

AMENDED IN ASSEMBLY JULY 14, 2001

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 1, 2001

**SENATE BILL**

**No. 201**

**Introduced by Senator Speier**

February 8, 2001

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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 instead provide that the division represent the interests of public utility customers and subscribers, but no longer limit that representation to commission proceedings. *This bill would also set forth the procedures for making and resolving objections to demands for the production on disclosure information made by the division, as specified.*

~~The bill would transfer \$1,850,000 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 in the 2001-02 fiscal year for enhancement of consumer and ratepayer advocacy before the commission.~~

Vote: ~~2/3~~ majority. Appropriation: ~~yes~~ no. 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 *within the jurisdiction of the commission.* The goal of the division  
7 shall be to obtain the lowest possible rate for service consistent  
8 with reliable 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.

14 (c) The commission shall, by rule or order, provide for the  
15 assignment of personnel to, and the functioning of, the division.  
16 The division may employ experts necessary to carry out its  
17 functions. Personnel and resources shall be provided to the



1 division at a level sufficient to ensure that customer and subscriber  
2 interests are fairly represented in all significant proceedings.

3 (d) The commission shall develop appropriate procedures to  
4 ensure that the existence of the division does not create a conflict  
5 of roles for any employee or his or her representative. The  
6 procedures shall include, but shall not be limited to, the  
7 development of a code of conduct and procedures for ensuring that  
8 advocates and their representatives on a particular case or  
9 proceeding are not advising decisionmakers on the same case or  
10 proceeding.

11 (e) The division may compel the production or disclosure of  
12 any information it deems necessary to perform its duties from  
13 entities regulated by the commission provided that any objections  
14 to any request for information shall be decided *in writing* by the  
15 assigned commissioner or by the president of the commission if  
16 there is no assigned commissioner.

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

29 (g) *The division shall request to meet and confer in an informal*  
30 *setting with a regulated entity prior to issuing a report or pleading*  
31 *to the commission regarding alleged misconduct, or a violation of*  
32 *a law or a commission rule or order, raised by the division in a*  
33 *complaint. The meet and confer process shall be utilized as an*  
34 *informal means of attempting to reach resolution or consensus on*  
35 *issues raised by the division regarding any regulated entity in such*  
36 *a complaint proceeding.*

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

39 ~~SEC. 3.—The sum of one million eight hundred fifty thousand~~  
40 ~~dollars (\$1,850,000) is hereby transferred from the Public Utilities~~

~~1 Commission Utilities Reimbursement Account in the General  
2 Fund to the Public Utilities Commission Ratepayer Advocate  
3 Account and appropriated to the division of the Public Utilities  
4 Commission specified in Section 309.5 of the Public Utilities  
5 Code for expenditure in the 2001-02 fiscal year for enhancement  
6 of consumer and ratepayer advocacy before the Public Utilities  
7 Commission.~~

