

AMENDED IN SENATE MAY 24, 2004
AMENDED IN SENATE APRIL 27, 2004
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. Existing law requires the commission to develop a code of conduct and procedures for ensuring that advocates and their representatives from the division that are representing the interests of customers and subscribers on a particular case or proceeding are not advising decisionmakers on the same case or proceeding.

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.~~ The bill would require the commission to develop a code of conduct and procedures to ensure that advocates and their representatives from the office that are representing the interests of customers and subscribers on a particular case or proceeding, do not advise decisionmakers, or have preferential access to information

regarding the commission's deliberative process, on the same case or proceeding.

Vote: majority. Appropriation: 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 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,~~
7 ~~and have all the rights of, a party in any commission proceeding~~
8 ~~pursuant to Article 1 (commencing with Section 1701), Article 2~~
9 ~~(commencing with Section 1731), Article 4 (commencing with~~
10 ~~Section 1791), and Article 6 (commencing with Section 1821) of,~~
11 ~~or in a judicial proceeding pursuant to Article 3 (commencing with~~
12 ~~Section 1756) of, Chapter 9.~~ The goal of the Office of Ratepayer
13 Advocates is to obtain the lowest possible rate for service
14 consistent with reliable and safe service levels. For revenue
15 allocation and rate design matters, the Office of Ratepayer
16 Advocates shall primarily consider the interests of residential and
17 small commercial customers. The amendments made to this
18 section by Chapter 440 of the Statutes of 2001 are not intended to
19 expand the representation and responsibilities of the Office of
20 Ratepayer Advocates.

21 (b) The director of the Office of Ratepayer Advocates shall be
22 appointed by and serve at the pleasure of the Governor, subject to
23 confirmation by the Senate. The director shall annually appear
24 before the appropriate policy committees of the Assembly and the
25 Senate to report on the activities of the Office of Ratepayer
26 Advocates.

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

(d) The commission shall develop appropriate procedures to ensure that the existence of the Office of Ratepayer Advocates does not create a conflict of roles for any employee or his or her representative or legal counsel. The procedures shall include, but shall not be limited to, the development of a code of conduct and procedures for ensuring that advocates and their representatives on a particular case or proceeding are not advising decisionmakers, or have preferential access to information regarding the commission's deliberative process, on the same case or proceeding.

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

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

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

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

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

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

(h) The Office of Ratepayer Advocates shall agree to meet and confer in an informal setting with a regulated entity prior to issuing

1 a report or pleading to the commission regarding alleged
2 misconduct, or a violation of a law or a commission rule or order,
3 raised by the Office of Ratepayer Advocates in a complaint. The
4 meet and confer process shall be utilized as an informal means of
5 attempting to reach resolution or consensus on issues raised by the
6 Office of Ratepayer Advocates regarding any regulated entity in
7 the complaint proceeding.

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