PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory and Compliance Division Telecommunications Branch

RESOLUTION T-15048 September 2, 1992

RESOLUTION

RESOLUTION T-15048. TO ESTABLISH GUIDELINES FOR ADMINISTRATION OF THE \$100 PER DIEM COMPENSATION TO BE PAID TO CONSUMER MEMBERS OF THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM COMMITTEES.

BY COMPLIANCE FILING MADE BY THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE COMMITTEE ON JUNE 2, 1992.

SUMMARY

This Resolution adopts guidelines for administration of the \$100 per diem compensation for consumer members of the Deaf and Disabled Telecommunications Program committees. Only consumer members who are appointed by the Executive Director of this Commission are eligible to receive per diem compensation.

The guidelines set forth in this Resolution are designed to ensure uniformity in the disbursement of per diem compensation as authorized by Commission Decision 92-04-066.

BACKGROUND

In compliance with the Assigned Commissioner's Ruling (Ruling) in Order Instituting Investigation (I.)87-11-031, parties filed comments to address the per diem compensation for consumer members of the Deaf and Disabled Telecommunications Program (DDTP) committees. As discussed in the Ruling, these committees are composed of: Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) as the primary committee with Equipment Program Advisory Committee (EPAC) and California Relay Service Advisory Committee (CRSAC) as advisory committees. Currently these committees have a total of 14 consumer members who are only reimbursed for their expenses consistent with Resolution F-621. Resolution F-621 authorizes expense reimbursement to public members of certain advisory committees for expenses related to the advisory committees duties.

Through its Decision (D.) 92-04-066 dated April 22, 1992, the Commission authorized a \$100 per diem compensation for non-utility, non-government consumer members of the DDTP committees. This compensation is in addition to consumer members' current expense reimbursement granted consistent with Resolution F-621 and will be funded from the existing authorized DDTP budget.

The \$100 per diem compensation is consistent with the policy the Commission adopted in D.91-10-016 which authorized compensation in the amount of \$100 per meeting day for non-utility, non-government members of the California Electromagnetic Field Consensus Group (Consensus Group). The two reasons for granting the payment are: (1) it is not equitable that the time some members devote to committee activities is compensated as part of their employment, while other members' time spent on committee activities is not compensated; and (2) the Commission's policy of obtaining extensive public participation would be defeated if lack of compensation excluded competent citizen participation.

D.92-04-066 required DDTPAC to submit proposed guidelines for administration of the \$100 per diem compensation, taking into consideration nine items identified in Finding of Fact 8 (attached as Appendix A to this Resolution).

In compliance with D.92-04-066, DDTPAC submitted proposed guidelines on June 2, 1992. A copy of DDTPAC's proposed guidelines is attached as Appendix B.

NOTICE/COMMENTS

Copies of DDTPAC's proposed guidelines were sent to all parties of record in 1.87-11-030 on June 2, 1992. The Division of Ratepayer Advocates (DRA) filed comments on DDTPAC's proposed guidelines on July 2, 1992.

Oualifying Functions

DRA disagrees with DDTPAC's proposal that meetings must be a minimum of one hour in length (not including travel time) and that consumer members must attend for at least one hour of the meeting to qualify for per diem compensation. DRA believes that it is inefficient use of money and time to attend a one-hour meeting. DRA recommends that meetings be a minimum of two hours (not including travel time) and that consumer members attend at least two hours of the meeting.

Oualifying Members

DRA agrees with DDTPAC's proposal that consumer members who are utility or government employees but do not represent the utility

or government entity on the DDTP committee are eligible for compensation. However, DRA recommends addition of a section in the Per Diem Compensation Request Form where a consumer member certifies that he/she is not being compensated by the employer whenever he/she receives per diem compensation.

DRA also agrees with DDTPAC that proxies for consumer members, as established by the three DDTP committee charters, should be eligible for compensation. However, DRA believes that the proxy should be entitled to receive compensation only when a written proxy authorization is on file with the DDTP committee chair or the absent consumer member also signs the proxy's Per Diem Request Form.

