

FEB 8 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to revise General Order 156.

FILED PUBLIC UTILITIES COMMISSION FEBRUARY 6, 1991 SAN FRANCISCO OFFICE R.91-02-011

ORDER INSTITUTING RULEMAKING **ORIGINAL**

Summary

Today we have issued our decision on the first annual investigation (OII) to address issues involving the policies, practices, procedures, and costs of the Women and Minority Business Enterprises (WMBE) program established by participating utilities under General Order (G.O.) 156. In that decision, we deferred certain issues, which involve modifications to G.O. 156, to this Order Instituting Rulemaking (OIR). In this OIR, we propose changes to G.O. 156 §§ 4, 5, and 7 and request comments thereon.

Discussion

Pursuant to the OII, on June 1, 1989, the WMBE Program Manager as designee of the executive director (WMBE Program Manager) issued his written evaluation of 1989 WMBE annual reports, his review of the 1990 WMBE annual reports and cost exhibits and results of workshops conducted by him for the purpose of reviewing WMBE programs and identifying and narrowing the issues (WMBE Staff Report). This WMBE Staff Report contained recommendations for further proceedings in the OII. Participating utilities filed comments on the Report and on September 15, 1990, the ALJ issued her ruling delineating the scope of the OII proceeding.

In the ruling, she found that any recommendations, whether contested or uncontested, which would culminate in changes to G.O. 156 must be resolved pursuant to an OIR to accompany the

Commission's decision on the OII. The recommendations arising out of the OII which fall into this category are as follows:

1. Utilities Should Be Ordered to Track and Report Non-WMBE Subcontracting Expenditures in Addition to WMBE Subcontracting Expenditures

G.O. 156 presently calls for the utilities to report annually subcontracting expenditures by their prime contractors with WMBE subcontractors only. This is meant to encourage prime contractors to subcontract with WMBE subcontractors. However, staff reported there is no basis for comparison of WMBE versus non-WMBE subcontracting opportunities since the G.O. 156 does not require non-WMBE subcontracting expenditures to be reported. Therefore, staff asserted critical information is omitted which is necessary to measure the success of the utilities' WMBE program subcontracting component. For this reason, the WMBE Staff Report recommended that the G.O. be modified to order tracking and reporting of the non-WMBE subcontracting expenditures.

Many of the utilities expressed objections to this modification to the G.O. in the OII proceeding.

A. San Diego Gas & Electric (San Diego)

San Diego contended that Assembly Bill 3678, the legislative enactment of WMBE, and this Commission's G.O. 156 focus only on subcontractor and contractor WMBE procurement and do not require focus on non-WMBE procurement activities. San Diego asserted that a change in the program would not enhance Commission monitoring and would divert resources from more productive outreach efforts in order to collect the non-WMBE data. San Diego also commented that, because prime contractors would have to collect the information, the contractors would increase their prices to the utilities which would pass them on to the ratepayers. Because contractors may not cooperate and non-WMBE subcontractors may refuse to give information, San Diego claimed there would be no way to require proper reporting.

**B. AT&T Communications of California, Inc. (AT&T)**

AT&T contended that tracking and reporting WMBE versus non-WMBE subcontracting expenditures through prime contractors appears to be a reasonable goal, but it is premature to require this. AT&T asserted that there will be substantial practical difficulties to develop and implement effective uniform tracking and reporting procedures for this new component of WMBE. Instead, AT&T proposed that the Commission first hold workshops to discuss the following issues prior to such a change:

1. Does tracking and reporting both WMBE and non-WMBE subcontracting expenditures place appropriate and cost effective equal emphasis on subcontracts and primary contracts?
2. Should utilities which do not include WMBE subcontracting results in overall annual results but show WMBE subcontracting money separately, be required to track and report non-WMBE subcontracts?
3. What is the impact on the clearinghouse of the increased load of certification of subcontracts to the subcontractors? Is it feasible for the clearinghouse to handle this extra load? What is the cost of doing this and at whose expense should it be performed?
4. Should prime contractors certify subcontractors or is self certification proper?
5. How far down the chain should the tracking of subcontracts to WMBEs go; e.g., if a non-WMBE subcontractor of a non-WMBE prime contractor subcontracts with a WMBE, should this be reported?

C. GTE California Incorporated (GTEC)

GTEC opposed the subcontracting recommendation. It asserted the cost of establishing tracking and reporting would greatly outweigh any benefits which might be derived from the data. GTEC also asserted that it would be a substantial burden and cost on utilities with little apparent benefit to ratepayers or WMBE contractors. Finally, GTEC contended that the current system sufficiently monitors WMBE subcontracting. GTEC agreed it is important to measure WMBE subcontracting but did not feel changes in the G.O. were necessary.

