

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

Consumer Service and Information Division  
Consumer Affairs Branch

RESOLUTION CSID-003  
December 16, 2010

**RESOLUTION**

RESOLUTION CSID-003 to Implement Ordering Paragraphs 6 and 7 of Commission Decision 08-10-016, which required Commission staff to periodically post its Consumer Affairs Branch Limited-English-Proficiency contact data on the Commission's website, develop a sample report of the statistics to be posted, and present the proposed report and related recommendations in a Resolution for Commission consideration.

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**SUMMARY**

This Resolution implements Ordering Paragraphs 6 and 7 of Commission Decision 08-10-016. Ordering Paragraph 6 directed Commission staff to periodically publish its Consumer Affairs Branch contact data regarding Limited-English- Proficiency issues and post that data on the Commission's website. Ordering Paragraph 7 required Commission staff to:

1. Develop a template or sample of these statistics, including the format, disclosures and other information recommended for posting;
2. Make recommendations as to the frequency with which these statistics should be published;
3. Be reasonably confident that the Consumer Information Management System data to be published is accurate, reliable and consistent; and
4. Present the proposed Consumer Affairs Branch contacts report and recommendations in a resolution for Commission consideration.

This Resolution clarifies that the Consumer Affairs Branch contact data referred to in Decision 08-10-016 are limited to the Consumer Affairs Branch's contacts with consumers who communicate with the Consumer Affairs Branch in a language other than English; finds that the data recommended for posting on the Commission's website are accurate, reliable and consistent; and orders that these data, along with the appropriate disclosures and other information, be posted as follows: the first data shall be posted by March 31, 2011, and cover calendar year 2009; data for calendar year 2010 shall be posted by April 30, 2011. Thereafter, the Consumer Affairs Branch shall update

and post all data annually, and subsequent postings shall contain data for the previous calendar year. In lieu of using Federal Communications Commission Form 477 filing data to normalize the data, CAB shall prepare a data request to all carriers that had CAB LEP contacts in 2009 and 2010, requiring those carriers to report total access lines (or the equivalent measure) for 2009 and 2010. The data request will be made annually thereafter.

All published data shall include carrier identifying information, and will separately report each type of Limited-English-Proficiency consumer contact (i.e. complaints and inquiries). The Resolution also orders the Consumer Affairs Branch to design and implement a mechanism that allows interested stakeholders to provide comments, complaints, or suggestions with regard to the data and other information published on the Commission's website; and to review any feedback provided by stakeholders about the data posting process, and the data itself on a regular basis to identify ways in which that process and the posted information can be improved to make it more easily accessible as well as understandable to consumers.

This Resolution includes two appendices. Attachment A contains the Consumer Affairs Branch's plan for placing its Consumer Information Management System's Limited-English-Proficiency contact data on the website. Attachment B contains the required template (or sample report) with the format, disclosures, and data recommended for publishing on the Commission's website.

## **BACKGROUND**

Decision 08-10-016 further developed the Commission's rules for in-language marketing trials by telecommunications carriers for customers with limited English proficiency, as originally adopted in Decision (D.) 07-07-043. As already summarized above, D. 08-10-016 (the Decision) ordered California Public Utilities Commission staff to periodically publish its Consumer Affairs Branch contact data, and post that data on the Commission's website,<sup>1</sup> and referred to "Limited-English-Proficiency consumer data" as the Consumer Affairs Branch (CAB) contact data that should be published and posted on the website. The Decision also ordered Commission staff to provide a template or sample report of the CAB contact statistics to be published, make a recommendation as to the frequency of publication, be reasonably confident that the Consumer Information Management System data recommended for publication is accurate, reliable and consistent, and present the proposed CAB contacts report and recommendations in a resolution for Commission consideration.

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<sup>1</sup> The Consumer Affairs Branch has clarified that the Commission considers "publishing" these data to be equivalent to posting them on the Commission's website.

Furthermore, the Decision also directed CAB to implement the following steps as part of the process of posting the recommended data on its website:

- Normalize the data so that they are comparable among carriers of different sizes;
- Describe calls to CAB included in the Consumer Information Management System (CIMS) data as “contacts,” and include the explanation that CAB contacts include both informal complaints and inquiries that are not complaints;
- Post carrier-specific information about the number of Limited-English-Proficiency (LEP) consumer contacts;
- Separately report data on the number of each type of LEP consumer contact (i.e. complaints versus inquiries);
- Disclose that (1) callers to CAB are directed to contact their carrier before CAB will assist them, and (2) complaints recorded in CIMS may not be resolved in favor of the consumer;
- Include a statement that the information reported should not be viewed as a Commission endorsement of one carrier over another; and
- Include a statement that telecommunications consumers should not rely exclusively on the published data, and should do further research before making their decisions to purchase telecommunications products and services.