Under DDTPAC's proposed guidelines, all consumers authorized by DDTPAC to participate in DDTP meetings are eligible for per diem compensation. Some of these consumers are not appointed by the Commission Executive Director to be members of the three DDTP committees. DRA believes DDTPAC does not clearly state the qualifications of these consumers to be eligible for per diem compensation. DRA recommends DDTPAC establish specific guidelines that will qualify these consumers for per diem compensation.

DRA also believes that lunch expenses, whether brought into committee meetings or individually bought, should not be reimbursed for travel of less than 24 hours.

DISCUSSION

DDTPAC submitted proposed guidelines for administration of the \$100 per diem allowance for consumer members of the DDTP committees to compensate them for their time in attending meetings. As directed by this Commission, DDTPAC considered a number of issues as outlined in Finding of Fact 8 of D.92-04-066.

Amount of Compensation

DDTPAC's proposed guideline number 1 under "Amount of Compensation" states:

"Compensation shall be at the rate of \$100 per day per meeting for each eligible consumer member." (emphasis added)

This statement indicates that every meeting that is attended by the consumer member in a day will entitle that consumer member to \$100 compensation. This is not consistent with D.91-10-016 on which we based our authorization of the per diem compensation. D.91-10-016 states (page 10):

"The \$100 amount is consistent with honoraria typically paid to those serving on governmental advisory committees. For this reason we will authorize compensation in the amount of \$100 per meeting day for non-utility, non-governmental Consensus Group members. Meetings of the committee and a subcommittee occurring on the same day will be eligible for a single \$100 compensation."

D.89-05-060 established DDTPAC as the primary committee with EPAC and CRSAC as advisory committees. We understand that DDTP committees currently function with the assistance of other standing and project-specific subcommittees. Consistent with D.91-10-016, attendance at official scheduled meetings of subcommittees designated by each DDTP committee chair should also qualify for per diem compensation.

The guidelines for administration of the per diem compensation should clearly state that meetings of a DDTP committee and a subcommittee occurring on the same day will be eligible for a single \$100 compensation.

We agree with DDTPAC's proposal that a qualified consumer member be entitled to a maximum per diem compensation of \$500 per month. We believe that per diem compensation paid on a member's behalf to his or her proxies should be included in that limit, and will add that clarification as well.

Oualifying Functions

Current official monthly meetings of the three DDTP committees are generally an entire day with a majority of the authorized members present. Therefore, the minimum length of official DDTP committee meetings is typically not an issue.

However, we realize that a special/emergency meeting can occur in any of the three DDTP committees. For special/emergency meetings and official scheduled meetings of subcommittees designated by each DDTP committee chair, we believe that the following requirements must be met to qualify for per diem compensation: (a) a minimum meeting length of two hours (not including lunch time), (b) a minimum of two hours attendance per meeting (not including lunch time), and (c) a quorum must be present. Telephone conferences are not considered qualifying functions.

One of the purposes for awarding per diem compensation is to recognize the inequality of seeking participation from some members whose employers compensate them for attending committee activities while other members don't get compensated for their attendance. The activities we are referring to are official committee and subcommittee meetings. Therefore, attendance at conferences, seminars, meetings of community organizations, etc. as the official representative or as an active participant of

DDTPAC, as stated in the proposed guidelines of DDTPAC is not consistent with the intent of the D.91-10-016 and D.92-04-066. D.91-10-016 states (page 11):

"In addition, the utilities shall recognize compensation claims made by non-utility, non-governmental Consensus Group members of \$100 per day for attendance and participation in official meetings of the committee or any subcommittees...." (Emphasis added)

Also, D.92-04-066 states (page 11):

- "8. DDTPAC should consider the following in developing its proposed guidelines:
- b. Compensation only for attending regularly scheduled meetings (e.g., work at home or with a utility outside a regularly scheduled meeting should not be eligible for per diem compensation; attendance at conferences, seminars and conventions should not be eligible for per diem compensation)...."(emphasis added).