D. SoCalGas

SoCalGas opposed the WMBE subcontracting change as impossibly burdensome for utilities and their prime contractors. It observed that a large number of the prime suppliers of SoCalGas are large, national companies that manufacture products commercially available in the general market. These are manufactured at multiple locations throughout the country by hundreds of subcontractors. SoCalGas asserted it would be impossible for the prime contractors to isolate and report which subcontractors contributed to the manufacturing of the products which only SoCalGas purchases. It also contended the data would be of no value to compare WMBE versus non-WMBE subcontracting expenditures. SoCalGas noted there is no way to require large national firms to report the subcontracting data. SoCalGas admitted that information on non-WMBE subcontracts is somewhat more available in the area of construction contracts. However, it commented that requiring reporting of non-WMBE subcontract expenditures would not contribute to increasing utility expenditures with WMBE contractors which SoCalGas asserts is the primary goal of G.O. 156. Therefore, SoCalGas asserted that altering the subcontracting program would divert the utilities' efforts from the prime goal as to WMBE prime contractors.

**E. Citizens Utilities Company of California (Citizens) and Roseville Telephone Company (Roseville)**

Citizens and Roseville opposed the subcontracting component. They asserted that it would be difficult, costly and perhaps impossible for smaller utilities, which are already meeting substantial resistance from construction and supply contractors, to also obtain WMBE subcontracting expenditures. The added cost for prime contractors to provide this information would be passed on to utilities. It could result in some WMBE contractors discontinuing business because they lack resources to provide the data or the additional cost causes them to have noncompetitive prices to utilities. Citizens and Roseville asserted that it would not contribute to WMBE procurement goals already established by each company in their annual reports.

**F. Pacific Bell**

Pacific Bell contended it could implement administrative and programing changes to institute the non-WMBE subcontractor reporting by the end of the first quarter of 1991, but only if their prime suppliers cooperate. However, Pacific Bell asserted these third parties are not subject to G.O. 156 and if they do not wish to accommodate additional reporting requirements, Pacific Bell would be unable to comply any requirements that the information be included in its annual WMBE program.

**G. Contel of California, Inc. (Contel)**

Contel asserted that the following issues regarding reporting of non-WMBE subcontracting should be addressed prior to modifying the G.O.:

1. whether there should be differences in data accumulation dependent on the nature of the prime contract (e.g., construction, manufacturing or purchase);
2. whether there should be any distinctions made between California based prime contractors and those outside California;

3. whether there is a need for protection of prime contractor proprietary data;
4. whether there should be a separate contract, dollar limit applicable to the additional tracking because of the additional prime contractor cost involved; and
5. whether second tier subcontractors are to be included in the data.

#### H. Southern California Edison Company (Edison)

Edison contended tracking and reporting non-WMBE subcontracts would not enhance the effectiveness of its WMBE subcontracting program and would create burdens for Edison and the suppliers. It observed that most of its suppliers have had difficulty tracking WMBE subcontracting expenditures, but have cooperated. However, Edison asserted the additional tracking of non-WMBE subcontracts would impact those suppliers' costs of doing business, resulting in cost increases to Edison and then to its customers. Edison also declared that its direct costs would be increased by the need to add staff to accomplish the tracking.

Edison also felt it was premature to consider such tracking now, since G.O. 156 became effective on May 30, 1988 and all utilities' efforts should be directed towards its present goals. Edison asserted results of WMBE subcontracting are better judged on the progress made in increasing WMBE subcontracting expenditures on a year-to-year basis. Edison based this assertion on the strength of their WMBE subcontracting program, which it contended would not be improved by the new tracking and reporting.

#### I. Issues to be Addressed

G.O. 156 does not presently require tracking and reporting of the non-WMBE subcontracting expenditures in Sections 4.3, 7, or 8. Since modification of the G.O. would be required, we propose changes to G.O. 156 to permit development of the necessary record on the impact, feasibility and propriety of requiring

tracking and reporting of non-WMBE subcontracting expenditures and the design of such a program, should it prove feasible.

