

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Consumer Service and Information Division  
Public Advisor's Office**

**RESOLUTION CSID - 004  
Date: November 19, 2010  
Mailed December 1, 2010**

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

**Resolution CSID – 004**

**Approves a pilot program, Community Help and Awareness with Natural Gas and Electricity Services (CHANGES), to provide limited English proficient consumers an in-language education, need and dispute resolution, and outreach program for energy matters. These services will be provided by the same contractor and community based organizations involved in the California Public Utilities Commission's Telecommunications Education and Assistance in Multiple-Languages program. At the end of the one-year program, the California Public Utilities Commission's Consumer Service and Information Division will evaluate the effectiveness of the pilot and recommend to the Commission if the pilot should become an ongoing program.**

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**Summary**

This resolution approves a pilot program which will provide an energy-related (electric and natural gas) education, need and dispute resolution, and outreach program for limited English proficient (LEP) consumers. This pilot program will be administered through the same contractor and Community Based Organizations (CBOs) which currently administer the California Public Utilities Commission's (CPUC) Telecommunications Education and Assistance in Multiple-Languages (TEAM) program.

The pilot, Community Help and Awareness with Natural Gas and Electricity Services (CHANGES), will be developed and monitored by the CPUC's Consumer Service and Information Division (CSID) the TEAM Contractor, and the four major Investor Owned Utilities (IOUs), specifically, Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E), Southern California Edison Company (SCE), and Southern California Gas Company (SoCalGas). The pilot will focus on the LEP customers of these four IOUs'. It will be paid for by the IOUs through their California Alternates Rate for Energy (CARE) program outreach funding, as allowed in Section 739.4, Public Utilities Code (PU Code) which is attached.

As part of the pilot program, CSID will collect data about the effectiveness of the program services to LEP customers, including but not limited to, how many consumers were educated about energy services, how many were assisted with their energy needs

and disputes, income and demographic data on the consumers assisted, and the type of assistance provided such as payment arrangements, avoidance of disconnection and enrollment in consumer assistance programs. CSID thereafter will evaluate the effectiveness of the pilot to determine if it should recommend program continuance. CSID will recommend that the Commission continue the program if it first determines through the evaluation that the pilot program has been effective and successful. If that is the case, CSID will also recommend how the IOUs would secure ongoing recovery of the continued program's expenses.

## **Background**

The CPUC has expanded its efforts to provide assistance to the more than six million, or 20 percent<sup>1</sup> of California's consumers who have limited proficiency in English. The CPUC employs many people who are certified to communicate in various languages and they are called upon to assist with oral and written translations. The CPUC also provides its consumer materials in 18 languages<sup>2</sup> and has developed the TEAM program for consumers who do not seek assistance from government agencies, but prefer instead to turn to CBOs with which they are familiar, as noted in the proceeding record for the Consumer Protection Initiative (CPI), Order Instituting Rulemaking (R.)00-02-004.

The CPI Decision (D.), D.06-03-013 (CPI Decision), examined the rights of and protections available to California telecommunications consumers, and raised questions as to whether LEP consumers faced disadvantages in the telecommunications market. That CPI Decision directed CPUC staff to undertake a series of initiatives to heighten its ability to respond to consumers. Initiative No. 23 directed staff to analyze and report on special problems faced by LEP consumers.

The Staff report, "Challenges Facing Consumers with Limited English Skills in the Rapidly Changing Telecommunications Marketplace" (Report), was developed in response to Initiative 23 and it recommended that the Commission initiate a proceeding to determine what, if any, rules needed to be developed to assist LEP consumers. Subsequent to that recommendation, R.07-01-021 was initiated to consider ways to improve services to California's telecommunications consumers who do not read or speak English fluently.

R.07-01-021 resulted in D.07-07-043, "Decision Addressing the Needs of Telecommunications Consumers Who Have Limited English Proficiency" (LEP Decision.). Ordering Paragraph 13 of the LEP Decision states, "Staff shall design a program that integrates CBOs in the Commission's outreach, education and complaint resolution processes, including a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of public funds."

In response to the LEP Decision, CSID developed Resolution CSID – 002 which is the basis for the TEAM program. The TEAM program began offering services statewide in June 2008.

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<sup>1</sup> According to the U.S. Census Bureau's 2006-2008 American Community Survey, the most recent set of data available.

<sup>2</sup> Languages are: English, Spanish, Chinese, Tagalog, Vietnamese, Korean, Japanese, Thai, Hmong, Khmer, Portuguese, French, Armenian, Arabic, Farsi, Russian, Burmese and Laotian.

