

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**Consumer Services and Information Division
Public Advisor's Office****RESOLUTION CSID - 002
Date: 12-06-07****R E S O L U T I O N**

Resolution CSID - 002 -- To design and implement a program that integrates Community Based Organizations (CBOs) in the Commission's outreach, education and complaint resolution processes, for consumers who have limited English proficiency (LEP), as ordered in D.07-07-043.

Summary

This resolution approves the establishment of an outreach program, in accordance with California Public Utilities Commission (Commission) Decision D.07-07-043 which directed Commission staff to, "design a program that integrates Community Based Organizations (CBOs) in our outreach, education and complaint resolution processes, including a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of the public funds." ¹ Specifically, the program will utilize the assistance of CBOs to develop language appropriate materials for LEP consumers, to perform education and outreach activities, and, "to assist them [consumers] in resolving telecommunications issues."²

Background

The Commission has expanded its efforts to provide assistance to California's consumers who have limited proficiency in English. It employs many people who are certified to communicate in various languages and they are called upon to assist with oral and written translations. The Commission's Consumer Affairs Branch has fifteen employees who communicate in languages other than English as part of their daily tasks. The Commission also provides its consumer materials in 13 languages (Spanish, Mandarin, Cantonese, Vietnamese, Thai, Tagalog, Korean, Hmong, Arabic, Farsi, Khmer, Armenian, and Russian). However, as noted in the proceeding record for the Consumer Protection Initiative (CPI) there are non-English speaking consumers which

¹ D.07-07-043, p.95, and Ordering Paragraph (OP) 13, p.129

² D.07-07-043, p.92

do not seek assistance from government agencies, but may prefer instead to turn to community organizations with which they are familiar.

The CPI Decision, D. 06-03-013, examined the rights of and protections available to California telecommunications consumers, and raised questions as to whether consumers with limited proficiency in English faced disadvantages in the telecommunications market. That Decision adopted revised General Order (GO) 168, "Market Rules to Empower Consumers and to Prevent Fraud," and directed Commission staff to undertake a series of internal initiatives to transform the Commission's organizational culture 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 issued October 2006. The Report was prepared to assist the Commission in assessing whether in-language needs are adequately met by our education and enforcement efforts, and whether the Commission should adopt any rules. The Report recommended a formal proceeding be initiated to determine the need for rules and to develop specific rules, as appropriate. Subsequent to that recommendation, Order Instituting Rulemaking R.07-01-021 was initiated to consider ways to improve services to California Telecommunications consumers who do not read or speak English fluently, and to focus on ways of promoting consumer protection for telecommunications customers who have limited English proficiency.

R.07-01-021 resulted in D.07-07-043, "Decision Addressing the Needs of Telecommunications Consumers Who Have Limited English Proficiency." Ordering Paragraph 13 of the Decision states, "Staff shall design a program that integrates community based organizations (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. Staff shall include in its proposal any necessary documents and/or procedures needed to ensure LEP consumers and carriers are protected from consequences of unauthorized representation, and to ensure LEP consumers and CBOs authorized relationships are recognized and respected by carriers. Staff shall present its recommendation as a resolution for Commission consideration before the end of calendar year 2007."³

In addition, Ordering Paragraph 14 states, "All carriers shall permit CBOs to represent any customer who has authorized a CBO to assist it in dealings with carriers."⁴

This resolution addresses both Ordering Paragraphs 13 and 14.

³ D. 07-07-043, OP13, p.129

⁴ D. 07-07-043, OP14, p.130

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. CBOs have knowledge about the telecommunications markets and communities they serve, have earned the trust of their constituencies, and show a passion for helping consumers.”⁵

The CPI Decision also states that “CBOs play an important role in bridging the barriers to effective communications between carriers and LEP consumers.”⁶ The Report lists many programs the Commission has used to educate consumers. In one example, the “Telecommunications Education Trust Fund” funded many creative projects, which included workshops, home visits, internet use and advertising. We look forward to the creativity that CBOs may bring to the project that we approve in this Resolution.

For this project, the Commission will contract with an entity that has demonstrated their ability to bring together a statewide network of CBOs that will serve various cultures and languages and that will use a variety of methods to provide outreach, education and assistance. Although the Commission has developed working relationships with many CBOs and community organizations, the Commission does not have the magnitude of CBO resources we envision as necessary to carry out a statewide program. The selected contractor will manage, coordinate and monitor the CBO programs, under guidance and direction of the Commission’s Consumer Services and Information Division (CSID).

