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August 21, 2002

Commissioner Carl Wood
California Public Utilities Commission
Executive Division
505 Van Ness Avenue
San Francisco, CA 94102

Dear Commissioner Wood:

On Thursday, August 15, 2002, I was prevented, by CPUC Energy Division staff, from attending a meeting of the Standardization Project Team held at the Pacific Energy Center in San Francisco. I would like to know if it is the policy of the Commission to prevent interested parties or other members of the public from attending workshops/meetings/working group meetings on issues concerning low-income programs. If it is, I respectfully request that you list the factors, which led the Commission to this policy, describe how this policy was communicated to the public, and to explain how the public benefits from this policy. Here is the background on this unfortunate encounter with Energy Division Staff.

On Wednesday, August 14, 2002, I attended the CPUC's Public Input Workshop to discuss the Interim Report for Fiscal Year 2001 LIEE Program Evaluation, #R-01-08-027, held at the Pacific Energy Center, 851 Howard, Street, San Francisco. During the workshop, Combustion Appliance Safety (CAS) Testing was discussed. This topic was reviewed in detail.

This discussion brought to light an erroneous fact about Low-Income Home Energy Assistance Program (LIHEAP) agencies funded by the Department of Community Services and Development (CSD). It was stated by a PG&E employee that LIHEAP agencies do not use the same CAS test as they do. Further, it was stated by a PG&E employee that LIHEAP agencies only tested for carbon monoxide (CO) by using an ambient air test and that they did not actually test each combustion appliance in the home. At that time I stated to those present that my agency, the Community Action Agency of San Mateo County, Inc., which provides LIHEAP services,

does test each combustion appliance for carbon monoxide and that all LIHEAP agencies are required to do the same. This combustion appliance test is not merely a test for ambient air carbon monoxide. It was also stated that CAS testing would be discussed by the Standardization Project Team, which would be held next day, August 15, 2002 at 851 Howard Street, San Francisco.

I was told by an Energy Division staff member on the morning of August 15th at the Public Input Workshop being held at the CPUC Commission Training Room, 505 Van Ness Avenue, San Francisco, that the Standardization Project Team was going to discuss CAS testing. I then went over to the meeting so I could participate in the Standardization Project Team discussion on CAS Testing in order to be sure that the erroneous information presented at the Public Input Workshop was corrected. When I arrived I was told by Donna Wagoner of the PUC's Energy Division that I would not be allowed to attend or listen to the proceedings. She did, however, say that I could speak to the group before the meeting took place. But this would mean that I would be presenting statements to the Standardization Project Team that would not be part of the record or discussion. Thus it would only exacerbate the erroneous information that would be discussed among members present and I, therefore, did not accept the offer.

Her insistence that I was not to be allowed to attend the meeting appears to be contrary to Decision 02-08-034, August 8, 2002, INTERIM DECISION: LOW-INCOME ENERGY EFFICIENCY PROGRAM AND MEASURE COST-EFFECTIVENESS TESTING, pages 4 & 5, paragraph 4: "In our ongoing efforts to improve the cost-effectiveness testing of LIEE programs, we directed the Reporting Requirements Manual (RRM) Working Group and the Standardization Project Team to explore various issues related to these cost-effectiveness tests and their application to the LIEE program as a whole and specific measures. The RRM Working Group consists of Commission staff and representatives from the utilities, but is open to all interested parties".

I note that this decision indicates the Commission directs both the RRM Working Group and the Standardization Project Team and, therefore, sets the policy for public participation for both groups. Ms. Wagoner's insistence that I not attend the meeting also seems to contradict this decision and what I believe to be your sincere public statements requesting public input on low-income issues. As you have strongly asserted, meetings discussing issues that affect the public could and should be attended by members of the public so they may participate in the decision-making process.

It is possible that Ms. Wagoner was simply following the policies put forward by a previously assigned commissioner, Commissioner Neepser, policies which have not been reviewed for some time. In order that I, Commission staff, interested parties, and the public clearly understand the policy today under your leadership, I would like to know if it is the policy of the Commission to

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prevent interested parties or other members of the public from attending workshops/ meetings/ working group meetings on issues concerning low income programs. If it is, I respectfully request that you list the factors which led the Commission to this policy, describe how this policy was communicated to the public, and explain how the public benefits from this policy. If it is not, this is the opportunity to inform Commission staff and interested parties.

Respectfully yours,

William F. Parker
Executive Director

WFP:gk