

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1624

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 amended, 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, *and would provide that the office is authorized to appear as a party and have all the rights of a party, in any commission proceeding or in any judicial proceeding challenging a commission decision.*

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 the Office of
- 4 Ratepayer Advocates, to represent the interests of public utility
- 5 customers and subscribers within the jurisdiction of the
- 6 commission. *The Office of Ratepayer Advocates may appear as,*

1 *and have all the rights of, a party in any commission proceeding*
2 *pursuant to Article 1 (commencing with Section 1701), Article 2*
3 *(commencing with Section 1731), Article 4 (commencing with*
4 *Section 1791), and Article 6 (commencing with Section 1821) of,*
5 *or in a judicial proceeding pursuant to Article 3 (commencing with*
6 *Section 1756) of, Chapter 9. The goal of the 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 Office of Ratepayer*
10 *Advocates shall primarily consider the interests of residential and*
11 *small commercial customers. The amendments made to this*
12 *section by Chapter 440 of the Statutes of 2001 are not intended to*
13 *expand the representation and responsibilities of the Office of*
14 *Ratepayer Advocates.*

15 (b) The director of the Office of Ratepayer Advocates shall be
16 appointed by and serve at the pleasure of the Governor, subject to
17 confirmation by the Senate. The director shall annually appear
18 before the appropriate policy committees of the Assembly and the
19 Senate to report on the activities of the Office of Ratepayer
20 Advocates.

21 (c) The commission shall, by rule or order, provide for the
22 assignment of personnel to, and the functioning of, the Office of
23 Ratepayer Advocates. The Office of Ratepayer Advocates may
24 employ experts necessary to carry out its functions. Personnel and
25 resources shall be provided to the Office of Ratepayer Advocates
26 at a level sufficient to ensure that customer and subscriber interests
27 are fairly represented in all significant proceedings.

28 (d) The commission shall develop appropriate procedures to
29 ensure that the existence of the Office of Ratepayer Advocates
30 does not create a conflict of roles for any employee or his or her
31 representative. The procedures shall include, but shall not be
32 limited to, the development of a code of conduct and procedures
33 for ensuring that advocates and their representatives on a particular
34 case or proceeding are not advising decisionmakers on the same
35 case or proceeding.

36 (e) The Office of Ratepayer Advocates may compel the
37 production or disclosure of any information it deems necessary to
38 perform its duties from entities regulated by the commission
39 provided that any objections to any request for information shall



1 be decided in writing by the assigned commissioner or by the
2 president of the commission if there is no assigned commissioner.

3 (f) There is hereby created the Public Utilities Commission
4 Ratepayer Advocate Account in the General Fund. Moneys from
5 the Public Utilities Commission Utilities Reimbursement Account
6 in the General Fund shall be transferred in the annual Budget Act
7 to the Public Utilities Commission Ratepayer Advocate Account.
8 The funds in the Public Utilities Commission Ratepayer Advocate
9 Account shall be utilized exclusively by the Office of Ratepayer
10 Advocates in the performance of its duties. The commission shall
11 annually submit a staffing report containing a comparison of the
12 staffing levels for each five-year period.

13 (g) On or before January 10 of each year, the commission shall
14 provide to the chairperson of the fiscal committee of each house
15 of the Legislature and to the Joint Legislative Budget Committee
16 all of the following information:

17 (1) The number of personnel years assigned to the Office of
18 Ratepayer Advocates.

19 (2) The total dollars expended by the Office of Ratepayer
20 Advocates in the prior year, the estimated total dollars expended
21 in the current year, and the total dollars proposed for appropriation
22 in the following budget year.

23 (3) Workload standards and measures for the Office of
24 Ratepayer Advocates.

25 (h) The Office of Ratepayer Advocates shall agree to meet and
26 confer in an informal setting with a regulated entity prior to issuing
27 a report or pleading to the commission regarding alleged
28 misconduct, or a violation of a law or a commission rule or order,
29 raised by the Office of Ratepayer Advocates in a complaint. The
30 meet and confer process shall be utilized as an informal means of
31 attempting to reach resolution or consensus on issues raised by the
32 Office of Ratepayer Advocates regarding any regulated entity in
33 the complaint proceeding.