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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Create the Small Business Advisory Council.	Rulemaking 10-12-009 (Filed December 16, 2010)

ADMINISTRATIVE LAW JUDGE'S RULING SETTING DATES FOR WORKSHOP AND OTHER MATTERS

This Administrative Law Judge's (ALJ) Ruling adopts revisions to the schedule for the workshop in this proceeding, sets a date for the filing of a Notice of Intervention, and clarifies that the Commission will not set a meeting of the Small Business Advisory Council until after adopting a decision that resolves the issues set forth in the Order Instituting Rulemaking (OIR) to create a Small Business Advisory Council.

The OIR initiating this proceeding set February 20, 2011, as a day for workshops to address issues requiring resolution by the Commission as it works to establish a Small Business Advisory Council. February 20, 2011, however, was a Sunday and not a normal work day for the Commission. On February 14, 2011, ALJ Timothy J. Sullivan sent an e-mail to the service list indicating that this initial workshop will take place on Monday, March 7, 2011.

Further details concerning the workshops are now available. The workshops will start at 10:00 a.m. and will meet in the Courtyard Room of the Public Utilities Commission in San Francisco. The goal of the workshop is to agree upon a charter for the council. Attached to this ruling is the charter for the

Low Income Oversight Board which will be used to assist in developing a charter for the small business advisory council (Attachment A). An agenda will be emailed to the service list by the Business and Community Outreach staff of the Commission in advance of the workshop.

In addition, the OIR stated that quarterly meetings of the Small Business Advisory Council would commence in April 2011. A decision resolving the issues set forth in the OIR is not expected until June 2011. Since it is not appropriate for the Small Business Advisory Council to meet until the issues in the OIR are resolved, we cancel the April 2011 quarterly meeting. The first decision in this matter will determine when quarterly meetings will commence.

Finally, the OIR permits the ALJ to determine via ruling the deadline for filing a notice of intent to claim intervenor compensation. This ruling requires that any party that expects to claim intervenor compensation for its participation in this rulemaking in accordance with Rule 17.1 of the Commission's Rules and Practices and Procedure shall file its notice of intent to claim intervenor compensation no later than 30 days after the March 7, 2011 workshop.

IT IS RULED that:

1. The first workshop in this proceeding will take place on Monday, March 7, 2011 starting at 10:00 a.m. at the Commission in San Francisco.
2. The quarterly meeting of the Small Business Advisory Council set for April 2011 is cancelled.

3. Any party that expects to claim intervenor compensation for its participation in this rulemaking in accordance with Rule 17.1 of the Commission's Rules and Practices and Procedure shall file its notice of intent to claim intervenor compensation no later than 30 days after the March 7, 2011 workshop.

Dated February 24, 2011, at San Francisco, California.

/s/ TIMOTHY J. SULLIVAN
Timothy J. Sullivan
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated February 24, 2011, at San Francisco, California.

/s/ OYIN MILON
Oyin Milon

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

* *

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

ATTACHMENT A

MAILED: 06/11/07

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION **RESOLUTION E-4095**
June 7, 2007

R E S O L U T I O N

Resolution E-4095. Adoption of revised Low Income Oversight Board Charter

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SUMMARY

This Resolution adopts revisions to the charter governing the structure of the Low Income Oversight Board (LIOB), as recommended by the members of the LIOB.

BACKGROUND

By Senate Bill 2 from the Second Extraordinary Session (SBX2 2), the Legislature established the LIOB to advise the Commission on low-income electric and gas customer issues and to serve as a liaison for the Commission to low-income ratepayers and representatives. Moreover, SBX2 2 required specific activities, which would enable the LIOB to advise the Commission. It also described the selection process and types of members allowed to serve on the LIOB. Additionally, SBX2 2 listed the Commission's duties in conjunction with the LIOB.

The Commission with the LIOB's consent drafted the original charter, which established the governing structure for the LIOB, consistent with Section (§) 382.1 of the California Public Utilities Code.

