

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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October 1, 2010

Agenda ID #9826

Notice of Availability

TO ALL INTERESTED PARTIES

This draft resolution will implement a pilot program to provide to limited English proficient consumers, an in-language education, complaint resolution and outreach program for energy matters which will be provided by the same contractor and community based organizations involved in the California Public Utilities Commission's Telecommunications Education and Assistance in Multiple-Languages program. It will be on the agenda at the November 19, 2010, Commission meeting. The Commission may then vote on this draft resolution, or it may postpone a vote.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding.

You may serve comments on the draft resolution. Opening comments shall be served no later than October 21, 2010, and reply comments shall be served no later than October 26, 2010. Service is being provided to all persons on the service list for proceeding R.10-02-005 available on the CPUC website at this link:

http://docs.cpuc.ca.gov/published/service_lists/R1002005_78892.htm.

Comments shall be served consistent with the requirements of Public Utilities Code § 311(g) and Rule 14.5 of the Rules of Practice and Procedure.

Finally, comments and reply comments must be served via e-mail on the Consumer Service and Information Division Public Advisor, Karen Miller at knr@cpuc.ca.gov and on Assistant Public Advisor, Kyle DeVine, at kyl@cpuc.ca.gov.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Consumer Service and Information Division
Public Advisor's Office**

**RESOLUTION CSID - 004
Date: November 19, 2010**

R E S O L U T I O N

Resolution CSID - 004

To implement a pilot program to provide to limited English proficient consumers, an in-language education, complaint resolution and outreach program for energy matters which will be provided by the same contractor and community based organizations involved in the California Public Utilities Commission's Telecommunications Education and Assistance in Multiple-Languages program. The California Public Utilities Commission's Consumer Service and Information Division will evaluate the effectiveness of the pilot to determine if it should recommend to the Commission to continue the program.

Summary

This resolution approves a pilot program which will provide an energy-related education, complaint resolution and outreach program for limited English proficient (LEP) consumers, through the same contractor and Community Based Organizations (CBOs) which provide the California Public Utilities Commission's (CPUC) Telecommunications Education and Assistance in Multiple-Languages (TEAM) program. The CPUC's Consumer Service and Information Division (CSID) will evaluate the effectiveness of the pilot to determine if it should recommend its continuance.

The pilot, Community Help and Assistance with Natural Gas and Electricity Services (CHANGES), will be jointly developed and monitored by CSID and the four major Investor Owned Utilities (IOUs), specifically, Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E), Southern California Edison Company (SCE), and Southern California Gas Company (SoCalGas). The pilot will focus on those four IOU's LEP customers. It will be paid for by the IOUs through their California Alternates Rate for Energy (CARE) program funding, as allowed in Section 739.4, Public Utilities Code (PU Code) which is attached. If CSID determines that the pilot program

is successful, CSID will recommend that the Commission continue the program and determine recovery of the continued program's expenses.

Background

The CPUC has expanded its efforts to provide assistance to the more than six million, or 20 percent¹ of California's consumers who have limited proficiency in English. The CPUC employs many people who are certified to communicate in various languages and they are called upon to assist with oral and written translations. The CPUC also provides its consumer materials in 18 languages² and has developed the TEAM program for consumers who do not seek assistance from government agencies, but prefer instead to turn to community organizations with which they are familiar, as noted in the proceeding record for the Consumer Protection Initiative (CPI), Rulemaking 00-02-004.

The CPI Decision, D. 06-03-013, examined the rights of and protections available to California telecommunications consumers, and raised questions as to whether LEP consumers faced disadvantages in the telecommunications market. That Decision directed CPUC staff to undertake a series of initiatives to heighten its ability to respond to consumers. Initiative No. 23 directed staff to analyze and report on special problems faced by LEP consumers.

The Staff report, "Challenges Facing Consumers With Limited English Skills In The Rapidly Changing Telecommunications Marketplace" (Report), was developed in response to Initiative 23 and it recommended that the Commission initiate a proceeding to determine what if any rules needed to be developed to assist LEP consumers. Subsequent to that recommendation, Order Instituting Rulemaking R.07-01-021 was initiated to consider ways to improve services to California's telecommunications consumers who do not read or speak English fluently.

R.07-01-021 resulted in D.07-07-043, "Decision Addressing the Needs of Telecommunications Consumers Who Have Limited English Proficiency." Ordering Paragraph 13 of the Decision states, "Staff shall design a program that integrates community based organizations (CBOs) in the Commission's outreach, education and complaint resolution processes, including a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of public funds."

¹ According to the U.S. Census Bureau's 2006-2008 American Community Survey, the most recent set of data available.

² Languages are: English, Spanish, Chinese, Tagalog, Vietnamese, Korean, Japanese, Thai, Hmong, Khmer, Portuguese, French, Armenian, Arabic, Farsi, Russian, Burmese and Laotian.

In response to that Decision, CSID developed Resolution CSID – 002 which is the basis for the TEAM program. The TEAM program began offering services statewide in June 2008.