The contractor will be required to provide a detailed proposal on how the outreach program will be constructed, how the CBO network will be designed, and how CBOs will be compensated for their efforts. To encourage innovation and creativity, we will not specify how we expect the contractor will cover the three tasks of education, outreach and complaint resolution. CSID staff will work closely with the Office of the Assigned Commissioner to ensure that the RFP is written so that it is clear that applicants’ proposals must include specific details on how the contractor will manage these and other components of the contract, with oversight from CSID. These proposals will be scored based on criteria that will be listed in the RFP and evaluated on a point scoring basis that will be detailed in the RFP.

In addition, the contractor will also be required to provide a detailed proposal for how the contractor will report on the program’s progress and its related expenditures. This proposal will be subject to the same RFP scoring processes discussed in the previous paragraph. CSID staff will ensure accountability and prudent use of the funding available for this project, program activities, achievements and related expenditures

⁵ D.06-03-013, p.101

⁶ D.07-07-043, p. 94

prior to approving payment. Program evaluation and auditing will continue throughout the life of the contract.

This program will be funded through the previously approved yearly budget allocation of around \$1.0 million this fiscal year and \$1.9 million a year in the following fiscal years for CPI CBO education, outreach and complaint intake. This program is not reimbursable through the CPUC Intervenor Compensation program.

The initial contract will run for one year with the option to continue the contract for an additional year, if the Commission's CSID deems the contractor's performance to be successful. We expect to issue a Request for Proposal for the contract soon after the Commission approves this Resolution. The Commission anticipates having the program in place early in 2008.

The CBOs will be assisting the Commission in three specific areas:

1. Design and participate in in-language outreach programs that inform the LEP consumers of the available education programs and educational materials as well as inform the LEP consumers on how to work with CBOs in resolving disputes with carriers,
2. Provide education and materials to LEP consumers, utilizing existing Commission materials as well as designing additional in-language materials, and
3. Assist and represent LEP consumers in resolving disputes with carriers.

1. DESIGN AND PARTICIPATE IN IN-LANGUAGE OUTREACH PROGRAMS

The success the Commission has experienced in its partnering with CBOs in workshops and Bill Information Fairs reinforces our positive opinion about utilizing them for in-language outreach. For example, the Commission partnered with the Victory Resource Center in San Bernardino for a Bill Information Fair in which the CBO used its vast network of other community organizations to help spread the word about the event and to provide informational materials to the community. Other CBOs at the event had volunteers that were known to the community and could provide local assistance, such as recommending where to go to purchase prepaid calling cards and telling consumers where the utility bill payment centers closest to their homes were located. All organizations and utilities participating in the event had bilingual representatives available to assist the attendees. This particular bill fair was one of several successful bill information fairs in which the Commission has partnered with CBOs.

The CBO's proposed outreach programs will be reviewed by the contractor who will then make recommendations on including the programs to the Commission CSID staff. The contractor will have the flexibility to work with CBOs on their proposals to assist them in meeting the program requirements. We do not wish to exclude any CBOs that

can add value to the program simply because they needed assistance in preparing their proposal. Examples of outreach approaches that have been beneficial in the past include:

- Workshops
- Bill fairs
- Distribution of materials at CBO sponsored events
- Distribution of materials at community events
- Distribution of materials at CBO offices
- Input on Commission produced radio, television, print or outdoor media messages to ensure accuracy and cultural sensitivity.

2. **PROVIDE EDUCATION AND DEVELOP EDUCATION MATERIALS FOR LEP CUSTOMERS**

The contractor and CBOs will educate LEP consumers about communications issues, scams, fraud or other communications-related issues as identified in the contract to:

- help them understand and explain how to wisely purchase and use their telephone service and equipment,
- help them understand how CBOs can assist them in resolving disputes with carriers, and
- help consumers understand how they will be affected by changing technology and services in the telecommunications sector.