As part of the comments on the proposed rule changes, the parties should address:

1. Whether it is appropriate and cost-effective at this stage of the WMBE program to place an equal emphasis on subcontracts and primary contracts?
2. Should all utilities be required to include WMBE subcontracting results in overall annual results? If not, and a tracking program for subcontracts is determined feasible and to be implemented, should utilities not including WMBE subcontracting results in overall annual results be required to participate in the tracking and reporting of the non-WMBE subcontracts?
3. What will be the impact on the WMBE Clearinghouse of the increased load of verification of subcontractors? Will it be feasible for the Clearinghouse to handle this load? What is the cost of performing the extra verification procedures? At whose expense should the extra verification be performed?
4. Should prime contractors be permitted to certify subcontractors? Is self-certification of subcontractors proper?
5. How far down the chain should the tracking of subcontracts to WMBEs and non-WMBEs go?
6. Will the cost of establishing a tracking and reporting program for subcontracts outweigh the benefits to be derived from the data? What increased costs will result? Should these costs be passed on to ratepayers or WMBE contractors?
7. Would such a program result in WMBE contractors discontinuing business due to lack of resources to provide the data or additional costs required to be passed on in non-competitive prices?

8. How can accuracy of non-WMBE subcontracting percentages figures be assured? Is there any way to compel reporting by third parties not subject to G.O. 156 in order to insure the information is available for inclusion in annual reports?
  9. Should there be differences in data accumulation dependent on the nature of the prime contract or the size of the utility?
  10. Should any distinction be made between California prime contractors and those outside the state?
  11. Is there a need for a protection of prime contract or proprietary data?
  12. Should there be a separate contract dollar limit applicable to the additional tracking due to the additional prime contractor costs involved?
2. **The Commission Should Develop a Definition of Complaint that Would be More Inclusive of WMBE Concerns Than Those Presently Allowed in Section 5 of G.O. 156**

The WMBE Staff Report noted that Section 4.4 of G.O. 156 provides a method for WMBEs to present complaints to utility management. Complaints are then to be reviewed and investigated with a decision communicated to the complainant by the utility's administrator. Section 7.1.6 requires the utilities to provide this Commission annually with a list of the WMBE complaints received in the previous year. The staff's review of the utilities' 1988 and 1989 reports disclosed differing interpretations as to what rose to the level of reportable complaints. Section 5 of G.O. 156 contains a general definition of a complaint as a utility WMBE program administrator's decision or any act or omission by the utility which violates any provision of law or any order or rule of the Commission. G.O. 156 does state that the Commission will not entertain complaints which do not

allege violations of any law, Commission rule, order or decision or utility tariff resulting from such Commission action, but instead involve only general contract type disputes between utilities and existing or prospective WMBE contractors.

The staff asserted that situations can arise which technically do not meet this Section 5 complaint definition but still may affect the integrity of the program. Therefore, the staff wanted a clearer understanding as to which matters or types of concerns are to be handled under Section 4.4.

A few utilities commented on this recommendation in the OII proceeding.

A. AT&T

AT&T asserted that the current complaint definition is broad enough. It also believed that a Section 4.4.2 application to amend G.O. 156 to directly address issues as they arise is the best method to resolve such concerns. AT&T contended that the Commission should not broaden the definition of complaint in order to conserve the time and personnel resources of both the utilities and the Commission.

B. GTEC

GTEC opposed a definitional change and asserted that the current definition of complaint and the complaint process itself are adequate and fair. It contended that the Section 5 definition of complaint is meant to be consistent with the Commission's general definition of complaint, pursuant to P.U. Code § 1702 and the Commission's Rule 9, which require allegations that an act or omission by a utility violates a provision of law or order or rule of the Commission. Therefore, this should be the only valid definition of a complaint in Commission proceedings. GTEC declared that it is improper to modify the definition to cover any of the concerns that may affect the integrity of the WMBE program. Instead, GTEC contended such concerns can be the subject of letters to the WMBE program office or the individual utilities and as part

of the annual OII proceedings, there can be covered general, policy-oriented comments and remarks which do not rise to the level of a complaint as defined in PU Code § 1702 and Rule 9. GTEC asserted that it is inappropriate to modify the complaint definition for the WMBE program only and that such a change could give rise to discrimination allegations from other types of complainants, accompanied by a push to expand the complaint procedure in all Commission complaint proceedings.

**C. Pacific Bell**

Pacific Bell requested that the staff also clarify the scope, subject matter and format of complaints which may be filed pursuant to G.O. 156 in order to insure that complaints filed with the Commission are not merely vendor disputes.