On October 7, 2005, the Governor of the State of California signed into law Senate Bill 580 (SB 580). SB 580 expanded the LIOB's duties by including low income water customer issues of which the LIOB can advise the Commission. It also increased the number of LIOB members by two people to be selected by the Commission.

NOTICE

Draft Resolution E-4095 was mailed on May 8, 2007 and posted on the Commission's Daily Calendar and served on the Service List for R. 07-01-042. The Daily Calendar Notice, and Service List Notice provided that comments concerning the draft resolution could be filed by May 28, 2007, and that reply comments must be filed by June 2, 2007.

DISCUSSION

This resolution revises the original LIOB Charter to incorporate the expansion of LIOB duties and membership as required by SB 580. The original LIOB Charter only included electrical and gas customer issues of which the LIOB may advise the Commission. The revised LIOB Charter adds customer issues related to water corporations of which the LIOB may advise the Commission.

The original LIOB Charter indicated that nine members may serve on the LIOB. As required by SB 580, the revised LIOB Charter increases LIOB membership from nine members to eleven members. One of the two new members must have expertise in the low income community and be unaffiliated with any state or utility group. The other new member must be a representative of a water corporation. The Commission has the authority to select and approve these two new members.

Additionally, this resolution revises the original LIOB Charter to align the activities the LIOB may undertake in advising the Commission on low income electric, gas, and water customer issues according to Section (§) 382.1 of the California Public Utilities Code.

This resolution also revises the original LIOB Charter to correct some grammatical and spelling errors.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Public Utilities Code Section (§) 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. By Senate Bill 2 from the Second Extraordinary Session (SBX2 2), the Legislature established a Low-Income Oversight Board (LIOB) to advise the Commission on low-income electric and gas customer issues and to serve as a liaison for the Commission to low-income ratepayers and representatives.
2. On October 7, 2005, the Governor of the State of California signed into law Senate Bill 580.
3. Senate Bill 580 expanded the LIOB's duties by including low income water customer issues of which the LIOB can advise the Commission. It also increased the number of LIOB members by two people selected by the Commission.
4. On March 22, 2007, the LIOB unanimously approved the revised LIOB Charter, as attached.
5. Adoption of the revised LIOB Charter, as attached, promotes the goals of the Legislature and the Commission to allow the LIOB to advise the Commission on low-income electric, gas, and water customer issues and to serve as a liaison for the Commission to low-income ratepayers and representatives.

THEREFORE, IT IS ORDERED THAT:

1. The attached revised charter for the Low Income Oversight Board is adopted in its entirety.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a meeting of the Public Utilities Commission of the State of California held on June 7, 2007 the following Commissioners voting favorably thereon:

_____
PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
PRESIDENT
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

ATTACHMENT

CHARTER

of the

LOW INCOME OVERSIGHT BOARD

1. ARTICLE ONE: NAME

1.1 Name. The name of this advisory board shall be the Low Income Oversight Board (LIOB or the Board).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Board. Pursuant to Sec. 382.1 of the California Public Utilities Code, the purpose of the LIOB is to advise the California Public Utilities Commission (Commission) on low-income electric, gas, and water corporation customer issues and to serve as a liaison for the Commission to low-income ratepayers and representatives.

3. ARTICLE THREE: MEMBERSHIP

3.1 Members. The LIOB shall be comprised of eleven members. One LIOB member shall be selected by the Governor. One LIOB member shall be selected by the California Department of Community Services and Development. Five LIOB members shall have expertise in the low-income community and not work for a state agency or utility company. These five members shall be selected and approved by the Commission in a manner that ensures an equitable geographic distribution. One LIOB member each shall be a commissioner or commissioner designee, a representative of private weatherization contractors, a representative of an electrical or gas corporation, and a representative of a water corporation. These four members shall be selected and approved by the Commission. Members of the LIOB shall begin their terms of service on the date the Commission approves the selection, except for the members selected by the

Governor and the Department of Community Services and Development. These terms shall begin on the date the appointments are made.

3.2 Term of Appointment. LIOB members will be appointed for two-year terms. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which membership is based, the member's appointment shall terminate as of the date that affiliation ceases. The Commission's Executive Director shall issue a letter announcing the termination of the member's appointment.

3.3 Removal. LIOB members that are appointed by the Commission may be removed at any time by the Commission's Executive Director when the Executive Director determines that such removal is in the best interests of the goals of the LIOB. The Executive Director shall issue a letter announcing the termination of the member's appointment.

3.4 Resignation. Any member of the Board may resign with written notice to the Commission's Board representative, the Chair of the Board, and the Commission's Executive Director.

3.5 Vacancies. Vacancies for positions that are to be appointed by the Commission shall be filled by the Commission.

3.6 Indemnification. Members of the LIOB, as well as members of committees established by the Board to further the work of the LIOB, who are not employed by the Commission or other governmental agencies of the State of California are servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, Board members may request that the CPUC defend them against claims or actions relating to acts or omissions that are within the course and scope of the services they perform for the LIOB, pursuant to Gov. Code § 815 -825.6 and 995 -996.6. The LIOB budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Board members for acts done within the course and scope of services performed for the LIOB, to the extent that such activities are

held not to be indemnified by the CPUC under Gov. Code § 810.2, 825 - 825.6 and/or 995 -996.6.

3.7 Expenses and Compensation. Members of the LIOB who are not employees of utilities, the Commission, or other governmental agencies of the State of California shall be eligible for reasonable compensation for attendance at Board meetings and for compensation in accordance with the state guidelines for necessary travel to Board meetings. Reasonable compensation for attendance at LIOB meetings and at committee meetings as described below shall be $400 for each day of meetings attended by the eligible members or $200 if the meeting lasts for less than two hours.

If the LIOB establishes other committees that further the work of the LIOB, those committee members shall be eligible for reasonable compensation for attendance at committee meetings authorized by the LIOB and for compensation in accordance with state guidelines for necessary travel to committee meetings authorized by the LIOB. LIOB members who are requested by the LIOB to attend committee meetings shall be eligible for reasonable compensation for attendance at committee meetings authorized by the LIOB and for compensation in accordance with state guidelines for necessary travel to committee meetings authorized by the LIOB. There shall be no compensation for preparation work by LIOB board members or committee members.

For each LIOB member and/or member of a committee who is an employee of public entity, trade association, or consumer group, compensation and expense reimbursement related to the member's participation in the LIOB/and or a committee shall go to the member's employer unless the member can show justification for receiving these monies directly.

Eligible Board and/or committee members must seek reimbursement of travel expenses and compensation for attendance at meetings through the Commission's Travel Expense Claim (TEC) process, which will be reviewed and processed by Commission staff.

Board members shall not be eligible to receive intervener compensation under Pub. Util. Code § 1801 et seq. for their work related to the LIOB. All reasonable costs incurred by the board in carrying out its duties including staffing, travel, and administrative costs, shall be reimbursed through the public utilities reimbursement account and shall be part of the budget of the commission and the commission shall consult with the board in the preparation of that portion of the commission's annual proposed budget.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties. a.) Pursuant to Public Utilities Code Section 382.1(a), the LIOB shall advise the Commission regarding the Commission's performance of the following duties:

1) Monitor and evaluate the implementation of programs provided to low-income electricity, gas, and water corporation customers.
2) Assist in the development and analysis of any assessments of low-income customer need.
3) Encourage collaboration between state and utility programs for low-income electricity and gas customers to maximize the leverage of state and federal energy efficiency funds to both lower the bills and increase the comfort of low-income customers.
4) Provide reports to the Legislature, as requested, summarizing the assessment of need, audits, and analysis of program implementation.
5) Assist in streamlining the application and enrollment process of programs for low-income electricity and gas customers with general low-income programs, including, but not limited to, the California LifeLine Program formerly known as the Universal Lifeline Telephone Service or ULTS program, and including compliance with PU Code Section 739.1.