## Discussion

LEP consumers benefit from assistance provided by CBOs. The CPI Decision states, “We believe that we can improve our complaint resolution efforts by working more with CBOs, which possess unique insights into problems faced by specific communities.”<sup>3</sup> The CPI Decision also states that “CBOs play an important role in bridging the barriers to effective communications between carriers and LEP consumers.”<sup>4</sup> Both concepts are a part of the TEAM program and have contributed to its success. Representatives at the CBOs are from the same cultures they serve, enabling them to possess the insights necessary for such a program and also to provide in-language assistance which is culturally sensitive.

In the first term of the TEAM program (which lasted eight months) the CBOs provided education, complaint resolution and outreach services in 28 languages. CBO results were as follows:

- Educated more than 33,000 consumers about telecommunications services.
- Resolved more than 1,000 complaints consumers had with their telecommunications carriers.
- Increased awareness of the program through outreach efforts that potentially reached nearly 14 million consumers<sup>5</sup>.

The second term of the program ended August 31, 2010, and the annual report for it is not available yet, but through monitoring of monthly reports and statistics, CSID ascertains that the program has increased the services it provides.

Almost since the start of that program, people who turn to the CBOs for TEAM services have also asked them for assistance with their natural gas or electricity utility bills or services. LEP consumers benefit by the successful in-language TEAM program. This electric and natural gas pilot will provide CSID foundational information to determine whether LEP consumers will benefit by the addition of these services through an ongoing program.

Unlike TEAM, where CBOs provide education and complaint resolution assistance for all telecommunications carriers, the CBOs under the pilot program will be providing services which are specific to the IOU(s) service territory. Therefore, the CBOs may use materials provided by the IOU(s). All materials will be approved by the CPUC for their education or outreach components of the program.

**Pilot components** - In alignment with PU Code Section 739.4(b), the pilot will include three in-language components that complement and build on each other: education, dispute and need resolution, and outreach.

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<sup>3</sup> D.06-03-013, p.101

<sup>4</sup> D.07-07-043, p. 94

<sup>5</sup> Outreach statistics are based on print and broadcast media’s statistics reported for their subscribership, community events, posters and fliers.

1. Education – this component may include how to avoid disconnection of service; including payment arrangements or level payment plans; and assistance programs, such as CARE, Low Income Energy Efficiency (LIEE), Family Electric Rate Assistance (FERA), and Medical Baseline. Education may also include basic information which can lay the groundwork for consumers to understand how to avoid high bills, such as: how to read a utility bill; understand baseline, the allowances, seasonal changes, and tiered rates; and information on energy conservation.
2. Dispute and Need Resolution<sup>6</sup> –the CBOs will work directly with the consumers and the IOUs to assist customers with issues such as, bill inquiries, payment arrangements, avoidance of service disconnections, or restoration of service. The current TEAM program provides assistance in 38 languages. Representatives at the CBOs are of the same culture as the consumers they assist and are trusted by them, enabling them to liaison between the utility and the consumer, and to negotiate on the consumer’s behalf. The CBO representative will fact find and analyze the consumer’s concern to determine if the CBO representative will help the consumer receive a certain need, such as set up payment arrangements, or if the representative will advocate for the consumer to resolve a dispute.

The CBO representative and the consumer may resolve the issue with the IOU’s business office or escalate it to the IOU’s executive offices. At any time during this process, the CBO may request assistance from the contractor, lead staff, and/or CPUC Public Advisor’s office. If the dispute is still not resolved to the consumer’s satisfaction, the CBO may contact the CPUC Consumer Affairs Branch (CAB) and assist the consumer in filing an informal complaint. If still unresolved, the CBO may assist the consumer in filing a formal complaint with CPUC or utilizing the CPUC’s Alternative Dispute Resolution process. With the exception of California Lifeline complaints, no TEAM CBO has needed to refer a complaint to the CPUC’s CAB, so we anticipate that the CBOs will be able to resolve energy disputes, with guidance and training from the contractor, CPUC, and IOUs.

3. Outreach – the pilot will leverage the existing TEAM outreach activities as an opportunity to introduce information about the pilot, supply the new energy related materials and discuss CHANGES components simultaneously with discussing TEAM program components. Examples include, posting flyers or posters about the availability of assistance with energy issues, talking about the pilot when CBOs attend community events, meeting with federal, state or local community leaders about providing services to their constituents, or talking about the program during media interviews.

**Funding** - The IOUs will contract directly with the contractor which manages the TEAM program<sup>7</sup> and reimburse the contractor directly. The contractor, in turn, will compensate

<sup>6</sup> Need resolution is when the representative at the CBO helps the consumer with a need such as setting up payment arrangements.

