



**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.

R.21-03-010

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S
COMMENTS ON STAFF PROPOSAL, WORKSHOP,
AND ADDITIONAL QUESTIONS**

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SUMMARY OF RECOMMENDATIONS

- ✓ Revise General Order (GO) 156 as set forth in Appendix A, hereto, which carves out reporting parameters for community choice aggregators (CCAs) consistent with the limited requirements of Senate Bill (SB) 255 and the restrictions on CCAs with respect to procurement;
 - ✓ Hold a workshop with all parties after issuance of the Final Decision to create a CCA reporting template consistent with the revised GO 156 that better reflects CCA supplier diversity efforts;
 - ✓ Expand the set of diverse suppliers in the GO 156 Clearinghouse to include small businesses from the California Department of General Services database (DGS Database); and
 - ✓ Reject the Staff Proposal's recommendations to expand the requirements for CCAs outside of SB 255's directives regarding collecting data on workforce and board diversity.
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**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S
COMMENTS ON STAFF PROPOSAL, WORKSHOP,
AND ADDITIONAL QUESTIONS**

The California Community Choice Association¹ (CalCCA) submits these Comments in response to the *Assigned Commissioner's Scoping Memo and Ruling* (Scoping Memo), issued on June 25, 2021, *Email Ruling Issuing Staff Proposal and Entering the Staff Proposal Into the Record* (Email Ruling), issued on July 16, 2021, *Staff Proposal to Revise General Order 156 for the Supplier Diversity Program* (Staff Proposal), issued on July 16, 2021, and the *Workshop on General Order 156 (Supplier Diversity Program)* (Workshop), held on July 21, 2021.

I. INTRODUCTION

CCAs support the purpose of the California Public Utilities Commission's (Commission's) Supplier Diversity Program. CalCCA appreciates the opportunity to inform the Commission's

¹ California Community Choice Association represents the interests of 22 community choice electricity providers in California: Apple Valley Choice Energy, Baldwin Park Resident Owned Utility District, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance, CleanPowerSF, Desert Community Energy, East Bay Community Energy, Lancaster Choice Energy, Marin Clean Energy, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

implementation of SB 255 through the amendment of its rules in GO 156 to, among other measures, require certain CCAs to report on supplier diversity.² As currently written, the Commission’s Supplier Diversity Rules in GO 156 apply only to utilities, including electrical, gas, water, wireless telecommunications service providers, and telephone corporations.³

SB 255 extends the following two distinct requirements related to the Supplier Diversity Program to CCAs with gross annual revenues exceeding \$15 million:⁴

- ✓ “[S]ubmit a detailed and verifiable *plan* to the commission for increasing procurement from *small, local, and diverse business enterprises* in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.”⁵
- ✓ “[S]ubmit a *report* to the Commission regarding its procurement from *women, minority, disabled veteran, and LGBT business enterprises* in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.”⁶

Aside from these specific and precise planning and reporting requirements, SB 255 places no other direct responsibility on CCAs in addressing CCA supplier diversity.

In fact, as recognized in the Staff Proposal and the Workshop, and as set forth more fully below, CCAs as public entities are limited by Proposition 209, which prohibits preferential treatment in public contracting “on the basis of race, sex, color, ethnicity, or national origin.”⁷

CCAs are also limited, and differ greatly from the IOUs who conduct procurement of a wide range of products and services, in that the vast majority of CCA procurement dollars are spent only on

² SB 255 SEC.1., Cal. Pub. Util Code §366.2(m).

³ General Order 156, as amended through June 11, 2015, per D.15-06-007, §1.2.

⁴ SB 255 SEC.1., Cal. Pub. Util Code §366.2(m).

⁵ *Id.*, §366.2(m)(1) (emphasis supplied).

⁶ *Id.*, §366.2(m)(2) (emphasis supplied).

⁷ California Constitution, article I, section 31, added November 5, 1996, by Prop. 209 (Proposition 209).

electricity supply, which has a relatively small pool of diverse suppliers. In addition, CCAs may be bound by restrictions in contracting by their governing authorities.

Despite these limiting factors for CCAs, however, the Supplier Diversity Reports for 2020 and Supplier Diversity Plans for 2021 submitted by the CCAs with annual gross revenue exceeding \$15 million demonstrate the unique perspective, initiative, and contribution of each CCA regarding diversity in many areas, and not only in procurement.⁸ The CCAs exerted tremendous effort to gather the information in the categories provided by Commission staff after the CCAs requested guidance on using existing GO 156 reporting templates (i.e., the templates applicable to investor-owned utilities (IOUs)).⁹ Commission staff sent an e-mail on April 1, 2020 containing templates and a checklist explaining which GO 156 reporting categories were applicable to CCAs and which were not.¹⁰ The CCAs are encouraged by Commission staff's willingness to adapt the existing GO 156 reporting templates (applicable to utilities) in light of SB 255 and the legal and business restrictions on CCAs. Despite the efforts to gather the information requested by the Commission, however, the CCA report templates contain many blanks or zeros as a result of the lack of applicability of the template to CCAs.

While the Staff Proposal alludes to currently established "reporting requirements" for CCAs, it should be clarified that CCAs were provided guidance on how to comply with SB 255 from Commission staff, but no formal reporting requirements were issued by the Commission.¹¹ Through collaborative efforts between CCAs and Commission staff, Sections 8.5, 9.1.4, 9.1.7, 10.1.3, 10.1.4, 10.1.5, and 10.1.6 of GO 156 were deemed by Commission staff to be not

⁸ The CCA Supplier Diversity Plans and Reports are available at <https://www.cpuc.ca.gov/about-cpuc/consultant-and-contract-opportunities/utility-supplier-diversity-program/cca-procurement-reports>.

⁹ See *California Community Choice Association's Comments on Order Instituting Rulemaking to Revise General Order 156 – Supplier Diversity Program*, April 12, 2021 (CalCCA OIR Comments) at 3.

¹⁰ *Id.* at 3 and Appendix A-2.

¹¹ See Staff Proposal at 11 (attached to Email Ruling).

applicable to CCAs.¹² Consistent with previous Commission staff guidance and the statements provided in the Staff Proposal, CalCCA urges the Commission to clarify that CCAs are not required to provide the information required in the aforementioned GO 156 sections and any other sections of GO 156 that would conflict with the Proposition 209 limitations.

To ensure the CCA Annual Plans and Reports adequately reflect the information required by SB 255 and to expand supplier diversity in electricity supply procurement, CalCCA recommends the following:

- ✓ Revise GO 156 as set forth in Appendix A, hereto, which carves out reporting parameters for CCAs consistent with the limited requirements of SB 255 and takes into consideration the factors affecting CCAs' efforts to increase supplier diversity;
- ✓ Hold a workshop with all parties after issuance of the Final Decision to create a CCA reporting template consistent with the revised GO 156 that better reflects CCA supplier diversity efforts;
- ✓ Expand the set of diverse suppliers in the GO 156 Clearinghouse to include small businesses from the DGS Database; and
- ✓ Reject the Staff Proposal's recommendations to expand the requirements for CCAs outside of SB 255's directives regarding collecting data on workforce and board diversity.

II. REVISIONS TO GO 156 AND THE REPORTING TEMPLATES SHOULD BE TAILORED TO ENSURE CCA COMPLIANCE WITH SB 255 IN LIGHT OF THE UNIQUE CONSIDERATIONS APPLICABLE TO CCAS

GO 156, as currently written, was developed with IOUs in mind. While Commission staff attempted to tailor the existing IOU requirements to CCAs, the fact is that even with those revisions the GO 156 requirements and resulting reporting templates do not reflect the unique factors affecting CCAs with respect to diverse procurement. Accordingly, the revisions to GO 156 and the reporting templates must be tailored for CCAs to ensure compliance with SB 255 while

¹² See CalCCA OIR Comments, Appendix A-2.

providing adequate opportunity for CCAs to present their achievements regarding diversity in procurement and elsewhere.

A. GO 156 Revisions Concerning CCAs Must Reflect Factors Influencing CCAs' Efforts To Increase Supplier Diversity

CCAs are affected by several factors in their efforts to increase supplier diversity: (1) Proposition 209; (2) the small pool of diverse suppliers in electricity supply, for which 94 percent of CCA procurement dollars are spent; (3) state and local directives applicable to CCAs as local government entities; and (4) CCA procurement from eligible but not yet certified vendors. The sections below describe these challenges that CCAs face in expanding their diverse procurement spend.

1. Proposition 209 Places Restrictions on CCAs That Do Not Apply to IOU Procurement

CCAs' support of diversity in procurement is limited by Proposition 209, which was passed as an amendment to the California Constitution on November 5, 1996.¹³ Proposition 209 orders that "...the state cannot discriminate against or grant preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, and public contracting."¹⁴ "State" is defined to include "any city, county, city and county, . . . or any other political subdivision or governmental instrumentality of or within the state."¹⁵ CCAs are either a program offered by a single city or county, or a Joint Powers Authority formed by multiple local governments. As such, CCAs are subject to the limitations on procurement prescribed by Proposition 209, which the Legislature acknowledged in enacting SB 255.¹⁶

¹³ Proposition 209.

¹⁴ *Id.*

¹⁵ *Id.*, section 31(f).

¹⁶ *See* Senate Floor Analysis, Sept. 3, 2019, at 5-6, available at

CCA contract awards therefore must comply with Proposition 209 and be based upon criteria such as low bid and the ability to meet project/procurement requirements. CCAs cannot set procurement targets, such as GO 156's long-term procurement targets of not less than 15 percent for minority owned businesses and not less than five percent for women owned businesses, as currently set forth in GO 156 as it applies to IOUs.¹⁷ Rather, CCA procurement must be complete, and the contract awarded, before a CCA can survey a vendor regarding any certification by the Commission's Supplier Diversity Clearinghouse (Commission Clearinghouse) as it relates to WMDVLGBTBE status to include such information in a CCA's Annual Report.¹⁸ Once this information is collected, the CCA should take appropriate measures to keep this information out of any discussion of procurement to avoid violating Proposition 209.

2. 94 Percent of CCA Procurement Dollars Are Spent on Electricity Supply, For Which the Commission Clearinghouse Has a Relatively Small Pool of Suppliers

Nine of 14 CCAs, representing 86 percent of total procurement among all CCAs, reported their total power procurement spend in their Annual Reports. Among these nine CCAs, total spend was \$2.7 billion, and total power procurement spend was \$2.5 billion. Assuming this relationship holds for the remaining CCAs, roughly 94 percent – the overwhelming majority – of a CCA's

<https://trackbill.com/bill/california-senate-bill-255-women-minority-disabled-veteran-and-lgbt-business-enterprise-procurement-electric-service-providers-energy-storage-system-companies-community-choice-aggregators/1685899/> (SB Senate Floor Analysis) (“California’s Proposition 209 prohibits the State from discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. *The proposition limits the degree to which any governmental authority, including CCAs, can compel information about certain protected classes to support contract decision-making.*”) (Emphasis added).

¹⁷ GO 156, Section 8.2.

¹⁸ See SB Senate Floor Analysis, at 6 (“The proposition limits the degree to which any governmental entity within California, including CCAs, can compel information about certain protected classes to support contract decision-making. However, the Proposition does not prohibit after-the-fact reporting on outcomes from contracting. [SB 255] requires CCAs to develop plans for small, local, and diverse business contracting; however, it requires CCAs to report after-the-fact on contracting with WMDVLGBTBEs.”).

annual procurement dollars go to power procurement. Unlike IOUs whose spending is focused largely on infrastructure and represents the spending of a large corporation, the CCA focus is on electric generation for local communities, resulting in limited categories of procurement.

As set forth in CalCCA's OIR Comments, Appendix A-1, a review of the Commission Clearinghouse reveals that power procurement has a very small pool of qualifying WMDVLGBTBE suppliers.¹⁹ Of the roughly 8,800 suppliers in the Commission Clearinghouse, only 27 (0.003%) could be identified as relating to electricity generation.²⁰ Given the small pool of suppliers of power, it is very challenging for all load-serving entities (LSEs), including CCAs, to increase diverse power procurement spend.

In addition, GO 156 compliance is determined exclusively through procurement from the Commission Clearinghouse. However, CCAs engage in diverse spending beyond the Commission Clearinghouse. As set forth below, CalCCA provides recommendations regarding increasing the number of diverse providers in the Commission Clearinghouse with vendors and contractors who (1) are included in the DGS Database and should be incorporated into the Commission Clearinghouse, or (2) may be eligible for GO 156 certification but may not know how to navigate the certification process.

3. CCAs May Be Subject to State and Local Directives That Impact Procurement

As local governments, CCAs set procurement policies consistent with the direction of their Boards, which consist of elected representatives from their member jurisdictions. Consequently, different CCAs may have varying policies, which often include bidding and contract award

¹⁹ CalCCA OIR Comments at 6, and Appendix A-1.

²⁰ *Id.*

requirements that may vary from existing GO 156 requirements and should be acknowledged in the revisions regarding CCA reporting. Examples of these policies include:

- Selection of the “lowest responsible bidder” – meaning the bidder who best responds in price, quality, service, fitness, or capacity to the requirements;
- Local preference to support businesses that are located within or near the CCA’s service territory;
- Procurement from certified small businesses and micro businesses recognized in the DGS Database; and
- Preference for union labor.²¹

CCA governing authorities thus provide additional requirements for CCAs in their procurement that must be incorporated in the revisions to GO 156.

B. GO 156 Revisions Should Include a Section Specifically Applicable to CCAs, Rather Than Applying the Existing IOU Requirements to CCAs

Appendix A, hereto, provides a new Section 12 for GO 156 that provides categories of information to be provided by CCAs in their Annual Plans and Annual Reports in compliance with the directives of SB 255 and Public Utilities Code section 366.2(m). The Annual Plans look forward to the next year and require information regarding CCAs “increasing procurement from small, local, and diverse business enterprises in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.”²² The Annual Reports look back at the prior year and require information regarding CCA “procurement from women, minority, disabled veteran, and LGBT business enterprises in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.”²³ The following

²¹ East Bay Community Energy (EBCE) Supplier Diversity 2020 Annual Report & Annual Plan at 12; Peninsula Clean Energy Authority 2020 Annual Report & 2021 Annual Plan, Appendix B: Policy #10 *Inclusive and Sustainable Workforce Policy*, at 18; Sonoma Clean Power Supplier Diversity 2020 Annual Report & 2021 Annual Plan, *Policy Barriers to More Effective GO 156 Results* at 33.

²² Cal. Pub. Util. Code §366.2(m)(1).

²³ *Id.*, §366.2(m)(2).

provides the categories included in the proposed Section 12 regarding CCAs for both the Annual Plans and Annual Reports. These categories were created from the checklists provided by Commission staff based on provisions of GO 156 applicable to CCAs.

1. CCA Annual Plans

As set forth in section 12 of Appendix A, hereto, containing proposed revisions to GO 156 regarding CCAs, categories of information to be provided by CCAs in their Annual Plans may include, but not be limited to, the following:

- Description of program activities to increase CCA procurement related to small, local, and diverse business enterprises planned for the next year in all categories, including, but not limited to, renewable energy, energy storage systems, and smart grid projects.
- Short and long-term goals regarding increasing procurement related to small, local, and diverse business enterprises, broken down by product and service categories.

2. CCA Annual Reports

As set forth in section 12 of Appendix A, hereto, containing proposed revisions to GO 156 regarding CCAs, categories of information to be provided by CCAs in their Annual Reports may include, but not be limited to, the following:

- Summary of WMDVLGBTBE, and small, local and diverse business enterprise, purchases and/or contracts in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects, with breakdowns to the extent possible compared with total purchases or contract dollars awarded:
 - By ethnicity;
 - By product and service categories;
 - Total number of WMDVLGBTBEs, and small, local and diverse business enterprises, with contracts;
 - Dollars awarded to WMDVLGBTBEs, and small, local and diverse business enterprises; and
 - Number of WMDVLGBTBEs, and small, local and diverse enterprises, that received direct spend.

- A description (to the extent possible) of the WMDVLGBTBEs, and small, local and diverse business enterprises, which were awarded purchases and/or contracts who have the majority of their workforce working in California.
 - Awards by prime contractors to verified WMDVLGBTBE, and small, local and diverse business enterprise, subcontractors.
 - A list, description, and status of WMDVLGBTBE, and small, local and diverse business enterprise, complaints.
 - An itemization of program expenses related to GO 156 compliance.
- C. A Workshop Should Be Held To Create a CCA Specific Reporting Template Subsequent to the Final Decision’s Adoption of the Revised GO 156**

After the adoption of these revisions to GO 156 in the Final Decision, CalCCA proposes that a workshop be held to draft and develop reporting templates unique to CCAs that are consistent with the revised GO 156 and enable CCAs to adequately represent their progress regarding diversity.

III. THE POOL OF DIVERSE SUPPLIERS LISTED AS QUALIFIED VENDORS FOR ELECTRICITY SUPPLY IN THE COMMISSION CLEARINGHOUSE MUST BE EXPANDED

In addition to revising GO 156 to more accurately reflect CCA activities and progress regarding supplier diversity, the revisions to GO 156 should expand the list of diverse suppliers that can be included in CCA reports to include the full DGS Database.²⁴ The DGS Database provides access for CCAs to small and local businesses, consistent with the requirements of section 366.2(m)(1) of the Public Utilities Code and in furtherance of CCA efforts to support these small and local businesses facing economic strain during the COVID-19 pandemic.

In addition, CCAs have been confronted with suppliers that could be certified under the Commission Clearinghouse but may be unaware of it or are unable to navigate the certification

²⁴ A search tool for diverse business is available at the following address:
<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>.

process. For those suppliers, several CCAs have committed to supporting their eligible but non-GO 156 certified contractors in obtaining certification.²⁵

IV. THE SCOPING MEMO AND STAFF PROPOSAL’S ADDITION OF WORKFORCE AND BOARD DIVERSITY REPORTING REQUIREMENTS ARE OUTSIDE THE SCOPE OF SB 255’S DIRECTIVES AND SHOULD BE REJECTED

A requirement that CCAs report on workforce and board diversity is beyond the scope of SB 255, and any such reporting should only be provided voluntarily by CCAs. The Scoping Memo asks whether GO 156 should be revised “to include economic impact of the Supplier Diversity Program and work force and corporate board diversity data.”²⁶ The Staff Proposal also states that “the Commission is considering whether to collect data on workforce and corporate board diversity from GO 156 participants, including . . . [CCAs]”²⁷ SB 255, however, provides very limited authority to the Commission regarding including CCAs in the Supplier Diversity Program. The Commission is not permitted by SB 255 to expand its authority over CCAs by incorporating CCA workforce and board diversity reporting requirements in GO 156, and therefore the proposed addition of such requirements to GO 156 should be rejected.²⁸

While such requirements should not be incorporated into GO 156, CCAs do recognize the importance of such information. In fact, some CCAs have voluntarily included information regarding workforce and board diversity in their Annual Plans and Reports, to the extent permitted by law. For example, Clean Power Alliance provided staff diversity data based on voluntary self-reporting in its 2020-2021 Annual Report & Plan and expects to collect board diversity data from

²⁵ See EBCE Supplier Diversity 2020 Annual Report & 2021 Annual Plan at 8 (stating EBCE’s commitment to offer eligible vendors support in their pursuit of certification in the Commission Clearinghouse).

²⁶ Scoping Memo at 7.

²⁷ Staff Proposal at 11.

²⁸ Proposition 209 also prohibits CCAs from enforcing workforce diversity, and CCA board members are elected officials and CCAs have no role in selecting them.

voluntary surveys beginning in 2021.²⁹ In addition, Sonoma Clean Power provided information on its internal policies focusing on diversity and equity in its 2020 Annual Report and 2021 Annual Plan.³⁰

V. CONCLUSION

For all the foregoing reasons, CalCCA respectfully requests consideration of the recommendations herein.

Respectfully submitted,



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August 4, 2021

²⁹ Clean Power Alliance Supplier Diversity 2020 Annual Report & 2021 Annual Plan at 7-8.
³⁰ Sonoma Clean Power Supplier Diversity 2020 Annual Report & 2021 Annual Plan at 5-10.

APPENDIX A: GO 156 REVISIONS (IN REDLINE)

1.1 Intent

Purpose – These rules implement California Public Utilities Code (Code) sections 8281-8286 which require the Commission to establish a procedure for the electrical, gas, water, wireless telecommunications service provider, and telephone corporation with gross annual revenues exceeding twenty-five million dollars (\$25,000,000) and their commission-regulated subsidiaries and affiliates to submit annual detailed and verifiable plans for increasing women-owned, minority-owned, disabled veteran-owned and LGBT-owned business enterprises' (WMDVLGBTBEs) procurement in all categories. These rules also implement Code section 366.2(m) which requires the Commission to establish a procedure for Community Choice Aggregators (CCAs) with gross annual revenues exceeding fifteen million dollars (\$15,000,000) to (1) submit a plan to the Commission for increasing procurement from small, local, and diverse business enterprises in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects, and (2) to submit a report in a form and on a date set forth by the commission regarding a CCA's procurement from women, minority, disabled veteran, and LGBT business enterprises, in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.

