
Introduced by Senator Bowen

February 20, 2004

An act to amend Section 309.5 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1624, as introduced, Bowen. Public Utilities Commission: Office of Ratepayer Advocates.

Existing law establishes a division within the Public Utilities Commission to represent the interests of public utility customers and subscribers.

This bill would replace references to the division with the Office of Ratepayer Advocates.

Vote: majority. Appropriation: no. Fiscal committee: no. 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 is
2 amended to read:
3 309.5. (a) There is within the commission ~~a division~~ the
4 *Office of Ratepayer Advocates*, to represent the interests of public
5 utility customers and subscribers within the jurisdiction of the
6 commission. The goal of the ~~division~~ *shall be Office of Ratepayer*
7 *Advocates* is to obtain the lowest possible rate for service
8 consistent with reliable and safe service levels. For revenue
9 allocation and rate design matters, the ~~division~~ *Office of Ratepayer*
10 *Advocates* shall primarily consider the interests of residential and
11 small commercial customers. The amendments made to this

1 section by Chapter 440 of the Statutes of 2001 are not intended to
2 expand the representation and responsibilities of the ~~division~~
3 *Office of Ratepayer Advocates*.

4 (b) The director of the ~~division~~ *Office of Ratepayer Advocates*
5 shall be appointed by and serve at the pleasure of the Governor,
6 subject to confirmation by the Senate. The director shall annually
7 appear before the appropriate policy committees of the Assembly
8 and the Senate to report on the activities of the ~~division~~ *Office of*
9 *Ratepayer Advocates*.

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

18 (d) The commission shall develop appropriate procedures to
19 ensure that the existence of the ~~division~~ *Office of Ratepayer*
20 *Advocates* does not create a conflict of roles for any employee or
21 his or her representative. The procedures shall include, but shall
22 not be limited to, the development of a code of conduct and
23 procedures for ensuring that advocates and their representatives on
24 a particular case or proceeding are not advising decisionmakers on
25 the same case or proceeding.

26 (e) The ~~division~~ *Office of Ratepayer Advocates* may compel the
27 production or disclosure of any information it deems necessary to
28 perform its duties from entities regulated by the commission
29 provided that any objections to any request for information shall
30 be decided in writing by the assigned commissioner or by the
31 president of the commission if there is no assigned commissioner.

32 (f) There is hereby created the Public Utilities Commission
33 Ratepayer Advocate Account in the General Fund. Moneys from
34 the Public Utilities Commission Utilities Reimbursement Account
35 in the General Fund shall be transferred in the annual Budget Act
36 to the Public Utilities Commission Ratepayer Advocate Account.
37 The funds in the Public Utilities Commission Ratepayer Advocate
38 Account shall be utilized exclusively by the ~~division~~ *Office of*
39 *Ratepayer Advocates* in the performance of its duties. The

1 commission shall annually submit a staffing report containing a
2 comparison of the staffing levels for each five-year period.

3 (g) On or before January 10 of each year, the commission shall
4 provide to the chairperson of the fiscal committee of each house
5 of the Legislature and to the Joint Legislative Budget Committee
6 all of the following information:

7 (1) The number of personnel years assigned to the Office of
8 Ratepayer Advocates.

9 (2) The total dollars expended by the Office of Ratepayer
10 Advocates in the prior year, the estimated total dollars expended
11 in the current year, and the total dollars proposed for appropriation
12 in the following budget year.

13 (3) Workload standards and measures for the Office of
14 Ratepayer Advocates.

15 (h) The ~~division~~ *Office of Ratepayer Advocates* shall agree to
16 meet and confer in an informal setting with a regulated entity prior
17 to issuing a report or pleading to the commission regarding alleged
18 misconduct, or a violation of a law or a commission rule or order,
19 raised by the ~~division~~ *Office of Ratepayer Advocates* in a
20 complaint. The meet and confer process shall be utilized as an
21 informal means of attempting to reach resolution or consensus on
22 issues raised by the ~~division~~ *Office of Ratepayer Advocates*
23 regarding any regulated entity in the complaint proceeding.

