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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking for the Purpose of Reviewing and Potentially Amending General Order 156 and to consider Other Measures to promote Economic Efficiencies of an Expanded Supplier Base and to Examine the composition of the Utilities' Workforce.

(U 39 E)

Rulemaking 09-07-027
(Filed July 30, 2009)

**PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS ON
WORKSHOP ONE STAFF REPORT, "BARRIERS TO ENTRY"**

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Dated: July 13, 2010

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Order Instituting Rulemaking for the Purpose of Reviewing and Potentially Amending General Order 156 and to consider Other Measures to promote Economic Efficiencies of an Expanded Supplier Base and to Examine the composition of the Utilities' Workforce

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**PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS ON
WORKSHOP ONE STAFF REPORT, "BARRIERS TO ENTRY"**

Pursuant to the Assigned Commissioner and Administrative Law Judge Scoping Memo and Ruling Determining the Scope, Schedule, and Need for Hearing in this Proceeding (Scoping Memo), and the Utility Supplier Diversity Program Staff Report on Workshop One, "Barriers to Entry," Rulemaking 09-07-027 (Staff Report), Pacific Gas and Electric Company (PG&E) respectfully submits these opening comments on the Staff Report.

Once again PG&E wants to emphasize its support for the Workshop process and its appreciation of the time, thought, resources and effort the California Public Utilities Commission (CPUC or Commission) has devoted to improving what is already a model supplier diversity program. Collaborative efforts over the past months in connection with this proceeding have increased understanding and communication among the parties, and helped to build a strong platform for moving forward. PG&E's enthusiastic support for supplier diversity past, present and future is reflected in the General Order 156 (GO 156) reports it provides each year to the Commission and other interested parties, and in filings it has made in this proceeding, in particular its September 30, 2009, Responses and Opening Comments, pp. 2-15; and its May 26, 2010, Interim Steps to Further Commitment to GO 156 Supplier Diversity Goals, Attachment A.

The Staff Report does a good job of distilling the Workshop comments into recommendations, many of which may make it easier for small and diverse businesses to become utility contractors and sub-

contractors. PG&E endorses most of the Staff's recommendations. PG&E limits its comments on the Staff Report to the following areas:

- Broadening the scope of the Clearinghouse contract.
- Standardizing processes among utilities.
- Giving utilities credit for the supplier diversity programs of their prime contractors.

I. THE COMMISSION SHOULD NOT BROADEN THE SCOPE OF THE CLEARINGHOUSE CONTRACT.

The Staff Report contains three recommendations that could or would broaden the scope of the current Clearinghouse contract. These recommendations include:

- Using the new Clearinghouse website to post contracts and upcoming events/seminars about contracting and other related procurement events.
- Having the Clearinghouse website play a significant role in providing exceptional business information to diverse and small businesses, to enhance the business acumen of diverse and small businesses.
- Posting annual supplier diversity reports in the Clearinghouse database for public perusal.

PG&E looks forward to being actively involved in any upcoming discussions with the Joint Utilities and/or other parties regarding potential improvements to the Clearinghouse web site and database. PG&E supports the public posting as appropriate of contracting opportunities, business information or other forms of technical assistance, and annual supplier diversity reports. However, PG&E does not believe these types of information should be posted on the Clearinghouse site. Such posting is not within the scope of the recently executed Clearinghouse contract or the narrow Clearinghouse mission described in GO 156, section 1.3.19: "Clearinghouse' means a Commission-supervised program that shall conduct WMBE verifications and maintain a database of WMDVBEs for the use of utilities and the Commission." Thus it would be necessary to modify or augment the Clearinghouse contract and amend the language of GO 156,¹ subject to further proceedings that would

¹ The Clearinghouse is specifically designed to be of service to diverse businesses, not small businesses in general. GO 156 and its enabling legislation at Public Utilities Code sections 8281, *et seq.*, are likewise about supplier diversity; they do not address the needs of small businesses that are not diverse. Thus it is

carefully consider the scope, costs and cost recovery mechanism of any such expansion. However, PG&E does not believe such an effort would be worthwhile because it would be unlikely to contribute appreciably to increased contracting opportunities for diverse businesses.