DDTPAC considered the guideline but argues that a consumer member officially representing the DDTP at a conference, seminar or convention should be eligible for the per diem compensation. Voluntary attendance would not qualify, according to the DDTPAC. We are not persuaded. Therefore, item number 3 of DDTPAC's proposed guidelines for "Qualifying Functions" concerning awarding compensation for attending conferences, etc., should be deleted. Also DDTPAC's proposed guidelines should be amended to include minimum meeting length, minimum time in attendance at each meeting, and the necessity of a quorum.

Qualifying Members

DRA agrees with DDTPAC's proposal to include consumer members who are utility or government employees but who do not represent the utility or the government on the DDTP committee as eligible for per diem compensation. In D.92-04-066, we were very specific and authorized per diem compensation only to non-utility, non-government consumer members of the DDTP committees. This is consistent with D.91-10-016.

Our rationale behind this specificity is that utility and government employees who are designated to participate in official scheduled meetings of the Consensus Group and DDTP are compensated for their participation, and should be excluded from receiving per diem compensation. However, we recognize that some consumer members may just happen to be utility/government employees, and therefore, these consumer members (1) do not represent the utility/government and (2) do not receive compensation from the utility/government for their DDTP participation.

In order to enforce equitable compensation for equal participation in the DDTP programs, we believe that it is reasonable to allow per diem compensation to consumer members who do not represent the interests of their employers on the DDTP committees. However to avoid any double compensation, we agree with DRA's recommendation that consumer members who are utility/government employees must certify to the effect that they are not paid by their employers for time taken off from work to attend DDTP meetings. Paid vacation taken by government or utility employees to attend a meeting is use of their own time and therefore not considered compensation. DDTPAC's proposed guidelines and Per Diem Compensation Form should be amended accordingly.

We understand that some employers support DDTP and its goals by allowing their employees to attend DDTP meetings on work time. In this instance, these consumer members have the following options: (1) request that per diem compensation be paid to their employers, or (2) not claim per diem compensation. Consumer members should not receive both per diem compensation and compensation from their employers for their time in attendance at DDTP meetings.

As pointed out by DDTPAC, all three DDTP committee charters established a process for designating proxies for absent committee members. This Commission has reviewed and approved these charters. We agree with DDTPAC and DRA that proxies should be eligible for compensation. However, a written proxy authorization must be on file with the DDTP committee chair before the scheduled meeting or the absent member should also sign the proxy's Per Diem Compensation Request Form. Guidelines for "Qualifying Members" should include this provision. In addition, it must be noted that it is either the proxy or the the consumer member who will receive per diem compensation for a particular meeting. We will not award per diem compensation to both the proxy and the consumer member who attend different time periods of the same meeting. Also, no prorated per diem compensation will be awarded for partial meeting attendance.

Item number 3 under "Qualifying Members" includes consumers who are authorized by DDTPAC to participate in DDTP committee or subcommittee meetings, but who were not appointed by the Commission Executive Director to sit on one of the three committees. Although these consumers contribute to the program, their level of commitment and participation is not commensurate with the level of commitment and participation of the appointed members of DDTP's committees. The Ruling and D.92-04-066 contemplated awarding per diem compensation only to the 14 consumer members of the DDTP committees who were appointed by the Executive Director. We are not persuaded by the DDTPAC's arguments to expand the eligibility. The DDTPAC should not be authorized to expand the cost of the program without Commission approval. We authorize per diem compensation only for the consumer representatives appointed by the Executive Director.

The Ruling estimated the cost of per diem compensation at \$33,600 annually, which amounts to an average of 2 meetings per month at \$100 per meeting for the 14 consumer members of DDTPAC, EPAC, and CRSAC. DDTPAC's proposed 1992 annual budget estimated per diem compensation for consumer members of DDTPAC, EPAC, and CRSAC at \$33,600 (which was denied because the issue of per diem compensation was still pending before the Commission).

To include other unofficial consumer members of other intermittent subcommittees would open the eligibility for per diem compensation to every consumer participant. Per diem compensation was authorized to promote qualified consumer participation on a regular basis. It was not our intent to compensate interested consumers who participate in DDTP activities on an ad hor basis.