Discussion

LEP consumers benefit from assistance provided by CBOs. The CPI Decision states, “We believe that we can improve our complaint resolution efforts by working more with CBOs, which possess unique insights into problems faced by specific communities.”³ The CPI Decision also states that “CBOs play an important role in bridging the barriers to effective communications between carriers and LEP consumers.”⁴ Both concepts are a part of the TEAM program and have contributed to its success. Representatives at the CBOs are from the same cultures they serve, enabling them to possess the insights necessary for such a program and also to provide in-language assistance which is culturally sensitive.

In the first term of the TEAM program (which lasted eight months) the CBOs provided education, complaint resolution and outreach services in 28 languages. CBO results were as follows:

- Educated more than 33,000 consumers about telecommunications services.
- Resolved more than 1,000 complaints consumers had with their telecommunications carriers.
- Increased awareness of the program through outreach efforts that potentially reached nearly 14 million consumers⁵.

The second term of the program ended August 31, 2010, and the annual report for it is not available yet, but through monitoring of monthly reports and statistics, CSID ascertains that the program has increased the services it provides.

Almost since the start of that program, people who turn to the CBOs for TEAM services have also asked them for assistance with their natural gas or electricity utility bills or services. LEP consumers benefit by the successful in-language TEAM program. This pilot will provide CSID sufficient information to determine whether the addition of the energy component should be adopted.

CHANGES pilot will be a joint effort of the CPUC and IOUs – CSID staff have met with the four IOUs to discuss the program. All involved agree it will provide benefits to LEP consumers.

³ D.06-03-013, p.101

⁴ D.07-07-043, p. 94

⁵ Outreach statistics are based on print and broadcast media’s statistics reported for their subscribership, community events, posters and fliers.

The CHANGES pilot will be jointly developed and monitored by CSID and the IOUs. Unlike TEAM, where CBOs provide education and complaint resolution assistance for all telecommunications carriers, the CBOs under the pilot program will be providing services only for the IOU(s) which provide service in the CBO's community. For example, some CBOs will be providing assistance for PG&E customers and others for SCE, SDG&E and/or SoCalGas customers. Therefore, the CBOs may be using materials provided by the IOU(s), and approved by the CPUC for their education or outreach components of the program.

Pilot components - The pilot will comply with PU Code Section 739.4(b) and include the same three elements –Education, Complaint Resolution and Outreach - which complement and build on each other.

1. Education – the components may include how to avoid disconnection of service, including payment arrangements or level payment plans; assistance programs such as California Alternate Rates for Energy (CARE), Low Income Energy Efficiency (LIEE), Family Electric Rate Assistance (FERA), and Medical Baseline. Education may also include basic information which can lay the groundwork for consumers to understand how to avoid high bills, such as: how to read a utility bill, understanding baseline allowances, seasonal changes, and the rate structure; and information on energy conservation.
2. Complaint Resolution – the CBOs will work directly with the consumers and the IOUs to assist customers with issues such as, bill inquiries, avoidance of service disconnections, or restoration of service. The current TEAM program provides assistance in 38 languages. Representatives at the CBOs are of the same culture as the consumers they assist and are trusted by them. This makes it easier for them to liaison between the utility and the consumer and to negotiate on the consumer's behalf. Complaint resolution will also include one-on-one education to help individuals understand billing, payment arrangements, and ways to reduce utility costs.
3. Outreach – the pilot will leverage the existing TEAM outreach activities as an opportunity to supply information about the pilot and energy collateral materials at the same time that the TEAM program is discussed. Examples include, posting flyers or posters about the availability of assistance with energy issues, talking about the pilot when CBOs attend community events, meeting with federal, state or local community leaders about providing services to their constituents, or talking about the program during media interviews.

Funding - The IOUs will contract directly with the TEAM contractor which manages the TEAM program⁶, and reimburse the contractor directly. The contractor, in turn, will compensate the CBOs for their work. The initial one year pilot will be funded at \$500,000 through CARE funds, as provided in Section 739.4 (d), PU Code. The IOUs propose that funding breakdown as follows:

SoCalGas:	\$125,000
SDG&E:	\$75,000
PG&E:	\$150,000
SCE:	\$150,000

The breakdown is based on service area and the amount of complaints received by the CPUC's Consumer Affairs Branch for each utility.

CHANGES pilot to be implemented through current TEAM program - Often pilot programs, because they focus on evaluating an unknown, must have some controlling factors. In this case the Commission has determined it will use an existing network of CBOs as its controlling factor because it is familiar with the contractor, its CBO network, and performance. This will enable the Commission and the IOUs to better evaluate the unknown, specifically the benefit and utilization of CBOs in relation to assistance with energy matters for LEP consumers.

Comments

The draft resolution was e-mailed October 1, 2010, to interested parties including those on the Service List for proceeding R.10-02-005.

Comments to it are due October 21, 2010.

Replies to the comments are due October 26, 2010

⁶ The first TEAM contract was for two years and was awarded to Self Help for the Elderly in June 2008. Earlier this year the CPUC issued another Request for Proposal for a new contract and again Self Help for the Elderly was the successful bidder and awarded the contract.