As with the CBO's proposed outreach programs, their education program proposals will be reviewed by the contractor who will then make recommendations on including the programs to the Commission CSID staff. Again, the contractor will have the flexibility to work with CBOs on their proposals to assist them in meeting the program requirements. Examples of successful education approaches used by CBOs include:

- One-on-one assistance
- Bill Information Fairs
- Home visits
- Classroom style instruction
- Computer access to the CBO and Commission websites
- Self paced computer instruction

In the initial phase of the Consumer Education Initiative of the Consumer Protection Initiative, the Commission, consumer groups and carriers jointly created four brochures, and since that time they have created four more. We can use these eight brochures as a foundation for education materials but encourage the CBOs to suggest and assist in developing other materials and updating existing materials. The eight brochures are:

- Tips about Phone Service
- Understanding the Bill
- Slamming and Cramming
- Ten Tips on Buying Wireless Service
- Who to Complain To
- Late Payment, Disconnects and Deposits
- Collection Agencies; and
- VoIP.

The Commission, the contractor, and the CBOs may also develop information packets or other media for use by CBOs. Any materials that the contractor or CBOs develop for this outreach program must be approved by Commission staff, and will be provided to the Commission electronically for future use after the contract ends. The CBOs will have access to, and will be encouraged to use, any education and outreach materials currently being used by the Commission.

3. ASSIST AND REPRESENT LEP CONSUMERS IN RESOLVING DISPUTES WITH CARRIERS

The Commission decision states that, “all carriers shall permit CBOs to represent any customer who has authorized a CBO to assist it in dealings with carriers.”⁷ A vital part of this outreach program is to allow LEP consumers to seek assistance through the CBOs. Some carriers already have procedures in place to allow CBOs to contact them and assist in dispute resolution on behalf of consumers while other carriers have yet to develop such procedures. In addition, some carriers have successfully worked through customer privacy issues and have created processes that protect the LEP consumers and itself from the consequences of unauthorized representation. CSID staff will work with the carriers, the contractor and the CBOs to ensure that there are appropriate procedures in place across the board to ensure that the LEP consumers are protected from consequences of unauthorized representation.

The CPUC’s CSID and Legal Divisions will meet one on one with telecommunications carriers, to evaluate the carrier’s process of allowing CBOs to represent consumers while protecting consumers’ privacy. If a carrier does not have a mutually agreed upon process developed, CSID will work with the carrier to develop a mutually agreed upon process. Once these processes are in place, CSID will continue to work with CBOs and carriers if concerns about a process’ ability to protect consumers’ or if difficulties arise with the interaction between a CBO and a carrier.

Budgetary Allocations for the Program

⁷ D.07-07-043, p. 95 and op 14

There will be four budgetary components to this program: Program Administration, Education, Outreach, and In-language Complaint Resolution.

In reviewing and scoring the proposals we will place great weight on a reasonable allocation of the total activities to these four program components. We place a high value on proposals that place more emphasis on program activities over program administration.

To ensure that there is a reasonable allocation of activities, which then translates into hours billed to those activities, all proposals must contain the information listed below. As with all components of the proposals, scoring will be based on whether the overall design of the proposal makes sense and whether the allocation of activity in each area is reasonable. Bidders who do not provide an acceptable level of detail in providing this information will be scored accordingly.

The information to be provided is as follows:

1. A description of the proposed Outreach Plan, the design of which will ensure reaching out to the Targeted Consumers;
2. A description of all elements of the Education Program, the design of which will fulfill the requirements described in the Statement of Work;
3. A description of all elements of the bidder's plan to successfully assist on behalf of consumers, and liaison with carriers, to provide in-language complaint resolution;
4. Identification of each major task, subtask, and/or specific milestones;
5. The bidder's management procedures for planning, scheduling, and budgeting and tracking costs and benefits, as well as the procedures to be used in controlling time used, dollars spent, and the quality to be achieved in performing the Statement of Work;
6. A plan for measurement of performance; and
7. A plan for compensating CBOs which shows that a significant part of the total funds are set aside for their compensation, as distinct from the contractor's administrative costs .

Comments

Public Utilities Code Section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Accordingly, this draft resolution was mailed for comments at least 30 days prior to being considered by the Commission.

Comments were received from CTIA – The Wireless Association, (CTIA), AT&T Companies, (AT&T), SureWest and the Small LECs, Cox California Telecom, LLC, (Cox), the Greenlining Institute (Greenlining), and Latino Issues Forum (LIF).

Reply Comments were received from CTIA, AT&T, Cox and Greenlining.

All comments generally support the Commission's plans to utilize CBOs in its education and outreach program. Reply comments that raised new issues/recommendations are not being considered.