Lunch Expense Reimbursement

DDTP consumer members were granted (1) expense reimbursement to compensate for their expenses for meals, travel, and lodging in Resolution F-621, and (2) per diem compensation to compensate for their attendance and participation on DDTP committees in D.92-04-066. Although expense reimbursement was granted consistent with Resolution F-621 and Section 19820 of the Government Code, we recognize the time saving potential associated with brief semi-working lunches which facilitate continuity and productivity of meetings. Therefore, it is reasonable to allow the DDTP to provide lunches for committee members during DDTP meetings as long as members do not also claim lunch expenses on their travel expense reimbursement forms. However, the DDTPAC is limited to a maximum lunch expense of \$9.50 per person, per meeting which is consistent with Section 19820 of the Government Code. Any lunch expense in excess of \$9.50 will not be funded from the DDTP budget. The expense reimbursement for lunch will be automatically updated whenever Section 19820 of the Government Code is updated.

September 2, 1992

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Guidelines for Per Diem Compensation/nyg

FINDINGS

- 1. By D.92-04-066, the Commission authorized a \$100 per diem compensation for non-utility, non-government members of the DDTP committees. This compensation is in addition to the current expense reimbursement granted to the consumer representatives consistent with Resolution F-621 and will be funded from the existing authorized DDTP budget.
- 2. Only official scheduled meetings of DDTPAC, EPAC, and CRSAC, and official scheduled meetings of subcommittees designated by each DDTP committee chair should be eligible for per diem compensation.
- 3. Only consumer members duly appointed by the Executive Director of this Commission should be authorized per diem compensation. The DDTPAC should not expand program costs by awarding compensation to consumer participants it authorizes without PUC approval.
- 4. It is appropriate to grant per diem compensation to consumer members who are utility/government employees who (a) do not represent a utility or a government agency, and (b) do not receive compensation from the utility/government for attending DDTP meetings.
- 5. Consumer members who receive compensation from their employers for time in attendance at DDTP meetings may request that per diem compensation be paid to their employers. In this instance, consumer members may also decide not to claim per diem compensation.
- 6. D.92-04-066 required DDTPAC to submit proposed guidelines for administration of the \$100 per diem compensation.
- 7. DDTPAC's proposed guidelines contain language not consistent with D.92-04-066.

THEREFORE, IT IS ORDERED that:

- 1. The guidelines for administration of the \$100 per diem compensation for the consumer members of the Deaf and Disabled Telecommunications Program committees shall be the guidelines set forth in Appendix C to this Resolution.
- 2. Only official scheduled meetings of the Deaf and Disabled Telecommunications Program Administrative Committee, Equipment Program Advisory Committee, and California Relay Service Advisory Committee, and official scheduled meetings of subcommittees designated by each Deaf and Disabled Telecommunications Program committee chair shall be eligible for per diem compensation.

September 2, 1992

3. Only consumer members duly appointed by the Executive Director of this Commission (or their officially designated proxy) shall be eligible for per diem compensation.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 2, 1992. The following Commissioners approved it:

MEAL J. SHULMAN

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Executive Director

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
NORMAN D. SHUMWAY
Commissioners

Commissioner Patricia M. Eckert, being necessarily absent, did not

APPENDIX A

DECISION NO. 92-04-066 FINDING OF FACT NO. 8

- 8. DDTPAC should consider the following in developing its proposed guidelines:
 - a. A cap (e.g., \$500) per month per non-utility, non-government consumer member;
 - b. Compensation only for attending regularly scheduled meetings (e.g., work at home or with a utility outside a regularly scheduled meeting should not be eligible for per diem compensation; attendance at conferences, seminars and conventions should not be eligible for per diem compensation);
 - c. A minimum meeting length;
 - d. A minimum amount of time in required attendance at each meeting;
 - e. The necessity of a meeting quorum for members to qualify for per diem compensation;
 - f. Whether the per diem should be paid to the employer if the consumer member was compensated by his or her employer to attend the meeting, and be paid to the consumer member if self-employed or not compensated by the employer;
 - g. A request form to be signed by the consumer member and submitted to DDTPAC for payment;
 - h. Maintenance of records;
 - i. Whether the Executive Director of the DDTPAC should have the authority to determine whether a consumer member should be awarded compensation and if the full or a prorated amount should be awarded.