A. Posting of Contracting Opportunities on Clearinghouse Site

Based on input during this proceeding, it appears that RFP posting practices are utility-specific. PG&E does a competitive assessment and strives to include diverse suppliers in bid opportunities (either directly or as subcontractors) and, when appropriate to the sourcing opportunity, PG&E posts bids on its external web site: <http://www.pge.com/b2b/purchasing/bidopportunities/>. PG&E also typically sends opportunity notices to community-based organizations, including those that are parties here. PG&E encourages businesses that do not regularly access the PG&E site to do so. Bid opportunities are necessarily posted for short periods of time. It is likely that the opportunities available at any given time will be appropriate for only a few types of businesses. Also, contracting opportunities can differ significantly from year to year, depending on business needs. PG&E also encourages prospective contractors to register their profiles on line so that they can receive notices of opportunities that fit their profiles.

The Commission should not attempt to micro-manage the bidding process by requiring or encouraging particular posting practices. Moreover, PG&E has no reason to believe that regularly accessing its site is any more difficult for diverse businesses than accessing the Clearinghouse site would be, or that duplicative posting² of contracting opportunities with the Clearinghouse would lead to additional contracting opportunities for diverse businesses. PG&E is concerned that resources expended to develop specifications for and implement a new web site, and then to coordinate redundant postings with the Clearinghouse on an ongoing basis, could prove unproductive and wasteful.

difficult to see how the definition of “Clearinghouse” in GO 156 could be amended to include a focus on small, non-diverse businesses.

² PG&E would have to post opportunities on both its own site and the Clearinghouse site because not all potential bidders would access the Clearinghouse site, which is of interest only to diverse businesses.

B. Posting of Business Information on Clearinghouse Site

Nor does PG&E believe the Clearinghouse web site should be expanded to receive information “for the purpose of enhancing the business acumen of the diverse and small businesses.” It is unclear exactly what the Staff has in mind with this recommendation, and PG&E is open to exploring it further. But, as PG&E has noted previously, various types of such support are already provided by non-profit organizations and otherwise tax-payer supported agencies, and the utilities should not be expected to duplicate their efforts at ratepayer expense³. Nor are utilities necessarily skilled in providing certain types of technical assistance.

As for the types of technical assistance that many utilities, including PG&E, can and do provide, *e.g.*, how to prepare bids, bid feedback, utility business understanding, diversity certification assistance, and strategic mentoring and capacity building, PG&E’s web site already provides the following tools and information to the public:

- How to become a certified Diverse Supplier, including how to register and create a Supplier Profile, which PG&E procurement personnel use to identify suppliers for bid or contract opportunities, and how to contact a Supplier Diversity representative.
<http://www.pge.com/b2b/purchasing/supplierdiversity/becomeasupplier/index.shtml>
- Information on the certification process and link to the Clearinghouse
<http://www.sdbnetwork.com/CPUC/> and General Services Administration
<http://www.pd.dgs.ca.gov/smbus/default.htm> web sites.
- Supplier Diversity News:
<http://www.pge.com/b2b/purchasing/supplierdiversity/newsannualreport/>
- Supplier Diversity Frequently Asked Questions:
<http://www.pge.com/b2b/purchasing/supplierdiversity/faq/>

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³ Attachment A lists some of the many small business technical assistance providers in California.

- Calendar of events of interest to diverse suppliers, including training and outreach conferences and instructions on how to have events listed on PG&E's site:
<http://www.pge.com/b2b/purchasing/supplierdiversity/eventcalendar/>
- How to contact a purchasing department representative:
<http://www.pge.com/b2b/purchasing/contacts/>
- Vast amounts of information about PG&E and the energy utility industry in general:
<http://www.pge.com/about/company/profile/>

PG&E also continues to focus on DBE technical assistance initiatives. Programs in 2010 include Diverse Suppliers Go Green, Quality Training Program, Supplier Development Program, and the CUDC Green Summit. PG&E is open to considering enhancements to its web site and initiatives that are likely to drive contracting with diverse businesses. It is unclear, however, how anything posted on the Clearinghouse web site would contribute to additional contracting opportunities for diverse businesses. Here again, PG&E is concerned that it would be wasteful to devote scarce resources to design, implement and maintain a new site featuring largely redundant information.