<sup>7</sup> The first TEAM contract was for two years and was awarded to Self Help for the Elderly in June 2008. Earlier this year the CPUC issued another Request for Proposal for a new contract and again Self Help for the Elderly was the successful bidder and awarded the contract.

the CBOs for their work. The initial pilot will be funded at \$500,000 through CARE outreach funds, consistent with Section 739.4 (d), PU Code, which permits the use of the funds to provide services to help low income utility customers and seniors to avoid unnecessary disconnections by providing information about assistance in enrolling in programs, payment arrangements and level payment plans. The CBOs will be participating in the IOUs' CARE Capitation programs and any assistance in enrollment into the CARE program will be reimbursed through the Capitation program.

Although CHANGES is not based on income eligibility, data from the TEAM program shows that 79.6 percent of the clientele reported that their yearly income was less than \$25,000. In 2010, the income qualification for CARE began at \$31,300. In addition, many of the CBOs conduct outreach or workshops for seniors. Therefore, it is estimated that most of the LEP clients served by CHANGES will be also be low income or seniors.

The IOUs propose the following breakdown of the total \$500,000. IOUs will be permitted to record and recover expenses<sup>8</sup>, not to exceed the specified amounts below, from their CARE outreach budget approved for budget cycle 2009-2011 under D.08-11-031:

SoCalGas:	\$125,000
SDG&E:	\$75,000
PG&E:	\$150,000
SCE:	\$150,000

Generally, the IOUs apply the 30-30-25-15% co-funding split derived from Resolution E-3585 for all of the joint utility research, studies and efforts. The breakdown for this pilot is consistent with that analysis.

**CHANGES pilot to be implemented through current TEAM program** - Often pilot programs, because they focus on evaluating an unknown, must have some controlling factors. In this case the Commission has determined it will use an existing network of CBOs as its controlling factor because it is familiar with the contractor, its CBO network, and performance. This will enable the Commission and the IOUs to better evaluate the unknown, specifically the benefit and utilization of CBOs in relation to assistance with energy matters for LEP consumers. Because of limited funding for the CHANGES program, not all of the CBOs currently participating in TEAM will be asked to participate in CHANGES.

## Comments

The draft resolution was e-mailed October 1, 2010, to interested parties including those on the Service List for proceeding R.10-02-005 (proceeding instituted to address the issue of customers' electric and natural gas service disconnection). Although the

<sup>8</sup> D.02-09-021 generally outlines the framework for the balancing account method of recording and recovery of these CARE related outreach expenses which applies here.

CHANGES program is not directly linked to that proceeding, the list was included because the parties in that proceeding were likely to be interested in this resolution.

Comments were due October 21, 2010; replies to the comments were due October 26, 2010.

Comments were received on October 21, 2010 from:

- SoCalGas and SDG&E (joint comments)
- SCE
- PG&E
- The Utility Reform Network (TURN)
- Greenlining
- Disability Rights Advocates
- CPUC's Division of Ratepayer Advocates

Reply comments were received on October 26, 2010 from:

- SCE
- PG&E
- TURN
- Greenlining

Based on comments we received, clarifications have been added throughout the Resolution and Ordering Paragraph 5 has been added.

## Findings of Fact

1. The TEAM program, which provides education, complaint resolution and outreach services on telecommunications issues for LEP consumers, has been a success.
2. Commission staff realized early on during the TEAM program that consumers who were benefiting from the TEAM program were asking for assistance with their energy bills and services.
3. The four IOUs expressed interest in utilizing such a program to help their LEP consumers.
4. The pilot will augment TEAM's and the IOUs' education, complaint resolution and outreach programs.
5. Section 739.4(b), PU Code requires the utilities to provide services to help low income utility customers and seniors to avoid unnecessary disconnections by providing information about assistance programs, payment arrangements and level payment plans.
6. The pilot program will include a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of CARE funds, as permitted through PU Code Section 739.4(d).