(End of Appendix A)

APPENDIX B Page 1

Deaf and Disabled Telecommunications Program Per Diem Compensation Guidelines for Consumer Members June 2, 1992

Amount of Compensation

1. Compensation shall be at the rate of \$100 per day per meeting for each eligible consumer member.

2. Each qualifying consumer member shall be limited to receiving a maximum of \$500 per month for per diem compensation.

Oualifying Functions

Meetings that qualify for consumer member per diem compensation are scheduled committee, subcommittee, and working group meetings where at least two DDTP committee members are present. (The members present do not have to be consumer members, but can be any appointed committee members.)

2. Meetings must be a minimum of one hour in length (not including travel time) and consumer members must attend for at least one hour of the meeting. No pro-rated

compensation will be allowed for partial meeting attendance.

Attendance at conferences, seminars, meetings of community organizations, etc., will qualify for per diem compensation only if a committee member is designated by the DDTPAC to play an active role at such functions, as an official representative of the DDTP. Attendance at committee meetings scheduled during or contiguous with such events for time and travel economy does qualify for per diem compensation.

Oualifying Members

- 1. Consumer members as established in the charters of all three DDTP committees are eligible for per diem compensation. Consumer members who are utility employees but do not represent the utility on the DDTP committee are eligible, and consumer members who are government employees but do not represent the government on the DDTP committee are eligible.
- 2. Proxies for consumer committee members as established by the three DDTP committee charters are eligible to receive per diem compensation.
- 3. Consumer members of committees authorized by the DDTPAC are eligible for per diem compensation.
- 4. A consumer member may request that the per diem compensation be paid to his or her employer if the consumer member is attending the DDTP meeting on work time.

Deaf and Disabled Telecommunications Program
Per Diem Compensation Guidelines
Page 2

Procedures for Receiving Compensation

1. The consumer member must fill out a Per Diem Compensation Request Form for each meeting for which the consumer member is requesting compensation. The form must be submitted to the DDTP office.

2. The Per Diem Compensation Request Form must be submitted within 90 days of attendance at the meeting for which the compensation is being claimed.

3. The DDTP Executive Director will review all Per Diem Compensation Request Forms and either recommend the payment for approval or deny the payment. The DDTP Executive Director will rely on meeting minutes, meeting announcements and agendas, and a master calendar to verify meeting dates and attendees. DDTP committees must keep the DDTP Executive Director informed of all scheduled meetings and must provide the Executive Director with the names of all meeting attendees for meetings at which no representative of the DDTP office was in attendance.

4. The peridiem compensation requests which are recommended for approval will be submitted to the DDTPAC monthly for approval. Per diem compensation expenses will be separately tracked as part of each committees' budget. Each committee shall be responsible for forecasting and including per diem compensation expenses as part of its annual budget.

For per diem compensation requests which are denied by the DDTP Executive Director, the consumer member shall be informed in writing of the denial and the reason. The consumer member may request review of the claim by the DDTPAC.

6. The DDTP Executive Director may independently request review by the DDTPAC for any claims not meeting approved guidelines.

PER DIEM COMPENSATION REQUEST FORM

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APPENDIX C Page 1

Deaf and Disabled Telecommunications Program Per Diem Compensation Guidelines for Consumer Members September 2, 1992

Amount of Compensation

- 1. Compensation shall be at the rate of \$100 per meeting day for each eligible consumer member as described under "Qualifying Members". Meetings of DDTPAC, EPAC, CRSAC and subcommittees designated by each DDTP committee chair occurring on the same day shall be eligible only for a single \$100 compensation.
- 2. Each qualifying consumer member, together with his or her proxies, shall be limited to receiving a maximum of \$500 per diem compensation per month.