Concern was raised about rules that may be established regarding working with CBOs in regard to customer privacy.

Many recommended that they be involved in development of the program, selection and evaluation of the Contractor and the CBOs, and ongoing modifications of the program and materials used.

SureWest and the Small LECs also suggested that the program not be limited to LEP consumers.

Greenlining recommended that tracking mechanisms and benchmarks be used to determine efficacy of the program.

LIF recommended that Staff include the proposed in-language market trials, currently being considered in Phase II-A of Rulemaking 07-01-021 as part of the responsibilities of the CBOs in the program.

Discussion

CSID and the CPUC Legal Division will meet individually with carriers to evaluate the carrier's process whereby CBOs can represent consumers in a manner that protects consumers' privacy. If a carrier has not developed a mutually agreed upon process, CSID will help it develop one. Once these processes are in place, carriers and CBOs will be expected to notify CSID if challenges occur that make it difficult for a carrier to protect a consumer's privacy or if a CBO is having difficulty representing the consumer. If such a difficulty should arise, CSID will evaluate the problem and take action to rectify it.

We intend CBO representation of consumers to be as simple and straightforward as possible. It is our intent to facilitate conflict resolution and problem solving by using the CBOs for in-language assistance as indicated in this resolution. We do not intend to

set in motion a process that in any way mimics the Commission's formal complaint process. Consistent with the existing process followed by our Consumer Affairs Branch (CAB) representatives, the CBOS will ask the consumer if he or she has contacted the carrier and attempted to resolve the issue. If the consumer has not yet contacted the carrier, the CBO will direct him or her to do so. If the consumer has contacted the carrier but the issue is not resolved, the CBO may assist the consumer in resolving the complaint. Then if the problem is not resolved to the consumer's satisfaction, the CBO can direct the consumer to the CPUC's CAB.

The Commission will require CBOs to identify in their proposals how they will keep consumer information confidential.

The Commission will continue to utilize a content committee to review any new consumer oriented materials that are being developed in this program.

CSID must abide by state rules for evaluating the proposals it will receive from contractors: the process and ultimate selection of a contractor is overseen by the California Department of General Services. In accordance with state contracting rules, the RFP review and selection committee will be comprised of members of the contracting agency, i.e. the CPUC. However, CSID will hold a bidders' conference, prior to the deadline for submitting proposals, to answer any questions contractors and CBOs may have about the RFP.

This particular program results from the Commission's decision on LEP consumers and is targeted to LEP consumers, but its materials also will be available in English. CSID will ensure that an English-speaking person will not be denied information or assistance if they attend an event or ask a participating CBO for help.

Greenlining's proposal on tracking and benchmarks is in line with the commitment already stated for CSID's oversight in this resolution.

The Commission has not issued a decision about in-language market trials; therefore, we will not include LIF's proposal in the program at this time.

Findings of Fact

1. Commission staff was directed to design a program that integrates CBOs in our outreach, education and complaint resolution processes in D.07-07-043, p.92.
2. The program will include a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of public funds, as ordered in D07-07-043, OP 13, and p 129.

3. Staff shall include in its proposal any necessary documents and/or procedures needed to ensure LEP consumers and carriers are protected from consequences of unauthorized representation as ordered in D.07-07-043, OP 13, and that customer privacy laws are respected.
4. All carriers shall permit CBOs to represent any customer who has authorized a CBO to assist it in dealings with carriers, as ordered in D.07-07-043, OP14.

THEREFORE, IT IS ORDERED THAT

1. The Commission's CSID's plan, as presented in this resolution. is approved.
2. The Commission's CSID will contract with an entity that has a statewide network of CBOs and implement an outreach, education and complaint resolution program by early 2008.
3. The CBOs will augment the Commission's CSID outreach, education, and complaint resolution programs.
4. The Commission's CSID will approve, oversee, monitor and audit the program and its related expenditures to assure the program is making the best use of the public funds that are set aside for the program.

This Resolution is effective today.

I hereby certify that the forgoing resolution was duly introduced, passed and adopted at conference of the California Public Utilities Commission on December 6, 2007. The following Commissioners approved it:

Paul Clanon
Executive Director

Michael R. Peevey,
President
Dian M. Greuneich,
John Bohn,
Rachelle B. Chong,
Timothy Alan Simon,
Commissioners