**D. Issues to be Addressed**

As presently written, G.O. 156 only requires reporting of complaints as defined in its Section 5. The intent underlying the G.O. 156 definition of complaint is that such a definition should remain consistent with overall Commission policy on complaints. Our recent Decision 91-01-012 reflects this view. (D.91-01-012 at page 11.) However, we propose alternative terminology for a Section 4.4 grievance that does not qualify as a Section 5 complaint and the feasibility of amending Section 4.4 to require Section 5 complaints to first go to utilities to attempt to resolve them as a condition to filing a complaint with the Commission. We also propose a pre-filing mechanism for informal staff resolution of complaints sought to be filed under Section 5, including consideration of whether the WMBE Program Manager and/or the Clearinghouse Advisory Board (CAB) should be responsible for such resolution and whether an expedited complaint procedure, in line with the Commission's Rule 13.2, should be adopted for certain WMBE complaints, or whether an arbitration procedure involving representatives of the CAB would be an appropriate alternative. The proposal also explores modification of Section 7.1.6 to require

reporting of all complaints, plus grievances not rising to the level of complaints, in annual reports.

In their comments on the proposed rule changes, the utilities should address:

1. What terminology should replace "complaint" in Section 4.4 in order to expand WMBE concerns that may be raised with utilities and reported under Section 7.1.6.
2. The feasibility of amending Section 4.4 to require that Section 5 complaints be presented first to utilities to attempt to resolve them as a condition to filing a complaint with the Commission pursuant to Section 5 of G.O. 156.
3. Whether informal staff resolution should be required as a pre-filing mechanism for complaints sought to be filed with the Commission under Section 5.
4. Whether the WMBE program manager and/or the Clearinghouse Advisory Board (CAB) should be responsible for informal staff resolution.
5. Whether an expedited complaint procedure, in line with the Commission's Rule 13.2, should be adopted for certain WMBE complaints.
6. Whether an arbitration procedure involving representatives of the CAB would be an appropriate alternative or adjunct to an expedited complaint procedure.
7. Whether Section 7.1.6 should require utilities to provide lists of both Section 5 complaints and grievances not rising to the level of complaints under Section 4.4.

3. Annual Reports and Cost Exhibits Should Be Filed With the Docket Office

D.89-08-026 requires annual WMBE reports to be filed with the Commission's executive director with cost exhibits being filed with the Commission's Docket Office. The WMBE Staff Report commented on this inconsistency and recommended that the filing of both the annual reports and cost exhibits be made with the Docket Office in order to insure centralization of the reports and easy public access to them.

There was no objection to this recommendation.

We have modified Section 7 of G.O. 156 to effect this change.

4. Confidential Exhibit To WMBE Reports To Be Filed With Commission Staff

In its November 15, 1990, Response to the ALJ's Ruling in the annual generic OII, staff asserted that if it is to be diligent in carrying out its charge of overseeing and monitoring the development and maintenance of the utilities' WMBE programs, then staff must be able to cross-reference the verified eligibility of utilized vendors to the levels of WMBE participation claimed by the utilities by the appropriate sharing of procurement information, which requires collaborative efforts on the part of the utilities and the clearinghouse. Staff contended that if the utilities appropriately provide the names of their utilized vendors and cumulative figures citing total procurement levels with these firms to the clearinghouse then the utilities can view their present clearinghouse system status. In the event that vendors are deemed "Unapproved" (meaning time has expired for the submittal of essential verification application materials to the clearinghouse) then the utilities and the clearinghouse can target their resources in urging the vendors to initiate and complete the clearinghouse verification process. Staff believed that this data collection and

analysis would accelerate the task of verifying the eligibility of utilized vendors which is consistent with the intent of G.O. 156 and would allow staff to immediately monitor the numerical progress of the programs rather than delay this appropriate level of review.

Staff believes it is reasonable to measure the monetary participation of verified WMBEs in utility WMBE programs during the nascent stages of the clearinghouse. Staff observed that the manner in which the utilities have submitted their WMBE procurement totals does not allow staff to accurately test the veracity of the numbers. Staff noted that the utilities submit only totals which suggest that the expenditures were with bona fide WMBEs, but without more information staff cannot verify this data. Consequently, in an effort to strengthen the integrity of the reporting process, staff recommended that the utilities, in addition to reporting their WMBE totals as originally required by the G.O., be ordered to submit to Commission staff procurement summary data as outlined in Exhibits A and B to this OIR.

To alleviate proprietary concerns on behalf of the utilities, staff asserted that this could be a separate and confidential report to allow staff to cross-reference the WMBE eligibility of listed vendors and, therefore, the integrity of claimed participation levels in the utilities' WMBE procurement totals for the year.