C. Posting of Supplier Diversity Annual Reports on Clearinghouse Site

PG&E is not opposed to posting its annual supplier diversity reports on a public site, and favors electronic submission of the report, as the Staff Report recommends. As already stated, PG&E is proud of the achievements documented in its reports. However, PG&E does not believe the Clearinghouse web site is the proper repository for those reports. It is not a site members of the public would necessarily know to access. It is typically only used by certified diverse suppliers, or diverse suppliers seeking information about certification. PG&E would be happy to discuss alternate means of making the reports accessible to a broader audience.

II. STANDARDIZING PROCESSES AMONG UTILITIES IS NOT LIKELY TO REMOVE BARRIERS TO ENTRY

The Staff Report supports three recommendations that would tend to standardize practices among utilities. These recommendations include:

- Encouraging the utilities and non-utility parties to “align” on a specific framework on how to make public planned procurement opportunities.
- Encouraging the parties collaboratively to design a training matrix to enhance industry knowledge and determine specific competitive skills necessary for diverse and small businesses.
- Encouraging the utilities to standardize the bid feedback process.

A. Standardization of Procurement Opportunity Posting

As already discussed, PG&E makes procurement opportunities available to the public, including community-based organizations. However, posting practices differ from utility to utility and the Commission should not micro-manage this business process by requiring or encouraging the posting of all opportunities, and/or requiring that they be posted on the Clearinghouse web site, and/or requiring all utilities to follow the same practices. These choices should be up to the individual utilities, based on their individual business needs.

B. Standardization of Training

PG&E is unclear exactly what the Staff has in mind with regard to development of a training matrix. For example, skills development for small and diverse businesses generally is more properly the role of other organizations, such as non-profits and otherwise tax-supported agencies that feature small business development as a core competency, *e.g.*, many entities listed on Attachment A. As already described, there are aspects of technical assistance that utilities can and do deliver to diverse businesses, and PG&E supports working collaboratively to better define what additional technical assistance it may be appropriate for utilities to provide to diverse and small businesses, keeping in mind funding constraints. PG&E cautions, however, that a single “curriculum” would not be applicable to all utilities at all times. Business needs change from year to year and supplier diversity efforts must align with those changing needs.

C. Standardization of Bid Feedback Process

PG&E is also willing to further discuss what can be expected from the bid feedback process. PG&E provides feedback upon request. PG&E observes, however, that suppliers differ in their

propensity to request feedback, and in their willingness or ability to act on it.

III. GIVING UTILITIES CREDIT FOR THE SUPPLIER DIVERSITY PROGRAMS OF PRIME CONTRACTORS WOULD LIKELY DILUTE CONTRACTORS' INCENTIVE TO SUB-CONTRACT WITH DIVERSE BUSINESSES.

The Staff Report recommends giving partial credit to utilities whose prime contractor engages in promoting and/or developing some form of a supplier diversity program. PG&E is agreeable to considering this proposal in a future workshop. However, PG&E is concerned that such a focus could dilute the incentive the prime contractor has to actually award sub-contracts to diverse businesses. A prime contractor might see this option as a way to avoid some of the sub-contracting that is a major focus of PG&E's supplier diversity program. PG&E can also foresee that implementing such a credit system could require a substantial commitment of utility resources to evaluate prime contractors' program designs and implementation, responsibilities that utilities may not be equipped to handle. Utilities' time, expense and effort might better be spent encouraging prime contractors to follow through on their contractual supplier diversity commitments with respect to their utility contracts.