Findings of Fact

1. The TEAM program, which provides education, complaint resolution and outreach services on telecommunications issues for LEP consumers, has been a success.
 2. Commission staff realized early on during the TEAM program that consumers who were benefiting from the TEAM program were asking for assistance with their energy bills and services.
 3. The four IOUs expressed interest in utilizing such a program to help their LEP consumers.
 4. The pilot will augment TEAM's and the IOUs' education, complaint resolution and outreach programs.
 5. Section 739.4(b), PU Code requires the utilities to provide services to help low income utility customers and seniors to avoid unnecessary disconnections by providing information about assistance programs, payment arrangements and level payment plans.
 6. The pilot program will include a mechanism for compensating CBOs for their efforts while ensuring financial accountability and prudent use of CARE funds, as permitted through PU Code Section 739.4(d).
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THEREFORE, IT IS ORDERED THAT

1. The pilot program, as presented in this resolution, is approved.
2. The California Public Utilities Commission's Consumer Service and Information Division (CSID) and the four major investor-owned energy utilities (IOU)s will work together to have this pilot in place by early 2011.
3. CSID and the IOUs will meet regularly to evaluate the program and modify it, if necessary, within the scope of the program outlined in this Resolution.
4. CSID will audit the program and its related expenditures to assure the program is making the best use of the funds that are set aside for the program.
5. Before the end of the year 2011, CSID will recommend to the Commission whether the program should continue. If so, the Commission will set the appropriate funding level at that time, including a method for recovery of program expenses.

This Resolution is effective today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on _____. The following Commissioners approved it:

Paul Clanon
Executive Director

Attachment A

California Public Utilities Code, Section 739.4

739.4. (a) Any natural gas customer who enrolls in the CARE program after the effective date of this section, but before October 1, 2001, shall receive the same one-time bill credit based on the amount of each gas corporation's average CARE customer discount applied for each month in October 2000 to March 2001, inclusive. The credit does not apply to a customer who initiates service with a gas corporation after the effective date of this section, and who has no prior history of service with the gas corporation. CARE program funds shall be used for the purpose of providing these credits. The commission shall adjust CARE program income requirements annually to reflect the increased cost-of-living due to inflation.

(b) The commission shall require all electrical and gas utilities through which CARE program rates are available to do all of the following, in multilingual formats to the extent printed and recorded information is provided, to facilitate better penetration rates for the CARE program and to protect low-income and senior households from unwarranted disconnection of necessary electric and gas services:

(1) Provide an outgoing message on all calls, where the customer is seeking to establish service or is put on hold, to customer service lines that briefly describes the CARE program in standard language approved by the commission, and that provides a toll-free phone number for customers to call to subscribe to the program or for further information.

(2) Provide information to customers about the CARE program and facilitate subscription to CARE, on all calls in which customers are making payment arrangements, on all collections calls, and on all calls for reconnection of service.

(3) (A) Provide information about the CARE program and other assistance programs, and attempt to qualify customers for CARE, and provide information about individual payment arrangements that allow customers to pay the amounts due over a reasonable period of time, not to exceed 12 months, and attempt to enroll customers in a payment arrangement program, before effecting any disconnection of service for nonpayment or inability to pay energy bills in full.

(B) (i) Offer individual payment arrangements to customers so that the customer is able to pay amounts due over a reasonable period of time, not to exceed 12 months.

(ii) Prohibit the disconnection of customers that have made, and are in compliance with, payment arrangements offered by an electric or gas utility pursuant to this subparagraph.

(C) Prohibit the disconnection of a delinquent residential customer for amounts due in which the electric or gas utility receives a commitment pledge, letter of intent, purchase order, or other notification that a provider of energy assistance is forwarding payment sufficient to prevent disconnection.

(D) (i) Advise residential customers facing disconnection or who contact the utility to make payment arrangements of the levelizing payment program that allows them to pay a monthly average bill based on 12 months usage.

(ii) Advise residential customers about enrollment in the levelizing payment program in conjunction with completion of payment arrangements, payment under terms of subparagraph (B), or at the customer's request absent those arrangements.

(E) Nothing in this paragraph is intended to reduce the revenues of any utility extending payment arrangements subject to the terms of the paragraph.

(4) Provide information on customer bills, presented in a conspicuous manner on a front facing page that indicates that a customer may be eligible for the CARE program. This notice shall be provided quarterly on customer bills.

(c) The commission shall conduct targeted outreach about the program using census block data to effectively target low-income and senior households throughout the state.

(d) CARE program funds shall be used for the purposes of paragraph (3) of subdivision (b) and outreach pursuant to subdivision (c). The commission's costs for outreach pursuant to subdivision (c) may not exceed five hundred thousand dollars (\$500,000) above the amount that the commission currently expends on similar activities related to the CARE program. Energy corporations may recover all reasonable costs from the CARE program funds of implementing this section.

Service list for R.10-02-005

Last updated September 29, 2010

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