In the comments to this recommendation, AT&T stated it believed this to be a reasonable request with the strict understanding that the data submitted would be treated as proprietary and confidential. The Greenlining Coalition concurred with the need for this data, but asserted it must be public rather than confidential. GTEC did not object to the proposals as long as the data remains confidential and subject to G.O. 66-C.

PG&E strenuously objected to the staff's proposal due to the proprietary concerns with respect to the names of utilized vendors and procurement dollars spent with each. It asserted

revealing such information as to natural gas vendors to the clearinghouse could constitute a violation of the Federal Energy Regulatory Commission confidentiality rules.

PG&E asserted that CPUC WMBE staff already have authority under the Public Utilities Code to request confidential information from the utility under the condition that staff not disclose the information to other utilities or the public. In the event that the utilities WMBE procurement figures are challenged by Commission staff or any WMBE advocacy group, the CPUC staff can request the pertinent information for the procurement category in question from the utility. The CPUC WMBE staff can compare the data provided by the utility with the WMBE verification data provided by the clearinghouse and perhaps thus determine the accuracy of the utilities' WMBE procurement figures. It is clear there is nothing to be gained by having utilities automatically report a complete list of WMBE vendors and the dollars spent with each vendor to the clearinghouse or Commission staff each year. To require utilities to report this information imposes a huge amount of additional paperwork on the already overworked staffs of the various utilities and only provides reams of unuseful information to the clearinghouse or the CPUC WMBE staff. PG&E believed that it is highly unlikely that the CPUC staff have the manpower or the time to review hundreds if not thousands of pages of computer printouts for each utility on an annual basis.

Southwest Gas Corporation (SW Gas) stated that it supported this staff request but that its current vendor master file number system does not include verification order numbers, as required by Exhibit A, and that modification to the system in order to provide them would be time consuming and costly.

We believe that the confidential exhibits, attached as Exhibits A and B to this decision, should be utilized on an annual basis, but should be filed directly with the WMBE program manager, rather than the clearinghouse. Such documents should be subject to

the confidentiality protections of G.O. 66-C, Section 2 and PU Code §§ 583, 3709, and 5228. If shared by the program manager with the clearinghouse, the same protection and sanctions should apply to prevent disclosure. While we approve the formats set forth as Exhibits A and B to the decision, we believe the further development of these formats is an administrative function of the WMBE program manager, subject to consideration in the annual WMBE OIR. For this reason, we will not adopt Exhibits A and B as part of G.O. 156.

**IT IS ORDERED that:**

1. A rulemaking proceeding on the Commission's own motion (OIR) is instituted for the purpose of changing certain existing rules, regulations, and policies of the Commission's Women and Minority Business Enterprises (WMBE) Program under General Order (G.O.) 156, as set forth in Appendix A to this order. Included in this OIR are the issues raised in Sections 1.I and 2.D of this order. Based on the record developed in this rulemaking, the Commission will consider changing its rules, regulations, and policies that apply to the issues raised in this order and the revisions to the rules proposed as Appendix A hereto.

2. The utilities set forth in Appendix B to this order are made respondents to this proceeding.

3. Respondents and interested parties shall file formal comments in accordance with Rule 14 of the Commission's Rules of Practice and Procedure containing their comments on the proposed rule changes set forth in Appendix A, including answers to the questions listed in Sections 1.I and 2.D of this order, within 45 days of the date of this order. Any party filing comments shall file the original and 12 copies with the Commission's Docket office, as well as serving one copy to all parties listed in Appendix B and all other appearances listed on the service lists for R.87-02-026 and I.90-02-044, including parties listed in the Information Category.

4. Respondents and interested parties shall file reply comments within 20 days of the final filing date for comments, as set forth in Paragraph 3 above.

5. Within a reasonable time after the reply comments are filed, the assigned administrative law judge shall schedule a prehearing conference to establish a new service list and to determine the future course of this OIR.

6. The Executive Director is directed to cause a certified copy of this order to be served by mail on all respondents listed in Appendix B and non-certified copy to all other appearances listed on the service lists for R-87-02-026 and I-90-02-044, including parties listed in the Information Category.

This order is effective today.

Dated February 6, 1991, at San Francisco, California.