Oualifying Members

- 1. Only consumer members who are appointed by the Executive Director of the California Public Utilities Commission and as established in the charters of the three DDTP committees—DDTPAC, EPAC, and CRSAC--are eligible for per diem compensation.
- 2. Consumer members duly appointed by the Executive Director of the California Public Utilities Commission who are (1) utility employees but do not represent the utility on the DDTP committee, and (2) government employees but do not represent the government on the DDTP committee, are eligible for per diem compensation. However, consumer members who are utility or government employees shall certify to the effect that they are not being paid by their employers for attending the meeting if they receive per diem compensation. Such certification shall also be duly noted on the Per Diem Compensation Form.
- 3. Proxies for consumer members as established by the three DDTP committee charters are eligible to receive per diem compensation. Proxy statements must be on file with the DDTP committee chair before the meeting or approved by the consumer member on the claim form.
- 4. Either the proxy or the consumer member is eligible to receive per diem compensation for a particular meeting. Per diem compensation will not be awarded to both the proxy and the consumer member for attending different periods of the same meeting. Also, no prorated per diem compensation will be allowed for partial meeting attendance.
- 5. A consumer member who is compensated by his/her employer for time in attendance at DDTP committee and subcommittee meetings may request that per diem compensation be paid to his/her employer. No consumer member shall receive both per diem compensation and compensation from his/her employer.
- 6. A volunteer or a consumer who is authorized by DDTPAC to participate in DDTP meetings but who is not appointed by the Executive Director of the California Public Utilities Commission is not eligible to receive per diem compensation.

APPENDIX C Page 2

Deaf and Disabled Telecommunications Program
Per Diem Compensation Guidelines for Consumer Members
September 2, 1992

Qualifying Functions

- 1. Meetings that qualify for consumer member per diem compensation are the following:
 - a. official scheduled meetings of DDTPAC, EPAC, or CRSAC b. official scheduled meetings of subcommittees designated by each DDTP committee chair

Attendance at conferences, seminars, conventions, meetings of community organizations, and the like does not qualify for per diem compensation.

- 2. Regularly scheduled monthly meetings of DDTPAC, EPAC, and CRSAC are normally a day long with a majority of the authorized members present. However, special/emergency meetings of the DDTP committees that are at least two-hours long (not including lunch time) and with a majority of the authorized members present shall also qualify for consumer member per diem
- 3. Consumer members must attend a DDTP committee or subcommittee meeting a minimum of two hours (not including lunch time), with a quorum present, to be eligible for per diem compensation.
- 4. Telephone conferences do not qualify as meetings for the purpose of per diem compensation.

APPENDIX C

Procedures for Receiving Compensation

- 1. The consumer member must fill out a Per Diem Compensation Request Form for each meeting for which the consumer member is requesting compensation. The form must be submitted to the DDTP office.
- 2. The Per Diem Compensation Request Form must be submitted within 90 days of attendance at the meeting for which the compensation is being claimed.
- 3. The DDTP Executive Director will review all Per Diem Compensation Request Forms and either recommend the payment for approval or deny the payment. The DDTP Executive Director will rely on meeting minutes, meeting announcements and agendas, and a master calendar to verify meeting dates and attendees. DDTP committees must keep the DDTP Executive Director informed of all scheduled meetings and must provide the Executive Director with the names of all meeting attendees for meetings at which no representative of the DDTP office was in attendance.
- 4. The per diem compensation requests which are recommended for approval will be submitted to the DDTPAC monthly for approval. Per diem compensation expenses will be separately tracked as part of each committee's budget. Each committee shall be responsible for forecasting and including per diem compensation expenses as part of its annual budget.
- 5. For per diem compensation requests which are denied by the DDTP Executive Director, the consumer member may request review of the claim by the DDTPAC.
- 6. The DDTP Executive Director may independently request review by the DDTPAC for any claims not meeting approved guidelines.

APPENDIX C Page 4

PER DIEM COMPENSATION REQUEST FORM

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(End of Appendix C)