This Resolution implements these requirements, discusses the issues involved, presents its findings and recommendations, and provides the requested sample of the proposed CAB contacts report.

## **DISCUSSION**

1. “LEP Consumer Contacts” are Telecommunications Contacts in Which a Language Other than English is Recorded in the CIMS Language Field.

In order to properly implement the requirements of the Decision, it is important to clarify what data the Commission ordered be posted on its website. The Decision states that staff shall “periodically publish” CAB’s LEP consumer contact data. Contact data in CIMS is comprised of “informal complaints and inquiries that are not complaints.”<sup>2</sup> CAB tracks LEP data in the CIMS database by the consumers’ preferred language. In line with the Decision, an “LEP” consumer contact is defined as a contact in which a language other than English is recorded in the CIMS language field, indicating that the contact with the customer was conducted in a language other than English.

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<sup>2</sup> Decision, p. 155.

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2. “Informal Complaints and Inquiries” are Telecommunications Contacts that are Coded as Complaints and Inquiries in the CIMS database.

While declining to provide explicit definitions of the terms “complaint” and “inquiry” for the purposes of this proceeding, the Decision nevertheless stated that, in using these terms, it was referring to contacts with CAB that are coded in CIMS as complaints or inquiries. In line with the Decision, therefore, informal “complaints” and “inquiries” are considered to be contacts with CAB that are coded as either complaints or inquiries in the CIMS database. The data recommended below for initial posting on the Commission’s website comprise CAB LEP consumer contacts that CAB recorded in CIMS as either informal complaints or inquiries. These data are discussed below and included in Attachment B.<sup>3</sup>

3. The publication of CAB contact data should be prioritized, and phased in over time.

In line with the State’s telecommunications policy, as well as Government Code § 6250,<sup>4</sup> the Commission identified promoting informed choice for consumers who must decide among competing telecommunications service providers as an important goal.<sup>5</sup> Therefore, making important LEP contact data available to California consumers as quickly as possible should be a primary consideration in the publication of these data. In line with this consideration, as well as the factors just described above, we recommend that the posting of CAB contact data on the Commission’s website be prioritized, and phased in over time, as follows: By March 31, 2011, CAB will post the following data on the Commission’s website: utility name, number of CAB LEP contacts received in that calendar year (initial year will be 2009) adjusted by a normalization factor (i.e. divided by 100,000 access lines or equivalent) and percentage of informal complaints versus inquiries for that same year. Utility-specific data will be ranked, in ascending order, by the adjusted number of LEP contacts received by CAB for each carrier for that year.<sup>6</sup> The same data for 2010 will be posted by April 30, 2011.

Furthermore, in line with the Commission’s recognition of the continuing need to update and modify CIMS, as well as its commitment to assisting LEP consumers in making better informed choices, CAB is actively working on providing additional data

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<sup>3</sup> CAB defines “complaint” as a consumer contact (phone or written) to the Commission in which CAB assists a consumer who expresses dissatisfaction with a utility or one or more of its products, services, terms, conditions, rates or charges, and/or alleges that one or more of the latter are not properly provided by the utility, or not in compliance with Commission requirements. CAB defines “inquiry” as a consumer contact (phone or written) in which a consumer asks a question.

<sup>4</sup> As cited in the Decision, p. 152-153, 154.

<sup>5</sup> See, for example, Decision, p. 153-154.

<sup>6</sup> See discussion of normalization factor in item no. 5, below.

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and details concerning its LEP contacts so as to make the posted information even more useful and meaningful to consumers.

4. Published CAB contact statistics should be easy to read, relevant and meaningful to consumers, and protect individual privacy.

The Commission proposes to publish and post CAB data associated with LEP contacts. Analysis determined that the contact information that would be most meaningful to consumers is the name of the telecommunications carrier and the rank of that carrier compared against other carriers. Moreover, aggregating these data by carrier while omitting any identifying information about individual consumers will ensure that their privacy is protected. The Commission believes that publishing the LEP data in this manner provides them with information that is both meaningful and useful in deciding among competing telecommunications service providers, while protecting their privacy.

