 15%, SoCal Gas - 25%.

10. The low-income program dedicated positions shall be split between the utilities California Alternate Rates for Energy (CARE) and Low-Income Energy Efficiency (LIEE) programs in the following manner: CARE - 70%, LIEE - 30%.

11. As directed in this decision, the LIGB shall strive to schedule Board and committee (or subcommittee) meetings in such a manner that there is sufficient time for the Board to review and ratify the document produced by the committee (or subcommittee) prior to submission to the Commission. In instances when this is not feasible, the Board may direct a committee (or subcommittee) to file the comments prior to the next scheduled Board meeting. That Board meeting shall be scheduled as expeditiously as possible in order to ratify the filed comments as soon after filing as possible. The filing shall explain the unique circumstances that required submittal prior to Board ratification, and when the Board plans to meet to review and ratify the filed document.

12. Effective immediately, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and Southern California

Gas Company, shall serve the LIGB and each Board member with all advice letters and applications that address energy efficiency and low-income assistance programs, earnings, measurement and evaluation and other related matters.

13. Energy and Legal Divisions shall jointly revise the LIGB's bylaws to reflect the Board's advisory nature, operating processes, Commission policy and applicable state law. Within 45 days, Energy Division shall serve the proposed revised bylaws on the service list for this proceeding, indicating a comment period.

14. The Assigned Commissioner is delegated authority to authorize the proposed bylaws, revised as necessary pursuant to comments.

This order is effective today.

Dated February 17, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners