

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1165

Introduced by Senator Wright

February 22, 2012

An act to amend Section 487 of the ~~Business and Professions Code, relating to professions and vocations~~ 1802 of the *Public Utilities Code, relating to the Public Utilities Commission.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as amended, Wright. ~~Denial of license.~~ *Public Utilities Commission: intervenor compensation.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers, as defined, for participation or intervention in any proceeding of the commission based upon specified criteria.

This bill would include a school district, county office of education, or community college district in the definition of a customer that may apply for intervenor compensation.

~~Existing law provides for the licensure, regulation, and discipline of various professions and vocations. These provisions are administered by the boards and examining committees established within the Department of Consumer Affairs. Existing law provides that a licensing authority may deny a license to an applicant for specified reasons.~~

~~Existing law provides that an applicant may request a hearing with the licensing authority to reconsider the decision to deny the license.~~

~~Such a hearing must be held within 90 days of the request, except as specified.~~

~~This bill would require the licensing authority to send notice of the hearing date to the applicant within 30 days of receiving the request for a hearing.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1802 of the Public Utilities Code is
 2 amended to read:

3 1802. As used in this article:

4 (a) “Compensation” means payment for all or part, as determined
 5 by the commission, of reasonable advocate’s fees, reasonable
 6 expert witness fees, and other reasonable costs of preparation for
 7 and participation in a proceeding, and includes the fees and costs
 8 of obtaining an award under this article and of obtaining judicial
 9 review, if any.

10 (b) (1) “Customer” means any of the following:

11 (A) A participant representing consumers, customers, or
 12 subscribers of any electrical, gas, telephone, telegraph, or water
 13 corporation that is subject to the jurisdiction of the commission.

14 (B) A representative who has been authorized by a customer.

15 (C) A representative of a group or organization authorized
 16 pursuant to its articles of incorporation or bylaws to represent the
 17 interests of residential customers, or to represent small commercial
 18 customers who receive bundled electric service from an electrical
 19 corporation.

20 (D) *A school district, county office of education, or community*
 21 *college district.*

22 (2) “Customer” does not include any state, federal, or local
 23 government agency, any publicly owned public utility, or any
 24 entity that, in the commission’s opinion, was established or formed
 25 by a local government entity for the purpose of participating in a
 26 commission proceeding.

27 (c) “Expert witness fees” means recorded or billed costs incurred
 28 by a customer for an expert witness.

29 (d) “Other reasonable costs” means reasonable out-of-pocket
 30 expenses directly incurred by a customer that are directly related

1 to the contentions or recommendations made by the customer that
2 resulted in a substantial contribution.

3 (e) “Party” means any interested party, respondent public utility,
4 or commission staff in a hearing or proceeding.

5 (f) “Proceeding” means an application, complaint, or
6 investigation, rulemaking, alternative dispute resolution procedures
7 in lieu of formal proceedings as may be sponsored or endorsed by
8 the commission, or other formal proceeding before the commission.

9 (g) “Significant financial hardship” means either that the
10 customer cannot afford, without undue hardship, to pay the costs
11 of effective participation, including advocate’s fees, expert witness
12 fees, and other reasonable costs of participation, or that, in the case
13 of a group or organization, the economic interest of the individual
14 members of the group or organization is small in comparison to
15 the costs of effective participation in the proceeding.

16 (h) “Small commercial customer” means any nonresidential
17 customer with a maximum peak demand of less than 50 kilowatts.
18 The commission may establish rules to modify or change the
19 definition of “small commercial customer,” including use of criteria
20 other than a peak demand threshold, if the commission determines
21 that the modification or change will promote participation in
22 proceedings at the commission by organizations representing small
23 businesses, without incorporating large commercial and industrial
24 customers.

25 (i) “Substantial contribution” means that, in the judgment of
26 the commission, the customer’s presentation has substantially
27 assisted the commission in the making of its order or decision
28 because the order or decision has adopted in whole or in part one
29 or more factual contentions, legal contentions, or specific policy
30 or procedural recommendations presented by the customer. Where
31 the customer’s participation has resulted in a substantial
32 contribution, even if the decision adopts that customer’s contention
33 or recommendations only in part, the commission may award the
34 customer compensation for all reasonable advocate’s fees,
35 reasonable expert fees, and other reasonable costs incurred by the
36 customer in preparing or presenting that contention or
37 recommendation.

38 ~~SECTION 1.—Section 487 of the Business and Professions Code~~
39 ~~is amended to read:~~

1 ~~487. (a) If a hearing is requested by the applicant, the board~~
2 ~~shall conduct the hearing within 90 days from the date the hearing~~
3 ~~is requested unless the applicant shall request or agree in writing~~
4 ~~to a postponement or continuance of the hearing. Notwithstanding~~
5 ~~the above, the Office of Administrative Hearings may order, or on~~
6 ~~a showing of good cause, grant a request for, up to 45 additional~~
7 ~~days within which to conduct a hearing, except in cases involving~~
8 ~~alleged examination or licensing fraud, in which cases the period~~
9 ~~may be up to 180 days. In no case shall more than two such orders~~
10 ~~be made or requests be granted.~~

11 ~~(b) Notice of the scheduled hearing date shall be sent to the~~
12 ~~applicant by the board within 30 days of receipt of the request for~~
13 ~~hearing.~~