6) Encourage the usage of the network of community service providers in accordance with PU Code Section 381.5.

4.2 Conflict of Interest Rules. Members of the LIOB and committee members shall comply with the Fair Political Practices Commission Conflict of Interest Code, 2 Cal. Code of Regulations, § 18730. For purposes of applying these rules, all members of the LIOB and its committees shall be defined as "designated employees" required to disclose the following "economic interests:"

> Any investment or business position in, or income from, any of the following:
>
> 1. An entity seeking to provide any product or service related to the Board's function or that has plans to come before the Board to seek funds from the LIOB's budget.
>
> 2. A parent or a subsidiary of an entity seeking to provide any product or service related to the Board's function or that has plans to come before the Board to seek funds from the LIOB's budget.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The LIOB shall act only in the course of a duly noticed meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §11120-11132.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. The Chair of the Board or the Commission's Board representative shall have the authority to call a meeting. Section 382.1 of the Public Utilities Code requires that the LIOB alternate meeting locations between northern, central, and southern California. The agenda, once published, shall not be revised fewer than ten (10) days prior to the

meeting. The LIOB may authorize meetings of committees established to promote the goals of the LIOB.

5.2 Open Meetings. All meetings of the LIOB and of any committees established to promote the goals of the LIOB shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meeting Act.

5.3 Quorum and Teleconferencing. A majority of the members of the Board shall constitute a quorum for the transaction of business. Members may be present in person or by conference telephone to the extent consistent with state law regarding open meetings, so long as the place of the meeting is open to attendance by the public and so long as the meeting is conducted in a way that is consistent with the requirements of Gov. Code § 11123.

5.4 Board Decisions. Each member present shall have one vote. Decisions shall be made by a majority vote of those members present as long as a quorum is present at the time of the vote.

5.5 Prohibition on Proxies. Only individuals appointed as members may serve as members of the Board. No alternate, substitute, or proxy representation of Board members may occur.

5.6 Public Participation. The LIOB shall provide an opportunity for members of the public to address the Board directly on each agenda item before or during the Board's discussion or consideration of the item.

5.7 Records. A person delegated by the Board shall record and prepare written minutes of LIOB meetings. A tape recording of the meetings may be made. The administrative delegate assigned to the task of preparing the written minutes shall submit them to the Board at its next meeting for review and approval. Written minutes shall: (a) identify the date, time, and place of the meeting; (b) identify the Board members in attendance, and (c) contain a summary of the meeting. Copies of the minutes shall be provided to the Commission or any interested party upon request.

6. ARTICLE SIX: OFFICERS

6.1 Officers. The LIOB shall have a Chair and a Vice-Chair, both of whom shall be members of the Board. These officers shall be elected by the members of the Board to serve a term of one year, and they may be re-elected. An officer shall continue to hold office until a successor has been elected and assumed office. However, if an officer ceases to be a member of the Board, the officer's appointment shall terminate.

6.2 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the Board. The Chair shall preside at all meetings of the Board. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting, the Chair shall appoint a temporary Chair for that meeting. The officers shall perform such other duties as from time to time may be prescribed by the Board.

7. ARTICLE SEVEN: EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date. This Charter shall become effective on the date it is approved by the Commission.

7.2 Amendments. This Charter is subject to amendment, termination or revocation at any time by order of the Commission.

8. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

8.1 While the LIOB shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct energy or water corporations to act or refrain from acting. Such authority shall remain solely with the Commission.

8.2 The activities of the LIOB shall be carried out under the Commission's direction, control, and approval.

(END OF ATTACHMENT A)