**THEREFORE, IT IS ORDERED THAT:**

1. The California Public Utilities Commission (CPUC) approves the Community Help and Awareness of Natural Gas and Electricity Services (CHANGES) pilot program, which will provide education, dispute and need resolution, and outreach for limited English proficient consumers through the CPUC's Telecommunications Education and Assistance in Multiple-languages (TEAM) contractor and some of TEAM's network of community based organizations.
2. Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company and Southern California Gas Company (the IOUs) shall work with the CPUC's Consumer Service and Information Division (CSID) and the CPUC's TEAM contractor to develop and implement this pilot by early 2011.
3. CSID, the IOUs, and the contractor shall meet at least once a month to evaluate the program and modify it, if necessary, within the scope of the program outlined in this Resolution.
4. The IOUs are authorized to expend and record in the appropriate California Alternate Rates for Energy (CARE) balancing accounts, consistent with existing CARE balancing account processes, all actual and reasonable expenditures associated with the pilot, not to exceed the following authorized pilot budget amounts. Specifically, these expenditures will be funded from the CARE outreach budget and shall not exceed \$150,000 for Pacific Gas and Electric, not exceed \$75,000 for San Diego Gas and Electric, not exceed \$150,000 for Southern California Edison, and not exceed \$125,000 for Southern California Gas.
5. Consistent with D.02-09-021, the Assigned Administrative Law Judge shall review the IOUs' actual expenditures and determine the reasonableness of the expenditures to assure the program is making the best use of the CARE outreach funds.
6. CSID shall have oversight authority to evaluate the effectiveness of the pilot and its related expenditures to assure the program is making the best use of the funds that are set aside for the program.
7. By December 31, 2011, CSID shall recommend to the Commission whether the CHANGES pilot should continue as a permanent ongoing Commission program.

This Resolution is effective today.



I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on November 19, 2010. The following Commissioners approved it:

/s/ PAUL CLANON

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Executive Director

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY RYAN  
Commissioners

## Attachment A

### California Public Utilities Code, Section 739.4

**739.4.** (a) Any natural gas customer who enrolls in the CARE program after the effective date of this section, but before October 1, 2001, shall receive the same one-time bill credit based on the amount of each gas corporation's average CARE customer discount applied for each month in October 2000 to March 2001, inclusive. The credit does not apply to a customer who initiates service with a gas corporation after the effective date of this section, and who has no prior history of service with the gas corporation. CARE program funds shall be used for the purpose of providing these credits. The commission shall adjust CARE program income requirements annually to reflect the increased cost-of-living due to inflation.

(b) The commission shall require all electrical and gas utilities through which CARE program rates are available to do all of the following, in multilingual formats to the extent printed and recorded information is provided, to facilitate better penetration rates for the CARE program and to protect low-income and senior households from unwarranted disconnection of necessary electric and gas services:

(1) Provide an outgoing message on all calls, where the customer is seeking to establish service or is put on hold, to customer service lines that briefly describes the CARE program in standard language approved by the commission, and that provides a toll-free phone number for customers to call to subscribe to the program or for further information.

(2) Provide information to customers about the CARE program and facilitate subscription to CARE, on all calls in which customers are making payment arrangements, on all collections calls, and on all calls for reconnection of service.

(3) (A) Provide information about the CARE program and other assistance programs, and attempt to qualify customers for CARE, and provide information about individual payment arrangements that allow customers to pay the amounts due over a reasonable period of time, not to exceed 12 months, and attempt to enroll customers in a payment arrangement program, before effecting any disconnection of service for nonpayment or inability to pay energy bills in full.

(B) (i) Offer individual payment arrangements to customers so that the customer is able to pay amounts due over a reasonable period of time, not to exceed 12 months.

(ii) Prohibit the disconnection of customers that have made, and are in compliance with, payment arrangements offered by an electric or gas utility pursuant to this subparagraph.

(C) Prohibit the disconnection of a delinquent residential customer for amounts due in which the electric or gas utility receives a commitment pledge, letter of intent, purchase order, or other notification that a provider of energy assistance is forwarding payment sufficient to prevent disconnection.

(D) (i) Advise residential customers facing disconnection or who contact the utility to make payment arrangements of the levelizing payment program that allows them to pay a monthly average bill based on 12 months usage.

(ii) Advise residential customers about enrollment in the levelizing payment program in conjunction with completion of payment arrangements, payment under terms of subparagraph (B), or at the customer's request absent those arrangements.

(E) Nothing in this paragraph is intended to reduce the revenues of any utility extending payment arrangements subject to the terms of the paragraph.

(4) Provide information on customer bills, presented in a conspicuous manner on a front facing page that indicates that a customer may be eligible for the CARE program. This notice shall be provided quarterly on customer bills.

(c) The commission shall conduct targeted outreach about the program using census block data to effectively target low-income and senior households throughout the state.

(d) CARE program funds shall be used for the purposes of paragraph (3) of subdivision (b) and outreach pursuant to subdivision (c). The commission's costs for outreach pursuant to subdivision (c) may not exceed five hundred thousand dollars (\$500,000) above the amount that the commission currently expends on similar activities related to the CARE program. Energy corporations may recover all reasonable costs from the CARE program funds of implementing this section.

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Service list for R.10-02-005

Last updated September 29, 2010

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