Respectfully Submitted,

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ATTACHMENT A

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TECHNICAL ASSISTANCE PROVIDERS IN CALIFORNIA¹

- Accion San Diego
- Adams Avenue Business Association
- Asian Pacific Revolving Loan Fund Of Los Angeles
- Atlantic Community Economic Development Corporation
- Bay Area Development Company
- Bay Area Entrepreneur Association
- Brotherhood Business Development & Capital Fund
- Business Resource & Action Center
- Calexico Community Action Council
- California Business Incubation Network
- California Capital Small Business Development Corporation
- California Manufacturing Technology Center
- California Office Of Small Business
- California Pollution Control Financing Authority
- California Resources And Training
- California Small Business Development Center
- Calstart
- Career Training Institute, Inc.
- CDC Small Business Finance Corporation
- Center For Cooperatives, University Of California
- Charo Community Development Corporation
- City Of Berkeley Office Of Economic Development
- City Of Hesperia Economic Development Department
- Comunidades Federal Credit Union
- Eastern Los Angeles County Small Business Development Center
- Economic & Employment Development Center
- Ed>Net - California Community Colleges Economic Development Network
- Fresno Certified Development Corporation
- Greater Sacramento Certified Development Corporation
- Interfaith Service Bureau Microenterprise Assistance Program
- Keystone Community Ventures
- Korean Youth & Community Center
- Lenders For Community Development
- Long Beach Area Certified Development Corporation

¹

Source: *Directory of Small Business Technical Assistance Providers in California.*

Website Address: <http://www.frbsf.org/publications/community/development/contents.html>

- Los Angeles Business Development Corporation
- Los Angeles County Community Development Commission
- Los Angeles Urban League Ron Brown Business Center
- Low Income Housing Fund
- Napa Valley College Small Business Development Center
- National Center For American Indian Enterprise Development
- Neighborhood Opportunities Corporation
- Oakland Advisors
- Oakland Business Development Corporation
- Oakland Community Housing, Inc.
- Oakland Small Business Growth Center
- Pace Business Development Center
- Pacific Coast Regional Small Business Development Corporation
- Palm Springs Community Redevelopment Agency
- Regional Environmental Business Resource & Assistance Center
- Renaissance Entrepreneurship Center
- San Diego Community College Auxiliary Organization
- San Francisco Chamber Of Commerce
- Service Disabled Veterans Business Association
- Sierra College Small Business Development Center
- Small Business Development Center-Glendale
- South Bay Economic Development Partnership
- South Of Market Foundation
- Stanislaus County Economic Development Corporation
- State Assistance Fund For Enterprise, Business And Industrial Development Corporation
- United States Small Business Administration
- University Of Southern California Business Expansion Network
- Valley Sierra Small Business Development Center
- Valley Small Business Development Corporation
- Vermont-Slauson Economic Development Corporation
- West Company
- Women's Initiative For Self Employment
- YWCA Of The Midpeninsula

PROCUREMENT TECHNICAL ASSISTANCE CENTERS IN CALIFORNIA²

The Federal Technology Center Procurement Assistance Program
4600 Roseville Road, Suite 100
North Highlands, CA 95660
Phone: 916-334-9388 or toll free: 1-866-382-7822
Fax: 916-334-9078
Website: <http://www.TheFTC.org/PTAC>

Los Angeles County Office of Small Business/PTAC
1100 N. Eastern Ave.
Los Angeles, CA 90063
Phone: 323-881-3964
Fax: 323-881-1871
Website: <http://www.laosb.org>

Riverside Community College District - Procurement Assistance Center
14745 Riverside Drive
Riverside, CA 92518
Phone: 951-571-6472
Fax: 951-653-1051
Website: <http://www.RCCHelpsBusiness.com>

San Diego Contracting Opportunities Center – PTAC
4007 Camino del Rio South, Ste. 210
San Diego, CA 92108
Fax: 619-285-7030
Email: sdcoc@ptac-sandiego.org
Website: <http://www.ptac-sandiego.org>

² Source: U.S. Department of Defense - Procurement Technical Assistance Centers in California. Website Address: <http://www.dla.mil/db/procurem.htm#CALIFORNIA>. Assistance provided may focus on access to private and/or government procurement.

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CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On July 13, 2010, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS ON
WORKSHOP ONE STAFF REPORT, "BARRIERS TO ENTRY"**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **R.09.07.027** with an email address.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **R.09.07.027** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on July 13, 2010.

/s/
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