

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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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.

R.09-07-027
(Filed July 30, 2009)

**RESPONSE OF AT&T CALIFORNIA (U 1001 C),
PACIFIC GAS AND ELECTRIC COMPANY (U39-E),
AND VERIZON CALIFORNIA INC. (U 1002 C)
TO MOTION TO EXTEND COMMENTS**

Pursuant to Rules 1.8(d) and 11.1(e) of the Rules of Practice and Procedure of the California Public Utilities Commission (CPUC or Commission), AT&T California (AT&T), Pacific Gas and Electric Company (PG&E), and Verizon California Inc. (Verizon) (the Reporting Companies) submit this response to the July 30, 2010, "Motion to Extend Community Group and Utility Comments until October 19th" (Motion) filed by the Black Economic Council, the Latino Business Chamber of Greater Los Angeles, and Mabuhay Alliance (the Moving Parties).

The Reporting Companies oppose the motion to extend this Rulemaking to provide an additional round of comments on October 19, 2010. Parties have already filed **five** sets of comments¹ and a brief review shows them becoming increasingly repetitive. The record is now robust and additional comments prior to a proposed decision (PD) are unlikely to be useful.

¹ Opening comments on the OIR September 30, 2009 and November 20, 2009; Comments on Aspirational Steps on May 26, 2010; Comments on May 5 workshop report on June 10 and June 21, 2010; Response to Rebuttal Remarks on July 28; and Comments on June 7 workshop on July 13 and August 6, 2010.

Moreover, the motion fails to provide a compelling reason or good cause for additional comments. The Moving Parties observe that the Chief Executive Officers (CEO) or senior management of the Reporting Companies will provide “input” at the En Banc on October 12, 2010. But the Commission can process such input without another round of comments in this proceeding. The Commission has done so for several years, since it began to host the annual En Banc.

The Moving Parties also suggest they will meet with CEOs in the interim and report back in comments about a consensus they hope to achieve. Speculation and unjustified optimism do not provide a sufficient basis for delaying the PD. Moving parties speculate they will persuade Reporting Companies’ CEOs to take different positions than their companies have taken heretofore in this Rulemaking, implying that Reporting Companies’ attorneys and supplier diversity staff intransigence has generated resistance to many of their proposals, as opposed to the impracticality, redundancy, potential cost, lack of specificity, and unproven effectiveness of some of those proposals. Reporting Company comments reflect the direction of management, not the personal views of in-house counsel or staff. Moving Parties’ mistaken premise is sufficient for the Commission to deny the Motion.

With regard to disabled veterans, the Moving Parties contend that meetings they have had with federal government departments will somehow translate into unknown benefits for this proceeding. This claim too is speculative and the lack of specificity in the Motion provides the Commission with no

guidance on whether these efforts justify delay and yet another round of comments. For example, Moving Parties provide no date for the anticipated hearing in San Francisco with the Department of Veterans Affairs and the Department of Defense, or whether these agencies have already created an agenda for the meeting. Moving Parties attach nothing to support their contentions.

The Moving Parties mention meetings with several Congress members, the Securities and Exchange Commission (SEC) and the Federal Deposit Insurance Corporation (FDIC) and claim that a Commission recommendation for special credit for corporations supporting General Order (GO) 156 principles “could be implemented.” The parties have already addressed this issue insofar as it affects implementation of GO 156,² and meetings on the national level are irrelevant to this proceeding. It is clear that the Moving Parties would like the scope of this proceeding expanded to include their national level activities but these are beyond the current scope of this Rulemaking. And such out of scope activities do not justify delaying the conclusion of this Rulemaking. Moreover, the Commission’s process in this case has proven quite successful. Through collaboration, the parties have provided the Commission with high quality process improvement recommendations. Additional delay would only further divert the Reporting Companies from getting on with efforts to improve their supplier diversity programs.

² See, e.g., Opening Comments of PG&E on Workshop No. 1 Report (filed July 13, 2010) at 7.

It appears that the Federal Reserve, the FDIC, the Office of the Comptroller of Currency (OCC), the SEC and the Secretary of Treasury must establish internal diversity offices under newly enacted legislation. According to the Moving Parties, whether these diversity offices adopt the special credit recommendation “could depend in part upon the direction of the CPUC.” The Moving Parties fail, however, to explain precisely how an additional round of comments will in any way assist them in their advocacy at the federal level or before the Commission with respect to this particular issue, whether or when the federal agencies will even welcome Commission “direction,” or why intervenors’ advocacy of initiatives at the federal level should be within the scope of this Rulemaking about the supplier diversity programs of California utilities. The Moving Parties again provide insufficient grounds to warrant granting their Motion to delay the PD and require yet another round of briefing.

The Commission should deny the Motion.³

Respectfully submitted,

/s/

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Dated: August 13, 2010

³ If the Commission grants the motion, it should allow reply comments by October 29.

CERTIFICATE OF SERVICE

I hereby certify that: I am over the age of eighteen years and not a party to the within entitled action; my business address is 112 Lakeview Canyon Road, CA501LB, Thousand Oaks, California 91362; I have this day served a copy of the foregoing, **RESPONSE OF AT&T CALIFORNIA (U 1001 C), PACIFIC GAS AND ELECTRIC COMPANY (U39-E), AND VERIZON CALIFORNIA INC. (U 1002 C) TO MOTION TO EXTEND COMMENTS** by electronic mail to those who have provided an e-mail address and by U.S. Mail to those who have not, on the service list.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 13th day of August, 2010 at Thousand Oaks, California.

/s/ *Jacque Lopez*
JACQUE LOPEZ

Service List: R.09-07-027



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