1.2 Applicability

These rules apply to all electrical, gas, water, wireless telecommunications service provider, and telephone corporation with gross annual revenues exceeding twenty-five million dollars (\$25,000,000) and their commission-regulated subsidiaries and affiliates. The Rules herein applicable to Community Choice Aggregators (CCAs) with gross annual revenues exceeding fifteen million dollars (\$15,000,000) are limited to Sections 1-5, 7, 11-12, only. Rules 6, 8-10 do not apply to CCAs.

1.3 Definitions

1.3.25. "CCA" means a Community Choice Aggregator as defined in section 331.1 of the California Public Utilities Code.

11. Commission Report

The Commission shall provide an annual report to the Legislature beginning in January, 1989, on the progress of activities undertaken by each utility to implement Public Utilities Code sections 8281 through 8286 and this General Order, as required by Section 8283(e). The Commission shall provide as part of its annual report a section applicable only to CCAs, which includes the information provided in the Annual Plans and Annual Reports provided by CCAs pursuant to Public Utilities Code sections 366.2(m)(1) and 366.2(m)(2), and Rule 12 herein.

- 11.2 This report shall include recommendations to the utilities and CCAs for the achievement of maximum results in implementing legislative policy and this General Order.
- 11.3 The Commission shall hold an annual en banc hearing or other proceeding in order to provide utilities, CCAs, and members of the public, including community-based organizations, the opportunity to share ideas and make recommendations for effectively implementing legislative policy and this General Order.

12 CCAS

12.1 Annual Plan.

12.1.1 Each CCA to which these Rules apply shall serve an electronic copy on the Executive Director, by March 1 of each year, an Annual Plan in accordance with Public Utilities Code section 366.2(m)(1). The Annual Plan shall contain a detailed and verifiable plan for increasing procurement from small, local, and diverse business enterprises in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.

12.1.2 The Annual Plan may also include, but not be limited to, the following elements:

12.1.2.1 Description of program activities to increase CCA procurement related to small, local, and diverse business enterprises planned for the next year in all categories, including, but not limited to, renewable energy, energy storage systems, and smart grid projects.

12.1.2.2 Short and long-term goals regarding increasing procurement related to small, local, and diverse business enterprises, broken down by product and service categories.

12.2 Annual Report

12.2.1 Each CCA to which these Rules apply shall serve an electronic copy on the Executive Director, by March 1 of each year, an Annual Report in accordance with Public Utilities Code section 366.2(m)(2). The Annual Report shall contain information regarding the CCA's procurement from women, minority, disabled veteran, LGBT, and small, local and diverse, business enterprises, in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects. The Annual Report shall include women, minority, disabled veteran, LGBT, and small, local and diverse, business enterprises, with whom a prime

contractor or grantee of a CCA has engaged in contracts or subcontracts for all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects.

12.2.2 The Annual Report may also include, but not be limited to, the following elements:

12.2.2.1 Summary of WMDVLGBTBE, and small, local and diverse business enterprise, purchases and/or contracts in all categories, including, but not limited to, renewable energy, energy storage system, and smart grid projects, with breakdowns to the extent possible compared with total purchases or contract dollars awarded:

- (i) By ethnicity
- (ii) By product and service categories
- (iii) Total number of WMDVLGBTBEs and small, local and diverse business enterprises, with contracts
- (iv) Dollars awarded to WMDVLGBTBEs and small, local and diverse business enterprises
- (v) Number of WMDVLGBTBEs and small, local and diverse business enterprises, that received direct spend.

12.2.2.2 A description (to the extent possible) of the WMDVLGBTBEs, and small, local and diverse business enterprises, which were awarded purchases and/or contracts who have the majority of their workforce working in California.

12.2.2.3 Awards by prime contractors to verified WMDVLGBTBE, and small, local and diverse business enterprise, subcontractors.

12.2.2.4 A list, description, and status of WMDVLGBTBE, and small, local and diverse business enterprise, complaints.

12.2.2.4 An itemization of program expenses related to GO 156 compliance.