

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



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Order Instituting Rulemaking to Revise General Order 156 to Include Certain Electric Service Providers and Community Choice Aggregators and Encourage Voluntary Participation by Other Non-Utility Entities Pursuant to Senate Bill 255; Consider LGBT Business Enterprise Voluntary Target Procurement Percentage Goals; Incorporate Disabled Business Enterprises; Modify the Required Reports and Audits; and Update Other Related Matters.

Rulemaking 21-03-010
(Filed March 18, 2021)

**COMMENTS OF BUILDOUT CALIFORNIA
ON ASSIGNED COMMISSIONER'S PROPOSED DECISION**

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Dated: March 1, 2022

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Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, BuildOUT California, a party to this proceeding, hereby submits its Comments on the Proposed Decision of Assigned Commissioner Clifford Rechtschaffen, issued in this case on February 9, 2022.

I. DISCUSSION

The specific issue of concern to BuildOUT California is the establishment of an aspirational goal for LGBT-owned business enterprises under General Order 156, the Commission's Supplier Diversity Program. The Proposed Decision would adopt a goal of 1.5% for LGBT-owned business enterprises under General Order 156. In this respect, the Proposed Decision is consistent with the position advocated by BuildOUT California and aligned parties, and by numerous elected public officials in letters addressed to the Commission.

BuildOUT California strongly supports this aspect of the Proposed Decision, and we respectfully urge the Commission to adopt it.

In September 2014, then-Governor Jerry Brown signed Assembly Bill 1678, sponsored by then-Assemblymember Richard Gordon (Gordon, Stats. 2014, Ch. 633) (AB 1678”). This landmark legislation amended the Public Utilities Code to mandate that LGBT-owned business enterprises be included in the Supplier Diversity Program under General Order 156.

The Proposed Decision, if approved by the full Commission, will carry out the mandate of AB 1678 in a meaningful way, by establishing an aspirational goal of 1.5% for LGBT-owned business enterprises in the Supplier Diversity Program.

The Proposed Decision will phase in this goal over the next two years, as follows:

2022	0.5%
2023	1.0%
2024	1.5%

BuildOUT California applauds the Proposed Decision. From the perspective of LGBTQ businesses and the larger LGBTQ community, this amendment to General Order 156 is long overdue. It is also greatly appreciated. More than seven years after the enactment of AB 1678, it will finally place LGBT business owners on a par with other business owners who participate in the Supplier Diversity Program.

We are grateful to Assigned Commissioner Rechtschaffen and Assigned Administrative Law Judge Regina DeAngelis for their competent management of this proceeding, and for their conscientious work in preparing this historic Proposed Decision.

We take particular note of the Proposed Decision’s graduated, staircase approach to establishing a procurement goal for LGBT-owned businesses in – 0.5% in 2022, 1.0% in 2023, and 1.5% for the years 2024 and thereafter. This is responsive to concerns expressed by the utility companies that they are not ready for a goal as high as 1.5% for LGBT-owned businesses.

But it holds the utilities' feet to the fire. Importantly, the Proposed Decision does not reward those recalcitrant utilities (nearly one-third of the companies governed by General Order 156) that have not awarded any contracts at all to LGBT-owned businesses in the more than seven years that have elapsed since the enactment of AB 1678 in 2014.

For these reasons, BuildOUT California does not suggest any changes to the Proposed Decision, nor to the proposed revisions to the text of General Order 156 itself which are appended to the Proposed Decision as Attachment 2 (redline version) and Attachment 3 (clean version). We respectfully urge that the Proposed Decision be approved by the Commission.

II. CONCLUSION

BuildOUT California strongly supports the Proposed Decision's adoption of a 1.5% goal for LGBT-owned businesses under General Order 156. We support the graduated, stairstep approach to reaching this goal (0.5% in 2022, 1.0% in 2023, and 1.5% in the years 2024 and thereafter), as set forth in the Proposed Decision.

Accordingly, we respectfully urge the Commission to approve the Proposed Decision's modifications to General Order 156 with respect to LGBT-owned business enterprises.

Respectfully submitted,

By:  _____

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