

AMENDED IN SENATE MAY 1, 2001

SENATE BILL

No. 201

Introduced by Senator Speier

February 8, 2001

An act to amend and repeal Section 309.5 of the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 201, as amended, Speier. Public Utilities Commission: division to represent interests of customers and subscribers.

Existing law establishes a division within the Public Utilities Commission to represent the interests of public utility customers and subscribers in commission proceedings. Existing law provides for a director of the division appointed by and serving at the pleasure of the Governor, subject to Senate confirmation. Existing law provides for the Public Utilities Commission Ratepayer Advocate Account in the General Fund and requires that money from the Public Utilities Commission Utilities Reimbursement Account in the General Fund be transferred in the annual Budget Act to the Public Utilities Commission Ratepayer Advocate Account for performance of the duties of the division. Existing law provides for the repeal of those provisions on January 1, 2002, and the replacement of those provisions on that date with provisions requiring the commission to create an organization or division within the commission to represent the interests of public utility customers and subscribers in commission proceedings.

This bill would delete the repeal of the provisions that provide for the division, the director of the division, and the Public Utilities Commission Ratepayer Advocate Account, and would repeal the provisions that were to become operative January 1, 2002. The bill

would require that the director of the division be paid a salary equal to 90% of the salary received by commissioners of the Public Utilities Commission. *The bill would instead provide that the division represent the interests of public utility customers and subscribers, but no longer limit that representation to commission proceedings.*

The bill would transfer an unspecified amount from the Public Utilities Commission Utilities Reimbursement Account in the General Fund to the Public Utilities Commission Ratepayer Advocate Account and appropriate that amount to the division for expenditure for enhancement of consumer and ratepayer advocacy before the commission.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 309.5 of the Public Utilities Code, as
2 amended by Chapter 1005 of the Statutes of 1999, is amended to
3 read:

4 309.5. (a) There is within the commission a division to
5 represent the interests of public utility customers and subscribers
6 ~~in commission proceedings~~. The goal of the division shall be to
7 obtain the lowest possible rate for service consistent with reliable
8 and safe service levels.

9 (b) The director of the division shall be appointed by and serve
10 at the pleasure of the Governor, subject to confirmation by the
11 Senate. The director shall annually appear before the appropriate
12 policy committees of the Assembly and the Senate to report on the
13 activities of the division. The director shall be paid a salary equal
14 to 90 percent of the salary received by commissioners.

15 (c) The commission shall, by rule or order, provide for the
16 assignment of personnel to, and the functioning of, the division.
17 The division may employ experts necessary to carry out its
18 functions. Personnel and resources shall be provided to the
19 division at a level sufficient to ensure that customer and subscriber
20 interests are fairly represented in all significant proceedings.

21 (d) The commission shall develop appropriate procedures to
22 ensure that the existence of the division does not create a conflict
23 of roles for any employee or his or her representative. The
24 procedures shall include, but shall not be limited to, the

1 development of a code of conduct and procedures for ensuring that
2 advocates and their representatives on a particular case or
3 proceeding are not advising decisionmakers on the same case or
4 proceeding.

5 (e) The division may compel the production or disclosure of
6 any information it deems necessary to perform its duties from
7 entities regulated by the commission provided that any objections
8 to any request for information shall be decided by the assigned
9 commissioner or by the president of the commission if there is no
10 assigned commissioner.

11 (f) There is hereby created the Public Utilities Commission
12 Ratepayer Advocate Account in the General Fund. Moneys from
13 the Public Utilities Commission Utilities Reimbursement Account
14 in the General Fund shall be transferred in the annual Budget Act
15 to the Public Utilities Commission Ratepayer Advocate Account.
16 The funds in the Public Utilities Commission Ratepayer Advocate
17 Account shall be utilized exclusively by the division in the
18 performance of its duties. The annual budget for the division shall
19 be separately identified in the commission's annual budget
20 request. The commission shall annually submit a staffing report
21 containing a comparison of the staffing levels for each five-year
22 period.

23 SEC. 2. Section 309.5 of the Public Utilities Code, as added
24 by Section 4 of Chapter 856 of the Statutes of 1996, is repealed.

25 SEC. 3. The sum of _____ dollars (\$_____) is hereby transferred
26 from the Public Utilities Commission Utilities Reimbursement
27 Account in the General Fund to the Public Utilities Commission
28 Ratepayer Advocate Account and appropriated to the division of
29 the Public Utilities Commission specified in Section 309.5 of the
30 Public Utilities Code for expenditure for enhancement of
31 consumer and ratepayer advocacy before the Public Utilities
32 Commission.