5. Data to be posted is required to be accurate, reliable, and consistent, as well as in a form that allows for comparison of telecommunications carriers of different sizes.

CAB data for LEP contacts were analyzed to ensure their accuracy, reliability and consistency. As a result of CAB's ongoing quality assurance program, the data to be published will be held to a higher standard than the "reasonably confident" standard established by the Decision. Thus, CAB has performed additional tests on the 2009 and 2010 LEP contact data. Furthermore, an audit was performed to detect data error and ensure that the published data are as accurate as possible. The audit revealed coding errors in LEP LifeLine Billing contacts. These errors are being corrected, and a CIMS database upgrade is being developed to prevent any future reoccurrence. In the 2009 and 2010 data to be published, LEP LifeLine Billing contacts will not be reported and *will not* be used in the normalization calculations.

In compliance with the Decision, a ranking system was developed to provide consumers with the ability to compare carriers on an "apples-to-apples" basis. In order to equitably compare or rank telecommunications carriers of different sizes, we normalized LEP contact data as the number of contacts per 100,000 access lines (or equivalent measure) for each company. This normalization equation is:

$$\text{Contacts per 100,000 Access Lines} = \frac{\text{Number of CAB Contacts}}{(\text{Carrier Total Access Lines}/100,000)}$$

The methodology suggested in the Decision was to use the Federal Communications Commission's Form 477 report to normalize LEP contact data. An extensive review of the Federal Communications Commission's (FCC) Form 477 filing data was undertaken

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to establish if it could be used to normalize CAB LEP contacts. The review found that the FCC Form 477 data and CIMS data are not compatible because carriers do not use consistent names in Federal versus State filings.<sup>7</sup> Instead of using FCC Form 477 data, CAB concluded that the most efficient and effective way to gather carrier access line information is to send a data request to all companies with LEP contacts. The Commission believes this data request would be less burdensome to the carriers than having them match up their data from FCC Form 477 filings with their data from Commission Certificate of Public Convenience and Necessity numbers.

6. CAB should publish its contact statistics on an annual basis, using feedback from data users to improve data and reporting where possible.

The Decision ordered CAB to make a recommendation as to the frequency with which CAB contact statistics should be published. Based upon its analysis of the CIMS data and the FCC's Form 477 data, CAB recommends that these data be published (and updated) annually. Attachment B of this Resolution contains the format of the data to be published on our website, as well as the required disclosures, and meets the requirements set forth in D.08-10-016.

As noted above, the Commission believes that the published LEP data should provide information that is both meaningful and useful to consumers in deciding among competing telecommunications service providers, while protecting consumer privacy. Accordingly, public feedback about the LEP contact data and related information that CAB posts on the Commission's website is in the public interest, and it is important to assure that the posted information is easy to read, and relevant as well as helpful to consumers. In order to assure that this is the case, CAB should design and implement a mechanism that allows users of the published data to provide comments, complaints, or suggestions with regard to the CAB LEP data and other information published on the Commission's website. CAB, in turn, should review this feedback, the data posting process, and the published data itself on a regular basis to identify ways in which it can modify, streamline, or otherwise improve that process, as well as the posted information, to make it more easily accessible as well as understandable to consumers.

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<sup>7</sup> For example, AT&T Files with the FCC under the IDs 13583 AT&T Corp., 9563 AT&T Services, Inc., and 9686 AT&T Services, Inc., but is registered with the CPUC as LEC1001 Pacific Bell CLC 1001 Pacific Bell, CLC 5002 CLC 5002 AT&T Communications of California, Inc., IEC 5002 AT&T Communications of California, Inc., CLC 6346 AT&T Corp., IEC 6346 AT&T Corp., and CEC 3021 AT&T Mobility Wireless Operations Holdings, Inc.

**NOTICE**

On November 3, 2010, staff's request for approval of this draft resolution, dated November 2, 2010, was published on the Commission's Daily Calendar.

**COMMENTS**

In accordance with P.U. Code Section 311 (g) and Rule 14.5 of the Commission's Rules of Practice and Procedure, CSID mailed copies of this draft resolution to interested parties on November 2, 2010. Opening comments were filed on November 22, 2010 by Division of Ratepayer Advocates, CTIA, The Utility Reform Network, AT&T California, Small Local Exchange Carriers, Cox Communications and California Association of Competitive Telecommunications Companies, and reply comments were filed on November 29, 2010 by Division of Ratepayer Advocates, CTIA, The Utility Reform Network and AT&T California. Changes relating to parties' filed comments have been made throughout this draft resolution. Below, we address some particularly important issues raised by parties, resulting in substantive changes we have made to this resolution in response to some of their comments.

The "LifeLine Billing Contacts" are removed from the LEP Data Template for Web Publishing for 2009 and 2010 and will not be used in normalization calculations. The data and processes underlying LifeLine Billing contacts in CIMS will not be fully corrected before the required Web publishing date of March 31, 2011.

The "Total Contacts" are removed from the LEP Data Template for Web Publishing to ensure that total access lines or subscribership cannot be calculated using the data available in the Template. Parties assert that access line and subscribership data is confidential and publication could put parties at competitive disadvantage.

Parties' request for an audit of CAB data prior to Web publishing cannot be accommodated at this time. There is no process in place that could allow a full-scale audit while protecting the confidentiality of consumers and carriers. However, CAB always accommodates requests from individual utilities for data relating to their own customers. CAB reconciles data with utilities on a regular basis, which promotes more accuracy while maintaining the confidentiality of information.

**FINDINGS**

1. D.08-10-016 requires that CSID do the following:
  - Periodically publish CAB's LEP contact data and post that data on the Commission's website;
  - Develop a template or sample of the CAB contact statistics to be published, including the format, disclosures and other information recommended for posting on the Commission's website;
  - Make a recommendation as to the frequency with which CAB contact statistics should be published;
  - Be reasonably confident that the CIMS data to be published is accurate, reliable and consistent;
  - Present the proposed CAB contacts report and recommendations in a resolution for Commission consideration;
  - Normalize the data to be posted so that they are comparable among carriers of different sizes;
  - Describe calls to CAB included in CIMS data as "contacts," and include the explanation that CAB contacts include both informal complaints and inquiries that are not complaints;
  - Post carrier-specific information about the number of LEP consumer contacts;
  - Post separately reported data on the number of each type of LEP consumer contact (i.e. complaints versus inquiries);
  - Disclose that (1) callers to CAB are required to contact their carrier before CAB will assist them, and (2) complaints recorded in CIMS may not be resolved in favor of the consumer;
  - Include a statement that the information reported should not be viewed as a Commission endorsement of one carrier over another; and
  - Include a statement that telecommunications consumers should not rely exclusively on the published data, and should do further research before making their decisions to purchase telecommunications products and services.
2. A CAB "LEP" contact is one in which a language other than English is recorded in the CIMS language field.
3. Informal "complaints" and "inquiries" are LEP contacts with CAB that are coded as complaints and inquiries in CIMS.
4. The published LEP data should provide information that is both meaningful and useful to consumers in deciding among competing telecommunications service providers, while protecting consumer privacy.



5. Use of the FCC Form 477 report data will not yield an effective method of normalizing LEP contacts by carrier. Instead of using FCC Form 477 data, the most efficient and effective way to gather carrier access line information is to send a data request to companies that had CAB LEP contacts in the year in question. This data request would be less burdensome to the carriers than matching up data from FCC Form 477 filings and Commission Certificate of Public Convenience and Necessity numbers.
6. In the future, CAB should explore the content and timing of the data request with carriers, including alternatives to total access lines. D. 08-10-016 adopted the use of total lines because that measure is included in the readily-available FCC Form 477 filing. However, given the difficulties of using FCC Form 477 data, we will determine if there is a better measure that meets our basic goals for placing LEP data on the web.
7. Public feedback about the LEP contact data and related information CAB posts on the Commission's website is in the public interest and is important to assure that the published information is easy to read, and relevant as well as helpful to consumers.
8. CAB should design and implement a mechanism that allows users of the published data to provide comments, complaints, or suggestions with regard to the CAB LEP data and other information published on the Commission's website.
9. CAB has ensured that the CIMS data recommended here for posting on the Commission's website is accurate, reliable and consistent.
10. CIMS contact data that is reported by year, and that contains the appropriate disclosures and other information necessary for consumers to understand and contextualize that data, will assist consumers in making informed choices about which telecommunications carriers offer the products and services that can best meet their needs.
11. The proposed template for the posting of CIMS contact data on the Commission's website would provide that data to consumers in a format that is well-organized, comprehensive, and easy to understand, and is included in Attachment B to this Resolution.

**THEREFORE, IT IS ORDERED** that:

1. The Commission shall publish on its website the Limited-English-Proficiency contact data that derives from the Consumer Affairs Branch database known as the Consumer Information and Management System and the required disclosures, as shown in Attachment B to this Resolution.
2. By March 31, 2011, the Consumer Affairs Branch shall post the following data on the Commission's website: utility name, number of CAB Limited-English-Proficient (LEP) contacts received in that calendar year (initial year will be 2009) adjusted by a normalization factor (i.e. divided by 100,000 access lines or equivalent) and percentage of informal complaints versus inquiries. Utility-specific data shall be ranked, in ascending order, by the adjusted number of LEP contacts received by CAB for each carrier for that same year. The same data for calendar year 2010 shall be posted by April 30, 2011.
3. In lieu of using Federal Communications Commission Form 477 filing data, CAB shall prepare a data request to all carriers that had CAB LEP contacts in 2009 and 2010. The data request will require carriers to report numbers of total access lines (or the equivalent measure) for 2009 and 2010. The data request will be made annually thereafter.
4. The LEP contact data shall be updated and published annually.
5. CAB shall design and implement a mechanism that allows interested stakeholders to provide comments, complaints, or suggestions with regard to the CAB LEP data and other information published on the Commission's website.
6. CAB shall review any feedback or other information provided by stakeholders about the LEP data posting process, data, data quality, increasing reporting frequency, formatting improvements and other suggested changes that will improve the consumer's experience. Minor changes to the LEP data posting process and data based on stakeholder feedback are authorized without further Commission action.

This resolution is effective today.

**December 16, 2010**

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on December 16, 2010, the following Commissioners voting favorably thereon:

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/s/ Paul Clanon

PAUL CLANON  
Executive Director

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY E. RYAN  
Commissioners

**ATTACHMENT A**

**Plan for Placing Data on Limited-English-Proficient Consumer Contacts with the  
Consumer Affairs Branch on the Commission's Website**

**Basic Goals for Placing LEP Data on the Commission's Website**

1. Data must be relevant, meaningful and easy-to-use for consumers.
2. Data must be accurate, reliable and consistent.
3. Data must protect the individual's privacy.

**Process for Placing LEP Data on the Commission's Website**

1. Perform data validation to verify that cases accurately reflect how many LEP contacts were received in CAB.
2. Perform a normalization of data using the most accurate and useful data from carriers.
3. Use feedback provided by users of the data to improve data reporting.

**Reporting Frequency for Placing LEP Data on the Commission's Website**

The magnitude of LEP contacts in CAB is a relatively small portion of the total contacts in the CIMS database. Disaggregation of the data and reporting more than annually will not produce significant improvements in the ability of consumers to utilize the information in choosing a telecommunications carrier.

CAB LEP data will be published on an annual basis. Annual data from 2009 will be published by March 31, 2011. Annual 2010 data will be published by April 30, 2011. All subsequent years' LEP contact data will be published within 60 days of the beginning of the following year.

**ATTACHMENT B****Template for Placing Data on Limited-English-Proficient Consumer Contacts with the Consumer Affairs Branch on the Commission's Website****Disclaimers Required by D.08-10-016 for Publishing LEP Contact Data**

1. CAB contacts include both informal complaints and inquiries that are not complaints.
2. Callers to CAB are directed to contact their carrier before CAB will assist them.
3. Complaints recorded in CIMS may not be resolved in favor of the consumer.
4. The information reported here should not be viewed as a Commission endorsement of one carrier over another.
5. Telecommunications consumers should not rely exclusively on the published data, and should do further research before making their decisions to purchase telecommunications products and services.

**Date Template: LEP Data Template for Web Publishing – CAB Contacts**

LEP Data Template for Web Publishing – CAB Contacts - Year						
Rank*	Utility Name	LEP Contacts				
			Contacts/ (AccessLines/100,000)	% Complaints	% Inquiries	
1						
2						
3						
4						
5						
6						
7						

*\* Rank means the number of customer contacts made to CAB in a language other than English adjusted for the size of the carrier (where size is reported in terms of 100,000 access lines or equivalent). This allows consumers to compare carriers of different sizes using the same measurement. As stated above in the required disclaimers, rank should not be viewed as a Commission endorsement of one carrier over another.*