PATRICIA M. BECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

NEAL J. SHULMAN, Executive Director

APPENDIX A  
Page 10Proposed Changes to G.O. 1564.3. Subcontracting Program

- 4.3.9. Each utility may include awards to verified WMBE subcontractors in its WMBE results. However, each utility shall report, on an aggregate basis both WMBE and non-WMBE subcontracting expenditures in its annual report, regardless whether such subcontractor awards are included in its WMBE results.

4.4. Internal Utility Appeals Process

Each utility shall provide a mechanism through which WMBE contractors or prospective WMBE contractors must present complaints or grievances to the utility's management, prior to raising them with the Commission.

- 4.4.1. Complaints or grievances shall first be submitted to a WMBE program administrator within a reasonable time after the occurrence of the event which is the basis of the complaint. WMBEs must make their complaints in writing;
- 4.4.2. Complaints shall be reviewed and investigated by the administrator and the administrator's decision communicated in writing within twenty (20) working days of receipt of the complaint;
- 4.4.3. Utilization of this internal utility appeals process shall be a prerequisite to the filing of any WMBE complaint as defined in Section 5 of this G.O. against a utility under the Commission's Rules of Practice and Procedure. Copies of both the written complaint and the administrator's decision shall be annexed to any complaint filed with the Commission under Rules 9-13.2;
- 4.4.4. If a matter concerning the WMBE program of a utility does not meet the definition of a complaint under Section 5 of this G.O., but is a grievance which nonetheless affects the integrity of the WMBE program, it shall be brought to the attention of the

APPENDIX A  
Page 28

Commission's WMBE Program Manager in writing, to which shall be annexed copies of both the written complaint or grievance and the administrator's decision. The WMBE Program Manager, in his or her discretion, shall investigate the grievance and shall issue a written recommendation whether an investigation should be commenced as to the affected utility's WMBE program, policies and practices or, if the grievance affects the programs, policies and practices of the WMBE program as a whole, whether an investigation thereof should be part of the next annual WMBE OII and include recommendations for further action in the OII proceeding. If a grievance relates to the WMBE verification procedure or any practices of the Clearinghouse, the WMBE Program Manager shall recommend whether the matter should be referred to the Clearinghouse Advisory Board for investigation and recommendations. A grievance to the WMBE Program Manager shall not involve general contract disputes between a utility and an existing or prospective WMBE contractor.

5. WMBE Complaints to the Commission

\* \* \*

- 5.3. Any complaint that a WMBE was denied WMBE status improperly by the Clearinghouse shall first be referred to the Clearinghouse Advisory Board, which shall file a written report of its recommendation. After the filing of its recommendation, the complaint shall be handled as an expedited complaint procedure as set forth in Rule 13.2 of the Commission's Rules of Practice and Procedure.

7. Annual Report

Utilities shall file with the Commission's Docket Office, by March 1 of each year, beginning in 1991, an Annual Report on their WMBE Program.

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APPENDIX A  
Page 3

- 7.1.5. A summary of prime contractor utilization of WMBE subcontractors, including a breakdown between WMBE and non-WMBE expenditures on an actual expenditure basis;
- 7.1.6. A list of WMBE complaints and grievances under Section 4 of the G.O. received during the past year, accompanied by a brief description of the nature of each complaint and grievance and its resolution or current status, regardless of whether it results in the filing of a complaint before the Commission under Section 5 or to the Program Manager under Section 4;

\* \* \*

- 7.5. Commencing March 1, 1992, in addition to the Annual Report filed with the Docket Office, 2 confidential exhibits, providing names of each utility's utilized WMBE vendors and cumulative figures citing total procurement levels with each firm, in the format established by the WMBE Program Manager, shall be furnished on March 1 of each year to the WMBE Program Manager. These exhibits shall not be public records and are specifically considered excluded from the definition thereof pursuant to G.O. 66-C Section 2.2. As such, any disclosure of the contents of such exhibits, other than to the Clearinghouse, also on such confidential basis, is subject to the provisions of PU Code Sections 583, 3709 and 5228.

(END OF APPENDIX A)

**APPENDIX B**

The following utilities are respondents to this Rulemaking:

AT&T Communications of California  
Citizens Utilities Company of California  
Contel of California, Inc.  
CP National Corporation  
GTE California Incorporated  
MCI Communications Corporation  
Pacific Gas and Electric Company  
Pacific Bell  
Pacific Power and Light Company  
Roseville Telephone Company  
San Diego Gas & Electric Company  
Sierra Pacific Power Company  
Southern California Edison Company  
Southern California Gas Company  
Southwest Gas Corporation  
US Sprint Communications Company

(END OF APPENDIX B)

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